

19TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on July 16, 2012, commencing at 4:05 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors J.P. Bryant, D.G. Henderson, J.B. Swan and S. White and H. Lysynski (Secretary).

ALSO PRESENT: J. Braam, A. Dunbar, J.M. Fleming, B. Henry, P. Kokkoros, G. Kotsifas, B. Krichker, J. Leunissen, N. Mussico, D. O'Brien, J. Ramsay, M. Ribera, C. Smith, M. Tomazincic, B. Warner, J. Yanchula and P. Yeoman.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it **BE NOTED** no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. Processes Underway Relating to the South Street Campus Lands

Recommendation: That, on the recommendation of the Director, Land Use Planning and City Planner, the report dated July 16, 2012, relating to the South Street Campus Master Development Plan, the pending Fincore planning application for the westernmost block of these lands and the disposition process relating to surplus city-owned lands on this block, **BE RECEIVED**. (2012-A09-07)

3. Forest Hill Subdivision (39T-99515)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, in response to the request for extension of Draft Approval for the Forest Hill Subdivision, relating to Draft Approved Plan 39T-99515, the following actions be taken:

- a) the Ontario Municipal Board **BE ADVISED** that the City of London has no objection to the request from Sifton Properties Limited for a three year extension to draft approved plan 39T-99515, located on the north side of North Wenige Drive, legally described as Part of South Half of Lot 11, Concession 6, Geographic Township of London, (in the City of London), **SUBJECT TO** the conditions shown in the attached Appendix "39T-99515 - B"; and,
- b) the financing for the project **BE APPROVED** in accordance with the "Estimated Claims and Revenues Report" provided as Appendix '39T-99515-A' to the associated staff report, dated July 16, 2012. (2012-D26-06)

4. Property located at 1602 Sunningdale Road West (OZ-7985)

Recommendation: That, on the recommendation of the Senior Planner, Development Planning, in response to the letters of appeal to the Ontario Municipal Board, dated May 16, 2012, as submitted by Alan Patton, Patton, Cormier & Associates, on behalf of Old Oak Properties, relating to Official Plan and Zoning By-law No. Z.-1 amendments relating to the property located at 1602 Sunningdale Road West, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its position relating to this matter and maintains its original position. (2012-D11-03)

5. Delegation of Authority - Appointment of Deputy Chief Building Official

Recommendation: That, on the recommendation of the Director, Development and Compliance and Chief Building Official, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on July 24, 2012 to amend By-law No. B.-92-16, entitled "A by-law to appoint the Chief Building Official and Inspectors under the Building Code Act, 1992, as amended, for the

purposes of enforcement of the said Act”, to add one additional Deputy Chief Building Official in order to ensure continuity of service. (2012-G03-00)

6. Building Division Monthly Report for May 2012

Recommendation: That the Building Division Monthly Report for May 2012 **BE RECEIVED**. (2012-D05-00)

III. SCHEDULED ITEMS

7. Property located at 75 Blackfriars Street (OZ-8048)

Recommendation: That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of Southside Construction Management Ltd, relating to the property located at 75 Blackfriars Street:

- a) the attached, revised, proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on July 24, 2012, to amend the Official Plan **TO** add a site-specific special policy to permit medium scale office uses, and a gymnasium as an accessory to a permitted office use, within the existing building, with a maximum total gross floor area of 2,555m² for all office and gymnasium uses and a maximum total gross floor area of 1,300m² for medical/dental offices and medical/dental laboratories;
- b) the attached, revised, proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on July 24, 2012, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a) above), to change the zoning of the subject property **FROM** a Neighbourhood Facility (NF) Zone, which permits churches and elementary schools **TO** an Office Special Provision (OF2()) Zone, to permit medical/dental offices, medical/dental laboratories, and offices, subject to a special provision to permit a gymnasium as an accessory use to a permitted office use, include a requirement that all uses be contained within the existing building, permit a maximum total gross floor area of 2,555m² for office and gymnasium uses, and permit a maximum total gross floor area of 1,300m² for all medical/dental offices and medical/dental laboratories;
- c) the request to amend the Official Plan **TO** add a site-specific special policy to permit small scale offices and an associated gymnasium in addition to the uses permitted in the Low Density Residential designation, **BE REFUSED** for the following reasons:
 - i) the Low Density Residential uses requested as part of this amendment are not consistent with the interim policies applied in the West London Special Policy Area, which prohibit new residential uses;
 - ii) the request to permit 2,555m² of gross floor area for general office uses exceeds the maximum gross floor area for small scale office uses;
 - iii) the request to add a site-specific special policy does not include a provision requiring that the new uses be confined to the existing building; and,
 - iv) the request to add a site-specific special policy does not include a provision to limit the maximum gross floor area of the requested office uses;
- d) the request to amend Zoning By-law No. Z.-1, to change the zoning of the subject property **FROM** a Neighbourhood Facility (NF) Zone, which permits churches and elementary schools **TO** an Office Special Provision (OF2()) Zone, to permit clinics, medical/dental offices, medical/dental laboratories, and offices, subject to a special provision to permit a gymnasium as accessory use to a permitted office use and a maximum gross floor area of 2,055m² for clinics, medical/dental offices, medical/dental laboratories, and gymnasium uses **BE REFUSED** for the following reasons:

- i) the parking standard required for the requested amount of maximum gross floor area for all non-Office uses exceeds the number of parking spaces available on-site;
 - ii) there has been no request to reduce the parking standard to accommodate the requested maximum gross floor area for all non-Office uses; and,
 - iii) the request to amend the Zoning By-law does not include a provision requiring that the new uses be confined to the existing building;
- e) the Civic Administration **BE REQUESTED** to undertake a traffic study on Blackfriars Street and report back, with the results of the study, to the Civic Works Committee; and,
- f) pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law, as the proposed amendment is minor;

it being noted that the Planning and Environment Committee received a communication, dated July 12, 2012, from Richard Zelinka, Zelinka Priamo Ltd., with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Richard Zelinka, Zelinka Priamo Ltd. – expressing appreciation to Michael Tomazincic, Senior Planner, for his presentation of the application; advising that the application is a productive reuse of the church; advising that the Southside Group and the London Lightning offices will be moving into the building; advising that a practice gymnasium for the London Lightning will be installed in the building; indicating that the mezzanine of the church can be built into a full floor; advising that the portion of the existing building to be used for medical and dental offices will be smaller due to parking restrictions; and indicating that there will be no methadone clinic located at this site.
- Donald Cornell, 79 Blackfriars Street – advising that there are currently issues with the volume and speed of traffic on the street; indicating that he has received legal advice that if the zoning is granted for medical clinics, there is the potential for a methadone clinic to be located on the premises, as the Supreme Court of Canada overturned a City of Vancouver decision to not allow a methadone clinic; requesting that Council not go down a legal sinkhole; indicating that he is not raining on anyone's parade, but that he is prepared to take this application to the Ontario Municipal Board; expressing concerns with the volume of traffic and the impact on children and the elderly who walk down the street; advising that he spoke to Andy Couvillon, Senior Technologist, Transportation Planning and Design, and asked Mr. Couvillon what would happen if an ambulance needed to get down to the River and the ambulance was blocked by parked cars; requesting less intensity of the proposed uses; indicating that Michael Tomazincic, Senior Planner, has been very polite to deal with; advising that he believes the new owners paid \$880,000 for the church; noting that the land is worth \$120,000; and advising that he is prepared to provide \$5,000, in trust, for trees to be planted on this site.
- Carmen Richter, 13 Cummings Avenue – advising that she looked for two years for a house in this area; and expressing concern that something larger being incorporated into the neighbourhood, will affect traffic.
- Ruth Anderson, 49 Blackfriars Street – expressing support for Mr. Cornell's presentation; requesting that the neighbourhood be preserved; and advising that the medical/dental component of the application does not help people.
- Roxanne Lutz, 8 Argyle Street – expressing concern with the volume of traffic; requesting that the application be less intensive; advising that there are several medical office spaces on Wharncliffe Road and she would rather see those buildings used so that they do not become vacant; and requesting that the building remain intact.

- Mike Schomberg, 67 Blackfriars Street – indicating that there is currently medical/dental offices on nearby arterial roads; advising that the medical/dental offices should remain on arterial roads, not residential roads; noting that once the zoning is in place, it's already part way there; advising that there are no boulevards on Blackfriars Street and traffic is closer to children on the sidewalk; and advising that there are 83 existing parking spaces and enquiring how the parking can increase by 75% by reconfiguring the lines.
- Jason Jordan, 60 Blackfriars Street – advising that he is not concerned with the volume of traffic; expressing support for the previous speakers; and, advising that there are medical/dental offices at Wharncliffe Road and Oxford Street.
- Tina Hickey, 35 Blackfriars Street – advising that this is a strong community and a unique neighbourhood where everyone knows everyone else; requesting that the building components remain the same; expressing concern with the current volume of traffic on Blackfriars Street; indicating that she has had to assist people crossing the street due to the volume of traffic; advising that people don't see it as a neighbourhood, they see it as a cut-through; and advising that there are new families moving into the neighbourhood.
- Ben Billings, on behalf of Donald Cornell – requesting clarity on what is being proposed; advising that Planning Staff have done an excellent job; advising that you can look at the intensity of the use, such as a Restricted Office Zone; and recommending that the zoning be appropriate for a residential area. (2012-D11-07)

8. Property located at 1761 Wonderland Road North (OZ-7825)

Recommendation: That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the application of 1242778 Ontario Limited, relating to the property located at 1761 Wonderland Road North:

- a) the Ontario Municipal Board **BE ADVISED** that a Commercial Justification Report, Planning Justification Report, and Traffic Impact Assessment Report Addendum have been received by the Planning Division, circulated to the appellants, evaluated and considered at a public participation meeting of the Planning and Environment Committee on July 16, 2012;
- b) the Ontario Municipal Board **BE ADVISED** that Municipal Council recommends that Official Plan Amendment No. 488 **BE AMENDED**, as attached (Appendix "A"), **FROM** "Notwithstanding policy 4.3.8.5, commercial development within the Neighbourhood Commercial Node located at the intersection of Wonderland Road North and Fanshawe Park Road West shall be permitted up to 23,000 square metres of total gross floor area" **TO** a modified policy which adds the following sentence to special policy 4.3.8.6.(2)", and at the lands located at 1761 Wonderland Road North", such that this special policy will now read as follows, "Notwithstanding policy 4.3.8.5, additional commercial development may be permitted at the Neighbourhood Commercial Node on the south portion of commercial lands at 751 Fanshawe Park Road West up to a maximum lot frontage of 72 metres, a maximum lot depth of 91.5 metres, and a maximum lot area of 7,572 square metres, and at the lands located at 1761 Wonderland Road North; and,
- c) any additional reports, comments and information received, with the revised application, and at the Planning and Environment Committee meeting held on July 16, 2012, **BE PROVIDED** to the Ontario Municipal Board for consideration;

it being noted that the Planning and Environment Committee received the attached communication, dated July 13, 2012, from Ali Soufan, York Developments, with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Alan R. Patton, Patton, Cormier & Associates, on behalf of Loblaw Properties Limited, FCHT Holdings (Ontario) Corporation, Barvest Realty Inc., Sunningdale Developments Inc. and Auburn Developments – advising that this is similar to the issue that was previously at the Municipal Council and the Ontario Municipal Board, relating to the property located at Southdale Road and Colonel Talbot Road; indicating that there are issues with the traffic recommendations; advising that this application is premature by a number of years; reading item 1 under “Rationale” of the Civic Administration’s report relating to the Commercial Justification Report; advising that there are additional supermarkets in the area; noting that the supermarket use has not been supported; advising that the last bullet on page 6 of the Civic Administration’s report is the basis for his clients’ appeal; advising that the request was for a special type of food store; noting that now any old supermarket is allowed on this site; advising that a Traffic Impact Study was completed for this site; reading the italicized typing on page 7 of the Civic Administration’s report under “Transportation Planning & Design Division”; noting that his client has concerns with the left turns out of the site as it is in conflict with his client’s site; also noting that the Traffic Impact Study does not take into account the traffic from the food store being diverted; advising that on page 9 of the Civic Administration’s report, the “Primary Area Study” includes the designation and zoning of a food store; advising that on page 19 of the Civic Administration’s report, the comments about the existing No Frills is the current situation today, as it is the first food store in the area; indicating that the flaw in the report is that the numbers decrease over time; advising that on page 13 of the Civic Administration’s report, the 34,444.5 square foot building is pushed right up to the street line because the building is out of alignment; indicating that there is development being built in the future at Richmond and Sunningdale; noting that this will jump over the plan function at Wonderland Road North and Southdale Road; advising that nothing has changed with the reports; advising that this is premature by 5 or 6 years; and indicating that additional commercial properties have been added west of Wonderland Road North, north of Fanshawe Park Road East.
- Ali Soufan, York Developments – understanding why Mr. Patton’s clients wish to delay the application; expressing support for the original decision of the Municipal Council; advising that the market analysis was done by a consultant in Toronto; advising that the Transportation Impact Study was adjusted to meet Mr. Patton’s tests; requesting that the Planning and Environment Committee reiterate the original decision; indicating that the previous application appealed the York Developments application, but not the Decade Developments application; and advising that this is part of a food store war. (2012-D11-06)

9. Properties located at 1197 York Street and 1201-1203 York Street (Z-8046)

Recommendation: That, notwithstanding the recommendation of the Director, Land Use Planning and City Planner, the application of Insites Consulting, relating to the property located at 1197 York Street and 1201-1203 York Street, **BE REFERRED** to the Civic Administration to submit a report at a future Planning and Environment Committee meeting that provides the proposed Zoning By-law Amendment in accordance with the application, as submitted and to ensure that the proposed additional units meet with the requirements of the *Ontario Building Code*;

it being pointed out that at the public participation meeting associated with this matter, the following individual made an oral submission in connection therewith:

- Ben Billings, on behalf of the applicant – advising that the applicant is not asking for anything new; noting that some of the concerns expressed by the Civic Administration are spot zoning and how the proposed application will affect the neighbours; indicating that the building has been existing for many years with no impact on the neighbours; noting that the applicant is trying to regulate the zoning; advising that he provided a neighbourhood study to the Civic Administration; advising that

the subject property has been there for decades; advising that he held community meetings and the neighbours expressed support for the application; indicating that the amendment demonstrates that only properties that are zoned to intensify will be able to do so; indicating that it is not spot zoning as the application has been expanded to include 1201-1203 York Street, as well as 1197 York Street; advising that the Official Plan requires applications to be submitted on a case by case basis; indicating that the study he completed follows the Provincial Policy Statement; and advising that this application provides nothing new and is not a complicated issue.

10. Property located at 189 Langarth Street East

Recommendation: That on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by M & D Carruthers, relating to the property located at 189 Langarth Street East:

- a) the Approval Authority **BE ADVISED** that at the public participation meeting of the Planning and Environment Committee held with respect to this matter, issues were raised with respect to the design of the houses;
- b) the Approval Authority **BE ADVISED** the Municipal Council supports the site plan, as presented, and that the Civic Administration **BE REQUESTED** to meet with the applicants and the Old South Community Organization (OSCO), to reach a compromise between the applicants and OSCO; and,
- c) the financing for the project **BE APPROVED** in accordance with the "Estimated Claims and Revenues Report" provided as Appendix 'A' to the associated staff report, dated July 16, 2012;

it being noted that the Planning and Environment Committee received a communication, dated July 12, 2012, from J. Morgan, 172 Langarth Street East, with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Gary Brown, Old South Community Organization, 3A-59 Ridout Street – advising that he just found out about the public participation meeting last night; advising that the design of the houses in the neighbourhood is what makes their community unique; expressing support for intensification; indicating that the proposed houses do not fit into the community; advising that people are willing to pay a premium to live in Old South; indicating that the houses on the street have the porches out front, not the garages; enquiring if this is what we want to see in Old South; indicating that the neighbours know each other in this neighbourhood; and indicating that this is not what they want to see in their neighbourhood.
- Christopher Prost, 187 Langarth Street East – expressing support for Gary Brown's comments; indicating that he thought he would always have green space beside him; noting that he comes from a more rural background; advising that he is an avid gardener; advising that if the residence is built as proposed, he will have a two-storey wall beside his greenhouse and vegetable garden; advising that the land is fairly flat; indicating that the City gave him a grant of \$10,000 to put in a catch basin, but no one could afford to as it was going to cost \$20,000; and indicating that there are drainage problems in the area.
- Todd, 157 Langarth Street East – expressing support for the previous speakers' comments; advising that this is an eclectic area; indicating that this is not what he would build; noting that the property values on the street are approximately \$200,000; noting that this may increase the value of the houses in the neighbourhood; and advising that this neighbourhood is a great mix of housing standards.

- Michael Carruthers, applicant – advising that he and his brother, Dale, have lived in Old South all of their lives; advising that all houses built now have garages; indicating that due to the property size, the garage needs to be in front of the house; advising that he has a revised site plan; advising that they are installing a catch basin at their own cost, which will benefit the neighbourhood; advising that the driveways are recessed back so that the porch will meet people, not the driveway; and noting that they are not requesting an amendment to the Zoning By-law. (2012-D25-00)

11. Property located at 191 Langarth Street East

Recommendation: That on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by M & D Carruthers, relating to the property located at 189 Langarth Street East:

- a) the Approval Authority **BE ADVISED** that at the public participation meeting of the Planning and Environment Committee held with respect to this matter, issues were raised with respect to the design of the houses;
- b) the Approval Authority **BE ADVISED** the Municipal Council supports the site plan, as presented, and that the Civic Administration **BE REQUESTED** to meet with the applicants and the Old South Community Organization (OSCO), to reach a compromise between the applicants and OSCO; and,
- c) the financing for the project **BE APPROVED** in accordance with the “Estimated Claims and Revenues Report” provided as Appendix ‘A’ to the associated staff report, dated July 16, 2012;

it being noted that the Planning and Environment Committee received a communication, dated July 12, 2012, from J. Morgan, 172 Langarth Street East, with respect to this matter;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Gary Brown, Old South Community Organization, 3A-59 Ridout Street – advising that he just found out about the public participation meeting last night; advising that the design of the houses in the neighbourhood is what makes their community unique; expressing support for intensification; indicating that the proposed houses do not fit into the community; advising that people are willing to pay a premium to live in Old South; indicating that the houses on the street have the porches out front, not the garages; enquiring if this is what we want to see in Old South; indicating that the neighbours know each other in this neighbourhood; and indicating that this is not what they want to see in their neighbourhood.
- Christopher Prost, 187 Langarth Street East – expressing support for Gary Brown’s comments; indicating that he thought he would always have green space beside him; noting that he comes from a more rural background; advising that he is an avid gardener; advising that if the residence is built as proposed, he will have a two-storey wall beside his greenhouse and vegetable garden; advising that the land is fairly flat; indicating that the City gave him a grant of \$10,000 to put in a catch basin, but no one could afford to as it was going to cost \$20,000; and indicating that there are drainage problems in the area.
- Todd, 157 Langarth Street East – expressing support for the previous speakers’ comments; advising that this is an eclectic area; indicating that this is not what he would build; noting that the property values on the street are approximately \$200,000; noting that this may increase the value of the houses in the neighbourhood; and advising that this neighbourhood is a great mix of housing standards.

- Michael Carruthers, applicant – advising that he and his brother, Dale, have lived in Old South all of their lives; advising that all houses built now have garages; indicating that due to the property size, the garage needs to be in front of the house; advising that he has a revised site plan; advising that they are installing a catch basin at their own cost, which will benefit the neighbourhood; advising that the driveways are recessed back so that the porch will meet people, not the driveway; and noting that they are not requesting an amendment to the Zoning By-law. (2012-D25-00)

12. Building By-law Amendment

Recommendation: That, on the recommendation of the Director, Development and Compliance and Chief Building Official, the Civic Administration **BE REQUESTED** to report back with any proposed changes to the draft by-law, entitled “A By-law to provide for construction, demolition, change of use, occupancy permits, transfer of permits and inspections”; it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter. (2012-G05-00)

IV. ITEMS FOR DIRECTION

13. Highbury Ford - 1365 Dundas Street

Recommendation: That the Committee Secretary **BE DIRECTED** to make the necessary arrangements for a delegation by Alan R. Patton, Patton Cormier & Associates, regarding the application of Highbury Ford, relating to the property located at 1365 Dundas Street, at the Planning and Environment Committee meeting to be held on July 23, 2012. (2012-D25-00)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

14. Residential Policies in Flood Plain

Recommendation: The Civic Administration **BE REQUESTED** to undertake a review of residential policies in floodplains with the Upper Thames River Conservation Authority.

VI. ADJOURNMENT

The meeting adjourned at 8:07 p.m.