

2ND REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Meeting held on January 22, 2013, commencing at 4:01 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors N. Branscombe, D.G. Henderson, P. Hubert and S. White and H. Lysynski (Secretary).

ALSO PRESENT: Mayor J.F. Fontana and Councillor J.L. Baechler, S. Andrews, A. Bush, M. Elmadhoon, J.M. Fleming, T. Grawey, P. Kokkoros, G. Kotsifas, B. Krichker, J. Leunissen, I. Listar, H. McNeely, D. Menard, J. Page, J. Ramsay, C. Saunders, R. Sharpe, C. Smith, P. Szabo, M. Tomazincic and J. Yanchula.

I. DISCLOSURES OF PECUNIARY INTEREST

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

II. CONSENT ITEMS

2. 1st Report of the Environmental and Ecological Planning Advisory Committee

Recommendation: That the 1st Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on December 20, 2012, **BE RECEIVED**.

3. City Clerk - 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That the 1st Report of the Advisory Committee on the Environment from its meeting held on January 9, 2013, **BE WITHDRAWN** as it was included on the Civic Works Committee Agenda at its meeting held on Monday, January 21, 2013.

4. Properties located at 8 Fairview Court and 770 Whetter Avenue - Notice of Appeal to the Ontario Municipal Board (OZ-8055)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated December 3, 2012 and submitted by Robert and Carolann Seguin, relating to Zoning By-law amendments (File No. OZ-8055) concerning 8 Fairview Court and 770 Whetter Avenue, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

5. Property located at 260 Sarnia Road - Notice of Appeal to the Ontario Municipal Board (Z-8075)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated November 2, 2012 and submitted by Alan Patton, Patton, Cormier & Associates, relating to the refusal by the Municipal Council of an application for a Zoning By-law amendment concerning 260 Sarnia Road, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

6. Southwest Area Secondary Plan - Notice of Appeal to the Ontario Municipal Board (O-7609)

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, in response to letters of appeal, as referenced in the Civic Administration's report, dated January 22, 2013, to the Ontario Municipal Board, relating to By-law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541, the Southwest Area Secondary Plan, the following actions be taken:

- a) the Ontario Municipal Board **BE REQUESTED** to amend Sections 20.5.3.3 ii), 20.5.9.1 ii), and 20.5.10.1ii) to delete the last sentence “Drive-through commercial uses shall not be permitted.” from these policies;
- b) the City Solicitor’s Office **BE REQUESTED** to retain a land use planner and to retain Hermann J. Kircher, Land Use and Retail Economist to provide evidence in support of Municipal Council’s approval of the “Wonderland Road Community Enterprise Corridor” land use designation and related policies; and,
- c) the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

7. Million Tree Challenge Status Update

Recommendation: That, on the recommendation of the Managing Director, Planning and City Planner, the report, dated January 22, 2013, relating to the status update on the Million Tree Challenge, **BE RECEIVED**.

8. Property located at 642 Princess Avenue – Notice of Appeal to the Ontario Municipal Board (A.094/12)

Recommendation: That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the following actions be taken in response to the letter of appeal to the Ontario Municipal Board, dated October 1, 2012 and submitted by Biagio E. Iaboni, relating to the minor variance application concerning the property located at 642 Princess Avenue:

- a) the Ontario Municipal Board **BE ADVISED** that the Municipal Council supports the Civic Administration’s recommendation to support the requested variance pursuant to the provisions under Section 45(2) of the *Planning Act*; and,
- b) the City Solicitor and the Managing Director, Planning & City Planner, **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing to support the Committee of Adjustment’s decision.

9. Property located at 1647 Fanshawe Park Road East - Ontario Municipal Board Decision (39T-10503/Z-7785)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the report, dated January 22, 2013, relating to the Ontario Municipal Board decision with respect to the Zoning By-law No. Z.-1 and Draft Plan of Subdivision appeal by Alan Patton, Patton, Cormier & Associates, on behalf of 756949 Ontario Limited, c/o Global Vision Investments, concerning the property located at 1647 Fanshawe Park Road East, **BE RECEIVED**.

10. Property located at 124 St. James Street - Notice of Appeal to the Ontario Municipal Board (A.106/12)

Recommendation: That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the following actions be taken in response to the letter of appeal to the Ontario Municipal Board, dated November 16, 2012 and submitted by Alasdair Beaton, relating to the minor variance application concerning 124 St. James Street:

- a) the Ontario Municipal Board **BE ADVISED** that the Municipal Council supports the Committee of Adjustment’s decision to grant the minor variance; and,
- b) the City Solicitor and the Managing Director, Development & Compliance Services & Chief Building Official, **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing to support the Committee of Adjustment’s decision.

11. Property located at 19 Woodgate Court - Notice of Appeal to the Ontario Municipal Board (A.101/12)

Recommendation: That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the following actions be taken in response to the letter of appeal to the Ontario Municipal Board, dated October 29, 2012 and submitted by Georgina Ann Wolfe Zaifman, relating to the minor variance application concerning 19 Woodgate Place:

- a) the Ontario Municipal Board **BE ADVISED** that the Municipal Council supports the Committee of Adjustment's decision to refuse the minor variance; and,
- b) the City Solicitor and the Managing Director, Development & Compliance Services & Chief Building Official, **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing to support the Committee of Adjustment's decision.

12. Property located at 65 Heather Place - Notice of Appeal to the Ontario Municipal Board (A.108/12)

Recommendation: That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the following actions be taken in response to the letter of appeal to the Ontario Municipal Board, dated November 13, 2012 and submitted by Lisa O'Brien, relating to the minor variance application concerning 65 Heather Place:

- a) the Ontario Municipal Board **BE ADVISED** that the Municipal Council supports the Committee of Adjustment's decision to refuse the minor variance; and,
- b) the City Solicitor and the Managing Director, Development & Compliance Services & Chief Building Official, **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing to support the Committee of Adjustment's decision.

13. Property located at 1451 Wharncliffe Road South - Andover Trails Phase 4 (39T-07510)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, based on the Draft Plan of Subdivision application of Sifton Properties Limited, relating to the property located at 1451 Wharncliffe Road South, the Approval Authority **BE ADVISED** that the Municipal Council supports granting a one (1) year extension of the draft plan of subdivision, submitted by Sifton Properties Limited (File No. 39-07510), prepared by Stantec Consulting Limited, certified by Robert D. Stirling, (Ontario Land Surveyor), (Drawing No. 614-02109, dated September 17, 2007), as red-line amended, which shows 2 multi-family medium density residential blocks, 2 multi-family high density residential blocks, 2 restricted service commercial blocks and 2 park blocks, served by a secondary collector road **SUBJECT TO** the conditions imposed by the Municipal Council at its meeting held on January 10, 2012.

14. Property located at 160 Sunningdale Road West Ltd. - Tricar Subdivision Phase 1 (39T-11504)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and 160 Sunningdale Road West Ltd. for the subdivisions of land over Part of Lot 41, Registrar's Compiled Plan 1029, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, on the west side of Richmond Street and Meadowlands Way:

- a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and 160 Sunningdale Road West Ltd for the Tricar Subdivision, Phase 1 (39T-11504), **BE APPROVED**;

- b) the Mayor and the City Clerk **BE AUTHORIZED** to execute the Agreement referred to in part a), above, any amending agreements and all documents required to fulfill its conditions; and,
 - c) the financing for this project **BE APPROVED** in accordance with the "Related Costs and Revenues" provided as Schedule "B" to the associated staff report, dated January 22, 2013.
15. Building Division Monthly Report for November 2012

Recommendation: That the Building Division Monthly Report for the month of November, 2012 **BE RECEIVED**.

III. SCHEDULED ITEMS

16. 2nd Report of the London Advisory Committee on Heritage

Recommendation: That, the following actions be taken with respect to the 2nd Report of the London Advisory Committee on Heritage (LACH) from its meeting held on January 9, 2013:

- a) the London Advisory Committee on Heritage recommendation with respect to the establishment of a City/County Archive, **BE RECEIVED**; it being noted that the Planning and Environment Committee received a Municipal Council resolution adopted at its meeting held on July 25, 2011, with respect to this matter;
- b) the request to undertake a review of the existing Archaeological Master Plan **BE REFERRED** to the Civic Administration for possible inclusion in the 2014 Budget;
- c) the Heritage Alteration Permit Application of J. Regehr and R. Kaplansky, for the property located at 591 Maitland Street **BE DEFERRED** to the February 5, 2013 Planning and Environment Committee meeting to allow the parties to meet and to allow delegation status for the applicants, the Woodfield Community Association and the Civic Administration, with respect to this matter;
- d) that Parks Planning, in conjunction with the MHBC Consultants, **BE REQUESTED** to consider the use of the name "Queen Elizabeth Memorial Park" at the Western Counties-Westminster Ponds site, to honour the veterans who received rehabilitation there; it being noted that this initiative may assist in obtaining funds from the other levels of government;
- e) the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer **BE REQUESTED** to investigate recent changes to Ontario Regulation 586/06 (Local Improvement Charges) to determine whether these changes would allow owners of designated heritage properties to carry out works related to the conservation of their heritage properties or, more specifically, works related to encouraging energy efficiency measures for older homes and to report back to the February 5, 2013 Corporate Services Committee meeting; and,
- f) that clauses 6 to 14, inclusive, of the 2nd Report of the LACH, **BE RECEIVED AND NOTED**;

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

17. Properties located at 3841 Cheese Factory Road and 1605 Max Brose Drive (OZ-8126)

Recommendation: That, on 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 the properties located at 3841 Cheese Factory Road and 1605 Max Brose Drive:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on January 29, 2013 to amend the Official Plan to:
- i) amend Schedule "A" Land Use to change the designation of 3841 Cheese Factory Road **FROM** Light Industrial **TO** Open Space, to allow for passive recreational uses including woodlands; and,
 - ii) amend Schedule B-1 – "Natural Heritage Features", to **ADD** "Woodlands" to 3841 Cheese Factory Road;
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on January 29, 2013 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a), above), to:
- i) change the zoning of 3841 Cheese Factory Road **FROM** a Light Industrial (LI1/LI2/LI6) Zone, which permits manufacturing uses **TO** an Open Space (OS5) Zone, to allow for passive recreational uses including woodlands; and,
 - ii) change the zoning of 1605 Max Brose Drive **FROM** a Light Industrial (LI2/LI2/LI6) Zone, which permits manufacturing uses **TO** a Light Industrial Special Provision (LI1(_)/LI2(_)/LI6(_)) Zone, which permits manufacturing uses and requires a minimum landscaped setback from the easterly property line of 10m;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter.

18. Properties located at 1400 and 1440 North Wenige Drive (39CD-12514)

Recommendation: That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Vacant Land Plan of Condominium application of Sifton Properties Limited, relating to a portion of the properties located at 1400 & 1440 North Wenige Drive:

- 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 draft plan of vacant land condominium; and,
- b) the Approval Authority **BE REQUESTED** to utilize, if possible, one agreement, instead of a separate development agreement and a separate condominium agreement, to address the development of this site;

it being pointed out that there were no oral submissions made at the public participation meeting associated with this matter.

19. Properties located at Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node and 1761 Wonderland Road North (O-8131)

Recommendation: That, the following actions be taken with respect to the application of the City of London, relating to the properties located within the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node and 1761 Wonderland Road North:

- a) pursuant to section 13.7 of the Council Procedure By-law, the actions of the Municipal Council taken at its meeting of July 24 and 25, 2012, related to the adoption of clause 8 of the 19th Report of the Planning and Environment Committee, concerning properties located within the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node and 1761 Wonderland Road North **BE RECONSIDERED**; and,

- b) on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London, relating to the properties located within the Wonderland Road North/Fanshawe Park Road West Neighbourhood Commercial Node and 1761 Wonderland Road North, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on January 29, 2013 to amend the Official Plan to **DELETE** Special Policy 4.3.8.6.(3) (Wonderland Road North/Fanshawe Park Road West) and **ADD** a new special policy to 4.3.8.6. (Special Policies) stating, “Notwithstanding policy 4.3.8.5, additional commercial development may be permitted on the lands located at 1761 Wonderland Road North in addition to the uses permitted in the Neighbourhood Commercial Node designation, a supermarket is also permitted.”;

it being noted that the Planning and Environment Committee received a Municipal Council resolution adopted at its meeting held on July 24 and 25, 2012, 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:

- Michelle Doornbosch, Zelinka Priamo Limited, on behalf of City Centre Storage and Sam Adams – advising that her clients recently built a 90,000 square foot storage building; pointing out a landscaped section to the east of the building; expressing concern that the 13,000 m² cap would be imposed instead of the 23,000 m² cap; indicating that no restrictions have been placed on the York Developments site; advising that, should the owner wish to expand the building in the future, the building already exceeds the floor area; indicating that, in 2009, the total footage allowed was 19,000 m²; expressing concern with the discrepancies in allowable footage; requesting that this matter be referred back to the Civic Administration for further consideration; and requesting that the Civic Administration review their policies with existing commercial users in the area.
- Richard Zelinka, Zelinka Priamo Limited, on behalf of FCHT Holdings (Ontario) Corporation, Loblaw Properties Limited, Barvest Realty Inc., Sunningdale Developments Inc. and Auburn Developments – indicating that, by removing the floor area cap and by explicitly allowing a supermarket on the York Developments property, the proposed Official Plan Amendment conflicts with the City of London Official Plan policies, with respect to the scale and function of the Neighbourhood Commercial Node; undermines the approved site community commercial node at Richmond Street and Sunningdale Road; indicating that the supermarket is an important anchor for community commercial and should be located in the designated community commercial node and not as a second supermarket in the neighbourhood commercial area; advising that this will have adverse impacts on traffic and the city’s arterial road system in the Fanshawe Park Road/Wonderland Road area; advising that it is telling that there is no clear indication of the size of the Neighbourhood Commercial Node today; and requesting that the Official Plan Amendment not be approved to lift the cap for the York Developments site and permission for the supermarket at this site.
- Carol Weibe, MHBC Planning, on behalf of York Developments – expressing support for the Civic Administrations’ recommendation; indicating that the Civic Administration tried to explain the complicated history of this site to the Committee; advising that the original Official Plan Amendment included the property located at 1771 Wonderland Road; noting that this was appealed; further noting that the appeal was withdrawn in December, 2012; indicating that the issues outlined by Mr. Zelinka will be dealt with at the Ontario Municipal Board hearing in February, 2013; and advising that the Official Plan Amendment being brought forward tonight will not preclude his clients from being heard at the Ontario Municipal Board.

Secretary’s Note: In accordance with section 13.7 of the Council Procedure By-law, the reconsideration of this matter requires the approval of at least two-thirds of the whole Council.

IV. ITEMS FOR DIRECTION

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

VI. CONFIDENTIAL

(Confidential Appendix to the 2nd Report of the Planning and Environment Committee enclosed for members only.)

The Planning and Environment Committee convened in camera from 5:05 PM to 5:25 PM, after having passed a motion to do so, with respect to the following matter:

C-1 A matter pertaining to litigation or potential litigation with respect to the application of Liahn Farms Limited to the Ontario Superior Court of Justice, in connection with By-law C.P.-1466-249, the Tree Conservation By-law; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with the application of Liahn Farms Limited to the Ontario Superior Court of Justice, in connection with By-law C.P.-1466-249, the Tree Conservation By-law; and giving instructions and directions to the solicitors of the municipality in connection with an application filed in the Ontario Superior Court of Justice by Liahn Farms Limited.

VII. ADJOURNMENT

The meeting adjourned at 5:27 p.m.