

21ST REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on August 20, 2012, commencing at 4:04 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: A. Zudema, S. Bellaire, J. Braam, P. Christiaans, A. Dunbar, M. Elmadhoon, J.M. Fleming, B. Henry, T. Karidas, P. Kokkoros, G. Kotsifas, B. Krichker, S. Meksula, H. McNeely, D. Menard, N. Musicco, J. Page, J. Ramsay, M. Ribera, C. Saunders, J. Stanford, M. Tomazincic and P. Yeoman.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it **BE NOTED** that Councillor D. Henderson disclosed a pecuniary interest with respect to clause 19 of this Report, having to do with the communication dated August 8, 2012, from Councillor H.L. Usher and S. White, relating to OrgaWorld Canada Limited on Wellington Road South, by indicating that he has had proposed business dealings with ATL International and Phytoceuticals International.

II. CONSENT ITEMS

2. 1st Report of the Advisory Committee on the Environment

Recommendation: That the 1st Report of the Advisory Committee on the Environment from its meeting held on August 1, 2012, **BE RECEIVED**.

3. Properties located at 186-188 Huron Street and 2 Audrey Avenue

Recommendation: That, on the recommendation of the Manager, Development Planning, the report dated August 20, 2012, with respect to the site plan approval application of KAP HOLDINGS INC, relating to the property located at 186-188 Huron Street and 2 Audrey Avenue, **BE RECEIVED**. (2012-D11-04)

4. Property located at 1812 Wonderland Road North

Recommendation: That, on the recommendation of the Chief Building Official and Director, Development and Compliance Division, based on the application of Drewlo Holdings Inc., relating to the property located at 1812 Wonderland Road North, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property **FROM** a Holding Residential R1 (h.R1-7) Zone and a Holding Residential R1 Special Provision (h. R1-7(13)) **TO** a Residential R1 (R1-7) Zone and a Residential R1 Special Provision (R1-7(13)) Zone, to remove the h. holding provision. (2012-D11-02)

5. Elgin County Official Plan Adoption

Recommendation: That, on the recommendation of the Managing Director, Planning & City Planner, the report dated August 20, 2012, relating to the adoption of an Official Plan by Elgin County **BE RECEIVED**. (2012-D11-09/02)

6. King Street and Talbot Street - Silva Cell Tree Planting Project

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Silva cell tree planting project to be implemented at the intersection of King Street and Talbot Street (Tender 12-90):

- a) the tender submitted by Ro-Buck Contracting, 2326 Fanshawe Park Road East, London, Ontario N5X 4A2, in the amount of \$154,239.80, including a 10% contingency, (HST extra), **BE ACCEPTED**; it being noted that Ro-Buck Contracting submitted the lowest of the three bids received and meets the City's terms and conditions;
 - b) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report included as Appendix "A" to the associated staff report, dated August 20, 2012;
 - c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this purchase; and,
 - d) the approval hereby given **BE CONDITIONAL** upon the Corporation entering into a formal contract or having a purchase order, or contract record relating to the subject matter of this approval. (2012-E05-00)
7. Properties Located at 1631, 1635 and 1639 Richmond Street Development and Residential Intensification on Richmond Street

Recommendation: That, on the recommendation of the Managing Director, Engineering and City Engineer, the storm outlet reconstruction and upgrade works and accompanying stormwater management measures to accommodate residential intensification on the properties located at 1631, 1635 and 1639 Richmond Street and the Richmond Street corridor, from Hillside Drive to the North Branch of the Thames River, **BE DEFERRED** until such time as site plan approval has been obtained for the above-noted properties and a development agreement has been entered into with the City of London. (2012-W10-02)

8. Building Division Monthly Report for June, 2012

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

III. SCHEDULED ITEMS

9. 1st Report of the London Advisory Committee on Heritage

Recommendation: That the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage (LACH) from its meeting held on August 8, 2012:

- a) the Heritage Planner **BE ASKED** to forward the Statement of Significance for the Glanworth Library to the owner for signature; it being noted that the London Advisory Committee on Heritage reviewed and received the Minutes from the Stewardship Sub-Committee meetings held on May 27 and July 25, 2012;
- b) the London Advisory Committee on Heritage Terms of Reference **BE AMENDED** to delete the Urban Design Community Voting Member and replace it with a London Area Planning Consultant Voting Representative to reflect current practice;
- c) on the recommendation of the Director, Land Use Planning & City Planner, with the advice of the Heritage Planner, the Heritage Alteration Permit Application of J. Koval, requesting permission for minor alterations to the designated heritage property located at 859 Waterloo Street, **BE APPROVED**; it being noted that the Heritage Planner has reviewed the proposed storm window and gable moulding changes and has advised that the impact of such alteration on the heritage features of the property identified in the Reasons for Designation is negligible; it being further noted that the London Advisory Committee on Heritage heard a verbal presentation from Mr. Koval, with respect to this matter; and,
- d) clauses 4 through 14, inclusive, of the 1st Report of the London Advisory Committee on Heritage, **BE RECEIVED**;

it being noted that the Planning and Environment Committee heard a verbal presentation from G. Goodlet, Chair, LACH, with respect to this matter.

10. Property located at 915 Southdale Road West

Recommendation: That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by Westfield Village Estates, relating to the property located at 915 Southdale Road West:

- 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 three holding provisions on the property;
- b) the Approval Authority **BE ADVISED** that the Municipal Council supports the approval of the attached Site Plan for the commercial development; and,
- c) the “Estimated Claims and Revenues Report”, provided as Appendix ‘A’ to the associated staff report, dated August 20, 2012 **BE APPROVED**; and,

it being noted that the Civic Administration was asked to undertake a policy review of how holding provisions are applied;

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

- Ali Soufan, York Developments, applicant – expressing appreciation to the Civic Administration for their diligence in dealing with this application; advising that there are three holding provisions on this property; and requesting that the holding provisions be dealt with during the site plan approval stage to allow them to start construction this year. (2012-D11-08)

11. Properties located at 311 & 319 Wharncliffe Road North

Recommendation: That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application by London Property Corp, relating to the properties located at 311 – 319 Wharncliffe Road North:

- a) the Approval Authority **BE ADVISED** that there were no issues raised at the public participation meeting of the Planning and Environment Committee with respect to the application for Site Plan approval to permit a four storey apartment building;
- b) the Approval Authority **BE ADVISED** that the Municipal Council supports the approval of the attached site plan and elevations; and,
- c) the “Claims and Revenues Report”, provided as Schedule “B” to the associated staff report, dated August 20, 2012 **BE APPROVED**;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-D11-05)

12. Zoning By-law Amendments to Implement Commercial Policy Changes Arising from 2006 Official Plan Review

Recommendation: That, on the recommendation of the Director, Land Use Planning and City Planner, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to delete Sections 21.1 (Regional Shopping Area), 22.1 (Community Shopping Area), 23.1 (Neighbourhood Shopping Area), 24.1 (Associated Shopping Area Commercial), 25.1 (Business District Commercial), 26.1 (Arterial Commercial), 27.1 (Highway

Service Commercial) and 28.1 (Restricted Service Commercial) and to replace these sections to identify the Official Plan designations that are implemented by the Zones and the purpose and intent of the zones;

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

- Ali Soufan, York Developments – requesting that the land that York Developments owns in the Southwest Area Plan area be used as a test area for this project.
- Jim Kennedy, London Development Institute – expressing appreciation to the Civic Administration for bringing the zoning in line with the Official Plan; advising that this will bring the existing Zoning By-law into conformity with OPA 438; advising that this recommendation does not implement the Urban Design Guidelines; and indicating that the Civic Administration is not close to implementing OPA 438. (2012-G05-00)

13. Access Management Guidelines and Transportation Impact Assessment Guidelines - Official Plan Amendment

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 the City of London to adopt City of London Access Management Guidelines and Transportation Impact Assessment Guidelines as Guideline Documents, pursuant to Section 19.2.2 of the Official Plan:

- a) the “Access Management Guidelines” and the “Transportation Impact Assessment Guidelines”, provided as Appendices ‘1’ and ‘2’, respectively, to the associated staff report, dated August 20, 2012, **BE ADOPTED** as Guideline Documents pursuant to Section 19.2.2 of the Official Plan; and,
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012 to amend the Official Plan to add the above-noted Guidelines to the list of Council approved Guideline Documents in Section 19.2.2 ii) of the Official Plan;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-D11-09/02)

14. Residential Intensification Policies

Recommendation: That, notwithstanding the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to Section 3.2.3.1. “Residential Intensification Definition” and Section 3.2.3.5. “Public Site Plan Review and Urban Design policies” of the Official Plan, **BE REFERRED** back to the Civic Administration for further clarification; and,

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 Official Plan amendments, as the proposed amendments are minor;

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

- M. Doornbosch, Zelinka Priamo Ltd., representing several clients – indicating that, in the Civic Administration’s recommendation, there are beneficial changes proposed to the Official Plan; questioning the requirement for the site plan approval process; advising that some of the paragraphs in the report seem to contradict each other; and advising that, in the past applicants didn’t need site plan approval, they just applied for a building permit.
- R. Zelinka, Zelinka Priamo Ltd., on behalf of the London Area Planning Consultants (LAPC) – expressing appreciation to the Planning Department for their meaningful discussions; advising that the LAPC has concerns with the staff report; indicating that the Official Plan policies are a deterrent to intensification; advising that the policy changes provide

more discretion and allow for a shorter process; noting that the LAPC will need to see how this is implemented; indicating that LAPC has asked that where development conforms to zoning, they not go through a public site plan process; noting that the Civic Administration's response to this request is in-line; advising that existing policies force new development into a specific area; indicating that, through Re-Think London as coordinated by the Planning Department, change in character is encouraged; noting that compatibility is not to be seen as sameness; indicating that in the Civic Administration's report, the Residential Intensification Policies are open to further review; indicating that this review is intended to deal with a narrow scope; noting that further review is necessary and indicating that he would be pleased to participate in the review process.

- J. Kennedy, London Development Institute and London Home Builders Association (LHBA) – advising that this review relates more to the LHBA than to developers; requesting clarification on a number of items as the wording is still not clear; noting that on page 171, there may be possible site plan control by-law changes and there may be some staff discretion; advising that the devil is in the details and that there may be further wording revisions necessary.
- A. Kaplansky, KAP HOLDINGS INC. – indicating that he has been a developer in London for 27 years; advising that he has learned from the Planning Department, that when they ask for clarification it makes things worse; reading “Purpose of this Amendment” on page 182 of the Planning and Environment Committee Agenda; advising that the Civic Administration is making infill worse; advising that if he wants to sever a lot, he needs to get Committee of Adjustment approval; indicating that contemporary architects cannot work in London; enquiring as to whether you are allowing intensification when you put in more restrictions; realizing that it is important to allow infill in London; advising that the Planning Department is using the Provincial Policy Statement to eliminate and control infill; and noting the previous decision PEC made with respect to his properties located at 186-188 Huron Street and 2 Audrey Avenue, relating to infill. (2012-D11-02)

15. Property located at 230 Adelaide Street North

Recommendation: That, on the recommendation of the Director, Land Use Planning and City Planner, based on the application of relating to the property located at 230 Adelaide Street North, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 28, 2012 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of a portion of the subject property **FROM** a Light Industrial (LI2) Zone, which permits uses such as business service establishments, laboratories, manufacturing and assembly industries, offices, support, paper and allied products industries excluding pulp and paper and asphalt roofing industries, pharmaceutical and medical product industries, research and development establishments, warehouse establishments, wholesale establishments, repair and rental establishments, service and repair establishments, service trades **TO** a Light Industrial Special Provision (LI3()) Zone, which will exclusively permit an accessory parking lot for the Commercial Recreational Establishment use for the property located at 295 Rectory Street;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-D11-05)

16. Building By-law Amendment

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 August 28, 2012 to provide for construction, demolition, change of use, occupancy permits transfer of permits and inspections, and to repeal By-law B-5 and all of its amendments; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2012-G05-00)

17. Forest City Industrial Stormwater Management Facility and Westminster Wetland Complex

Recommendation: That, on the recommendation of the Managing Director, Engineering and City Engineer, the additional water resources and ecological monitoring and investigation for the Forest City Industrial Stormwater Management Facility and Westminster Wetland Complex **BE DEFERRED** and incorporated as part of the analysis of the Dingman Creek Subwatershed Study Update to the Water Resources Component; it being noted that the Planning and Environment Committee received the attached presentation and received a communication, dated July 26, 2012, from James R. Keron, with respect to this matter. (2012-W10-00)

18. Properties located at 1697 Hamilton Road, 1742 Hamilton Road and 1990 Commissioners Road East

Recommendation: That, notwithstanding the recommendation of the Director, Development & Compliance Division and Chief Building Official, the outstanding matters of the Thames Village Joint Venture Corporation relating to the Old Victoria Stormwater Management Facility No. 1, **BE REFERRED** back to the Civic Administration, for further consideration of the following:

- a) additional consultation with Don DeJong and Paul Hinde, Thames Village Joint Venture, to try to resolve the concerns outlined in their attached presentation;
- b) project financing to accommodate the Thames Valley Joint Venture proposal;
- c) project completion in a timely manner; and,
- d) a review of the requirements for this project in relation to other projects in the City;

it being noted that the Planning and Environment Committee heard verbal presentations and received a communication, dated August 14, 2012 from D. de Jong, and P. Hinde, Thames Village Joint Venture, with respect to this matter. (2012-W10-02)

IV. ITEMS FOR DIRECTION

19. Orgaworld Canada Ltd. - Wellington Road South

Recommendation: That the following actions be taken with respect to Orgaworld Canada Ltd., located at 4675 Wellington Road South:

- a) the Civic Administration **BE ASKED** to report on the following at a public participation meeting to be held at a future meeting of the Planning and Environment Committee:
 - i) provide comments related to the concerns identified in the attached communication, dated August 18, 2012, from the Shaver-Brockley Coalition;
 - ii) provide information as to actions that the City is able to undertake to resolve this matter;
 - iii) planning advice on the actions that the City is able to undertake to resolve this matter under the *Planning Act*;
 - iv) the enforcement abilities that the City is able to undertake to resolve this matter; and,
 - v) Orgaworld **BE ASKED** to provide an update of their activities to resolve the residents' concerns;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated August 8, 2012, from Councillors H.L. Usher and S. White, with respect to this matter. (2012-P07-00)

20. Property located at 1255 Brydges Street

Recommendation: That the delegation request from Mark Simmons, Rags-2-Riches, with respect to the property located at 1255 Brydges Street **BE REFERRED** to the Civic Administration to follow-up with Mr. M. Simmons. (2012-D11-07)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 7:25 p.m.