

22ND REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on September 4, 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: Mayor J.F. Fontana, M. Elmadhoon, J.M. Fleming, T. Grawey, B. Henry, G. Kotsifas, J. Leunissen, J. Ramsay, M. Ribera, C. Smith, M. Tomazincic and J. Yanchula.

I. DISCLOSURES OF PECUNIARY INTEREST

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

II. CONSENT ITEMS

2. Property located at 1196 Sunningdale Road West (39T-05511)

Recommendation: That the request for a three year extension of the draft plan of subdivision, submitted by Clarke Family Holdings Inc. c/o Landea Developments Inc., for the property located at 1196 Sunningdale Road West, **BE REFERRED** to a future meeting of the Planning and Environment Committee to provide an opportunity for the applicant and the Civic Administration to further review the proposed Agreement. (2012-D26-01)

3. Property located at 1139 Fanshawe Park Road West (39T-04503)

Recommendation: That the request for a three year extension of the draft plan of subdivision, submitted by Claybar Developments Inc., for the property located at 1139 Fanshawe Park Road West, **BE REFERRED** to a future meeting of the Planning and Environment Committee to provide an opportunity for the applicant and the Civic Administration to further review the proposed Agreement. (2012-D26-01)

4. Property located at 995 Fanshawe Park Road West (39T-05512)

Recommendation: That the request for a three year extension of the draft plan of subdivision, submitted by Landea Developments Inc., for the property located at 995 Fanshawe Park Road West, **BE REFERRED** to a future meeting of the Planning and Environment Committee to provide an opportunity for the applicant and the Civic Administration to further review the proposed Agreement. (2012-D26-04)

5. Property located at 1284 and 1388 Sunningdale Road West and the northerly portion of 1139 Fanshawe Park Road West (39T-04510)

Recommendation: That the request for a three year extension of the draft plan of subdivision, submitted by Auburn Developments Inc., for the properties located at 1284 and 1388 Sunningdale Road West and the northerly portion of 1139 Fanshawe Park Road West, **BE REFERRED** to a future meeting of the Planning and Environment Committee to provide an opportunity for the applicant and the Civic Administration to further review the proposed Agreement. (2012-D26-01)

6. Property located at 915 Southdale Road West (H-8080)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, based on the application of York Development Group relating to the property located at 915 Southdale Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 18, 2012 to amend Zoning By-law No. Z.-1 (in conformity with the

Official Plan) to remove the holding provision by changing the zoning of the subject lands **FROM** a Holding Community Shopping Area (h-5•h-55•h-84•CSA3) Zone **TO** a Community Shopping Area (CSA3) Zone. (2012-D11-08)

7. Building Division Monthly Report for the Month of July 2012

Recommendation: That the Building Division Monthly Report for July 2012 **BE RECEIVED**. (2012-D00-00)

III. SCHEDULED ITEMS

8. Property located at 8 Fairview Court and 770 Whetter Avenue (OZ-8055)

Recommendation: That, notwithstanding the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 1841577 Ontario Inc. relating to the properties located at 8 Fairview Court and 770 Whetter Avenue:

- a) the application **BE REFERRED** back to the Civic Administration for further consideration and to report back at a second public participation meeting to be held at the Planning and Environment Committee on Monday, October 15, 2012, on the following matters;
 - i) the possible reduction of the number of units while retaining underground parking;
 - ii) maintaining the current use of the 15 feet of land located between the subject site and 4 Fairview Court as a laneway;
 - iii) ensuring that the current infrastructure is sufficient to handle any increased water and sewer flows; and,
 - iv) undertaking an environmental assessment of the property;
 - v) the site plan approval authority **BE REQUESTED** to consider the following items through the site plan approval process:
 - A) provide landscaping which:
 - provides for the preservation of the existing mature vegetation along the westerly property line for the purpose of providing a privacy buffer to abutting properties;
 - enhances the street based landscaping along existing easterly berming;
 - defines the pedestrian realm, highlights the street edge and provides a prominent pedestrian entrance off of Westminster Avenue; and,
 - minimizes the need for extensive watering;
 - B) provide a building which:
 - clearly expresses a base, middle, and top (roof) on all elevations, predominantly using masonry materials;
 - uses variations in massing, materials, scaling and architectural features to identify the east façade and entrance as the front of the building and the south façade and entrance as a service egress;
 - provides underground parking;
 - provides garbage storage to be located within the building; and,
 - provides for lighting to be oriented, and its intensity controlled, so as to prevent glare on adjacent residential properties and roadways;

it being noted that the Planning and Environment Committee reviewed and received a communication, dated September 3, 2012, from D. Bini and J. Zimmer, 118 Fairview Avenue, 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:

- Mike Pease, IBI Group, on behalf of the applicant – expressing support for the Civic Administration’s recommendations; advising that the property owners may leave suites open for people who have loved ones in long-term care at the hospital; indicating that the intended tenants are professionals who work at the hospital; advising that shading studies have been completed.
- Dr. Robert Séguin, 4 Fairview Court – expressing concern with respect to the security and safety of the development; expressing concern with the safety of their children playing in their backyards; enquiring as to whether or not the current infrastructure can handle the increases should the apartment building be built; noting that the sewer is slated to be upgraded in 2014; indicating that he has a petition signed by 35 people living in the area; enquiring as to how many people have to disagree with the proposed development before Council says no to the application; enquiring as to where children that live in the apartment building are going to play; advising that the sidewalk is not buffered against the railway; indicating that, on the map provided, there is no visible area for people to get activity; advising that this is going to have an impact on Princess Elizabeth School; advising that it is going to increase the fullness of the school and children may need to be bussed to other schools; indicating that there is currently a high London police response for intoxicated people in the area; and advising that if the designers intent for high end tenants is not met, you are going to have security issues.
- Jeff Briggs, 124 Fairview Avenue – enquiring as to how high the building is going to be; advising that the man who designed the building cannot tell him the height of the building from the ground to the roof; indicating that, from his estimates, the building height will be 75 metres from the ground to the peak, which is the same height as a 5-storey building; wondering if the building is successful, can they ask for a zoning change to increase the height in the future; and, advising that the developer did not speak to him or any of his neighbours about the proposed development.
- Tammy Belaire, 112 Fairview Avenue – advising that she purchased her bungalow last year; advising that she checked the by-laws to ensure that an apartment building could not be built in the area; and indicating that the proposed apartment building impacts her ability to live as she is disabled.
- Alex Peterson, 793 Fleet Street - see attached communication.
- Vladimir, Christ Saviour Russian Orthodox Cathedral – indicating that the developer wants to make more money despite the residents’ concerns; noting that money talks in London; advising that the area residents asked that the meeting not be held on the first day of school and the meeting was held the first day of school; advising that vegetation is always lost during construction; enquiring as to whether London is the “Forest City” or the “Deforest City”; advising that everything the developer has done has been fudged; indicating that everyone who lives in London drives; noting that the streets are already packed and you can’t get out onto Whetter Avenue; advising that the proposed apartment building does not conform to any buildings in the area; and, enquiring as to whether it is worth it.
- Heather Picton, 16 Fairview Court – advising that the letter that she received from the City indicated that the meeting was to be held on Tuesday, September 3, 2012, which caused some confusion; advising that she purchased her property 12 years ago; advising that she lives on a crescent of single family residences; advising that the shadow study was done on the backyards of the properties; enquiring as to whether or not an environmental study will be conducted; advising that there are dead trees on the back of the property; advising that her neighbours garage has black ooze running out of it; and advising that two of her neighbours have leaky basements and this is going to exacerbate the problems.
- Anne Pappmehl, 3 Southfield Crescent - see attached communication.
- Carol Anne Séguin, 4 Fairview Court – advising that she talked to one of the landowners and was informed that the property she currently uses to

park vehicles on is owned by the landowner; noting that she was told 12½ years ago that the 15 feet of land belongs to the City and that they could use it to park vehicles on; advising that the proposed development will increase the sewer usage; indicating that if she is unable to utilize the 15 feet of property, she will be unable to access her backyard to park her car; indicating that the neighbours along Fairview Avenue were contacted by the developer; advising that no attempt to communicate with her neighbours was made; advising that she does not like to be intimidated; advising that the neighbours are loyal to each other; noting that a person has the right to change the land use, but needs to work within the zoning by-law; advising that there have been no pictures of what exists within the block of the proposed apartment building; and noting that all the residences in the area are single-family residences. *(Secretary's Note: A petition signed by approximately 35 individuals is on file in the City Clerk's Office).* (2012-D11-06)

9. Property located at 40 Pacific Court (Z-8071)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of 312185 Ontario Ltd, relating to the property located at 40 Pacific Court, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on September 18, 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 Light Industrial (LI2/LI7) Zone, which permits manufacturing, warehouse, wholesale, support office, service and repair uses, and various light industrial uses **TO** a Light Industrial Special Provision/Light Industrial (LI2()/LI7) Zone, to add a retail store ancillary to a permitted wholesale establishment, subject to a special provision which permits a total gross floor area of 445m² for a retail store; a maximum proportion of the total gross floor area for wholesale establishments and ancillary retail stores of 26%; and, a minimum of 26 parking spaces. (2012-D11-06)

IV. ITEMS FOR DIRECTION

10. City of London Methadone Clinic By-law

Recommendation: That the communication, dated August 22, 2012, from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission, with respect to the by-law regulating methadone clinics, **BE RECEIVED**. (2012-D11-02)

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 6:17 p.m.