

PUBLIC PARTICIPATION MEETING COMMENTS

18. Lands south of Exeter Road, north of Dingman Drive, east of White Oak Road and west of the Marr Drain (O-8362)
 - Carol Wiebe, MHBC Planning, on behalf of Bluestone Properties, Tradewind Properties, Exeter Dingman Investments and Ontario Truck Driving School - (see attached communication).
 - Barry Card, on behalf of Sifton Properties Limited – indicating that he has three comments with respect to the proposed recommendations by staff; advising that the first one is that the Official Plan Amendment is not either appropriate or necessary at this point; commenting that, as Ms. Wiebe has pointed out, the City is taking the very unusual step of down designating this land to Urban Reserve Community Growth and placing it, essentially, in limbo while a secondary planning study goes forward; making a couple of observations about that; observing that, first of all, the secondary plan is the Southwest Area Plan and this type of issue, this is a very large tract of land, it is several hundred acres, should have been dealt with as part of the secondary planning process and there has been no explanation as to why this could not have been done as part of the Southwest Area Secondary Plan; indicating that the Southwest Area Secondary Plan now has missed the boat because it has failed to anticipate the requirements for services, for example, community facilities and other things that would be needed by whoever it is that comes to live in this area; indicating that the Southwest Area Secondary Plan is going to be put out of whack by this proposed change; going back to the original thesis, the change is unnecessary; advising that the way to do this is to do a Secondary Planning Study that would be son of Southwest Area Secondary Plan and looking at the options and implications for the land use in this area once Council has approved the changes; indicating that, then the designation changes recommended by that Study could be made, for example, staff have said to you this evening that it is not known exactly how much land is going to be taken out of Industrial, some of it might stay in the various Industrial categories; realizing that you will not know that until you have done the Secondary Area Planning Study; recommending that you should do the Secondary Area Planning Study; reiterating that there is no argument about that, but the unusual move to down designate is not a real legitimate planning step, it should not be undertaken, it does expose owners to risk, but more importantly, it simply is not the right thing to do under these circumstances because it is too early in the process; advising that you should have the Secondary Planning Study recommendations in your hands before you make this kind of a decision; indicating that the second issue has to do with the proposal to transfer \$900,000 from the Development Charges funds to the City to repay the City for its capital investment in land for stormwater purposes; indicating that this is a very surprising thing, the ink is hardly dry on the background study that supported the recent development charge review; noting that those studies have to be done every five years; outlining that you have a new Development Charge by-law that came into force in early August, which you will remember it because it generated some controversy; enquiring as to why you would not have dealt with this type of issue through the background study and consider what the implications of it are; indicating that, by doing it now, you are going to be making an unscheduled hit, you are going to do a drawdown on the funds that is going to throw them out of whack; advising that it is against your own policies to do this and it is also against your own policies to make that hit so early in the process; advising that you would never allow developers to make a hit against the fund before draft plans could even possibly be considered and they cannot be considered if you put the land into Urban Reserve Community Growth; advising that the recommendation to change, to take the money out and repay the City, is wrongheaded and certainly goes against your own policies and possibility the *Development Charges Act*, as well; advising that the third point, which is the Provincial Policy Statement, as staff have told you, there are a number of tests that have to be met before land can be converted from Employment Land to other land uses; noting that he has asked for planning assistance with this, because, as you know, Mr. Chair, my planning credentials are dubious; indicating that he has asked a planner to review it and his understanding is that the justification required under the Provincial Policy Statement to eliminate land from the Employment Land designation has not been met and in order to do it, there would have to be a comprehensive review; noting that a comprehensive review has not been undertaken; outlining that what you would expect through a comprehensive review is that the City would look at the available land that it has for Industrial purposes, it would decide how much it needs, it would identify it's priorities and

it would decide whether or not some of the land presently designated is not suited for Industrial purposes; noting that the allegation here is that the land is not really the best for industrial purposes even though it seems to abut Highway 402, but in any event, if it is not the best, that should be compared, along with other land which is also said not to be the best; advising that the staff report goes on to say that the land is not needed for Industrial purposes, we have a supply of that and yet, you heard in June and you are going to hear again in a couple of weeks, that the City needs more Industrial land, and again, Ms. Wiebe mentioned it, some of it, in particular, at the very southeast corner of the City, you are going to add land to the settlement area boundary for industrial purposes on the theory that you do not have enough Industrial land; outlining that, in this report, you are saying that you have too much Industrial land and that obviously it may be that in different contexts you can justify those, but certainly this report does not do it and it seems to be an end run on provincial policy and something that is not a legitimate use of the city's planning powers; reiterating that, on the basis that this recommendation is not consistent with Provincial Policy, he asks that the Committee to either refuse it or send it back to staff for further work; summarizing that it is unnecessary to do this; noting that the study can be undertaken and if planning staff believe it is appropriate, it should be undertaken but this intermediate step, and again, it was Ms. Wiebe who said you might not be able to justify the inclusion of additional lands in the southeast corner of the City at Veterans Memorial Parkway and Highway 401 if you do not take this land out; advising that it is not that easy and the Province is not that blind; indicating that this is not the kind of thing that can be undertaken without a full comprehensive review, one that is real and this study that has been done by staff that results in the recommendations tonight does not have those characteristics.

- Robert Statton, on behalf of John Seeback, Seeback Properties – advising that Mr. Seeback has owned these lands for over 25 years; noting that his property is adjacent to the Tradewinds property; advising that his client strongly opposes any change in the Official Plan and this new designation; indicating that the Committee has already received his submissions; indicating that, this application, if he can call it that, that is before you, has been brought on by two developers; indicating that Tradewinds already has an approval for an Industrial subdivision; noting that this approval is with the consent and applying proper planning by your own staff, so you have an agreement for the best use of these lands, Tradewinds, is Industrial lands; indicating that, now staff is turning around and saying that no, it should not be Industrial, that we have agreed to and proper Planners have said yes in our Department, we are now saying switch, let us put in residential; advising that what is important is that he strongly accepts the approach of Mr. Sifton and agrees with his position; indicating that what we have here is a situation of just plain money that these two or three developers have said that they will make money if they do residential, and, by the way, you will make money; indicating that you will make money on any residential, you will make money on any Industrial; pointing out that what is interesting is that these Industrial lands have been zoned by the City of London and have always been Industrial; advising that, right now, there has to be approximately 300 jobs that are in jeopardy if this is switched to residential; indicating that you have a problem in London of trying to obtain jobs, trying to get manufacturing, trying to get industrial and this is totally contrary to the goal of the City of London as you need jobs, you need industry; finding it interesting that the City of London approved that subdivision of Tradewinds for Industrial in 2003 and the only change, in 2008, which was the meltdown of the entire economy in Ontario and other places; outlining that there are three tests that have to be met in order for this to be changed; noting that none of those tests have been complied with; indicating that you have not had any kind of a review as to how many jobs will be lost in this area, how many jobs are from this area; indicating that you have very, very strong Industrial companies and when you look at your pro's and con's, there is eight in favour of no change and seven, including the three major land owners, saying let us change, but there are really only two or three developers saying yes and there are eight saying no and these are all existing Industrial businesses; indicating that this matter, if it is approved, is going to subject the City of London, in his view, to total issues at the Ontario Municipal Board and also with lawsuits; providing the example that a City should not be creating legal non-conforming uses; indicating that, as all of you are fully aware, a legal non-conforming use was for property used in a different manner prior to the Cities and municipalities introducing zoning so most of those non-conforming uses pre-date 1958, which was sort of the change when all by-laws came into existence; indicating that this is a situation of not enough study; outlining that, in

their immediate area, people are forgetting that we have that TRY Recycling facility; advising that that is not compatible to residential, you also have your City wastewater ponds, and, again, that is not appropriate with residential; indicating that there are untold issues that have not been addressed; indicating that, with his submission, the City of London needs, and this was Ms. Wiebe's position, we need 18,000,000 square feet of Industrial land; enquiring as to why we are removing any Industrial land; reiterating that we need 18,000,000 square feet over the next projected period; advising that if you look at some of the opposition to your changes, they are vehement; noting that some have just said strongly that you are restricting their uses; reiterating that they are extremely in opposition; indicating that his position is that the Committee and the Council really does not have a mandate when two or three developers say that they have got rezoning for Industrial, they have a subdivision draft plan, but change it because there is money here; advising that there is money to the developers, not any other way around; reiterating that it does not meet the criteria, those three tests and there have not been sufficient studies; and, indicating that his position is that this position should be summarily dismissed by the Committee as insufficient studies have been undertaken, otherwise you are going to have ongoing issues with appeals.

- Matt Campbell, Zelinka Priamo Ltd., on behalf of John Cox – advising that he shares the position of Sifton Properties Limited and Seeback Properties, they are in agreement with staff on this issue; indicating that they have worked with staff and Mr. Cox's property is proposed to remain General Industrial; reiterating that, as a result of that, they are satisfied; and, reiterating that he is echoing the comments made by Sifton Properties Limited and Seeback Properties. .