

**KNUTSON DEVELOPMENT
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May 23, 2012

Project No: KEN-2
Bierens / Perparos

Corporation of the City of London
300 Dufferin Ave.
London, ON, N6A 4L9

Attention: Mr. Bud Polhill, Chair of Planning and Environment Committee

Re: Bierens / Perparos draft plan of subdivision 39T-08502

Dear Chairman Polhill;

The next PEC meeting, May 28, will finally deal with the above captioned subdivision that has been in process for an extended period of time.

In the staff report there are a number of processing options. We are requesting that draft approval be recommended, that conditions 30 and 39 be removed and that condition 1 be amended to refer to 197 lots. We are further seeking that the Official Plan amendment and Zoning for the block fronting Hyde Park Road be approved and that staff be requested to prepare those documents for Council. We agree fully on the road pattern and the residential zoning proposed and recommended by staff. We make these requests based on the following:

Further to my letters of April 16 and April 24, attached to the agenda, Kenmore still has trouble with the proposed removal of lots to be held by the city for future access to the Hyde Park properties. We are respectfully requesting that Condition 30 be removed as well as the redline revisions removing the four (4) lots. The loss of revenue of these lots is \$280,000.00, and we are advised that this is beyond the authority of the municipality.

The proposed commercial block still seems to cause problems for the staff. I can advise that the owner of Fanshawe Motors has met with the city and has a meeting May 29, 2012 to discuss an Official Plan amendment and Zoning to permit him to construct a modern purpose designed auto repair garage. I am also advised that an offer to purchase the Bierens lands (subject block) has been made conditional on it being able to be used for commercial purposes.

Condition 39 still is problematic. We have requested the basis upon which Kenmore owes funds to another developer and have been advised that the basis is a letter from Barry Card requesting such funds. Staff have been unable to identify any agreement or other basis under which Kenmore would be responsible for the alleged cost sharing. By comparison, a section of Coronation Drive was identified as cost shareable in an agreement between the City, John Perparos (the vendor) and Kenmore. This was a condition of consent for the commercial acreage being severed to enable Kenmore to

close on the residential lands. This matter ought to have been discoverable by Kenmore under that agreement. Simply requiring that Kenmore pay \$111,987.28 is a substantial surprise based on a letter from another developers lawyer which should not be seen as appropriate justification.

To summarize our request,

For the Draft Plan:

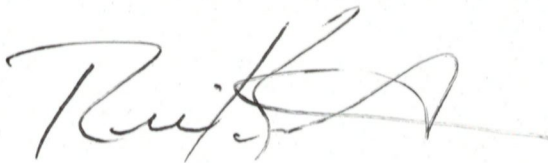
- recommend draft approval without the redline amendment related to reserving the 4 lots
- revise condition 1 to read 197 lots, and delete the reference to the 2 access blocks
- eliminate condition 30 (relates to the withholding of the 4 lots and the corollary loss of value to Kenmore of \$280,000.00)
- eliminate condition 39 (payment to Sydenham and the cost to Kenmore of \$111,987.28)

For the Official Plan and Zoning

- recommend that an Official Plan Amendment be prepared for Council re-designating the Bierens block from Multi-family Medium Density Residential to Mainstreet Commercial specifically permitting a garden centre as per the original application. No action is requested on the other 2 properties that have been part of this discussion.
- recommend that the Zoning By-law be amended in accordance with the staff recommendation as amended to include the commercial block.
- recommend that the residential zoning be applied to the 4 lots added back into the subdivision.

Thank you for your patience and on behalf of Kenmore we look forward to bringing this subdivision to the development stage. I will be in attendance to answer any questions of the Committee.

Yours very truly,
Knutson Development Consultants Inc.



Ric Knutson

Cemail: client, Committee Secretary, John Fleming, Allister MacLean, Phil Morrissey, Jim Kozak

