

29TH REPORT OF THE
BUILT AND NATURAL ENVIRONMENT COMMITTEE

Meeting held on November 28, 2011, commencing at 4:05 p.m.

PRESENT: Councillor W. J. Polhill (Chair), Councillors J. L. Baechler, D. Brown, J. Swan and S. White and H. Lysynski (Secretary).

ALSO PRESENT: Councillors M. Brown, J. P. Bryant and H. L. Usher and P. McNally, D. Ailles, G. Barrett, G. Belch, J. Braam, J. Buchanan, P. Christiaans, B. Debbert, A. Dunbar, M. Elmadhoon, J. M. Fleming, B. Henry, D. Huggins, P. Kokkoros, G. Kotsifas, B. Krichker, E. Lalande, J. Leunissen, J. Lucas, A. Macpherson, S. Maguire, D. Menard, N. Musicco, J. Page, C. Saunders, C. Smith, D. Stanlake, R. Welker and J. Yanchula.

I YOUR COMMITTEE RECOMMENDS:

Supply and
Delivery of
Underground
Pre-Cast
Concrete
Products –
Tender 11-95

1. (1) That, on the recommendation of the Executive Director, Planning, Environmental & Engineering Services, the following actions be taken with respect to the supply and delivery of underground pre-cast concrete products (Tender 11-95):

- (a) the tender submitted by M-Con Pipe & Products Inc., 2691 Greenfield Road, Ayr, ON, N0B 1E0, in the amount of \$196,566.93, excluding HST, **BE ACCEPTED**; it being noted that M-Con Pipe & products Inc. submitted the low bid and meets the terms, conditions and specifications in all areas;
- (b) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this purchase; and,
- (c) 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. (2011-V10-00)

Update
Regarding
Water
Fluoridation in
London

2. (2,22) That, notwithstanding the recommendation of the Director of Water and City Engineer, a public participation meeting **BE HELD**, at the appropriate Standing Committee, with respect to water fluoridation; it being noted that Dr. G. Pollett, Medical Officer of Health, Middlesex-London Health Unit; Health Canada representatives and representatives of the Environmental & Engineering Services Department be asked to attend the public participation meeting; it being noted that the Built and Natural Environment Committee received the following communications with respect to this matter:

- (a) a communication dated November 27, 2011 from B. Wells, 408-190 Cherryhill Circle;
- (b) a communication dated November 27, 2011 from C. Gupta, 919 Plantation Road;
- (c) a communication dated November 27, 2011 from R. Guthrie, 109 Somerset Road;
- (d) a communication dated November 28, 2011 from D. Costa, 76 Roman Crescent;
- (e) a communication dated November 28, 2011 from K. Miller, 19 – 925 Lawson Road;
- (f) a communication dated November 28, 2011 from S. Kamins, 1702 – 323 Colborne Street; and,
- (g) a request for delegation status from K. Miller, S. Keating and C. Gupta; it being noted that the request for delegation was denied. (2011-W13-00)

- Stanley Street Sanitary Sewage Pumping Station – Environmental Assessment and Screening Report Executive Summary
3. (3) That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the Stanley Street Sanitary Sewage Pumping Station Environmental Assessment & Screening Report Executive Summary:
- (a) the Stanley Street Sanitary Sewage Pumping Station Environmental Assessment & Screening Report Executive Summary **BE ACCEPTED**;
 - (b) the Environmental Assessment Screening Report **BE PLACED** on public record for a 30-day review period; and,
 - (c) a Notice of Completion **BE FILED** with the Municipal Clerk after the Environmental Assessment Screening Report public review period is completed. (2011-W10-01)
- Amendments to the Traffic and Parking By-law
4. (4,23) That on the recommendation of the Acting Director, Roads & Transportation, the revised attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011 for the purpose of amending the Traffic and Parking By-law (P.S. 111), to address traffic safety, operations and parking concerns relating to regulatory signs, stop signs, yield signs, through highways, no parking zones on Adare Crescent, Andover Drive, Clenray Place, Fairview Avenue and Pond View Road, no stopping zones, higher speed limits on Fanshawe Park Road West and Southdale Road West, unmetered municipal parking and typographical errors. (2011-G05-00)
- 2012 Parking Fines
5. (5) That, on the recommendation of the Acting Director, Roads & Transportation, the Civic Administration **BE AUTHORIZED** to undertake all administrative acts that are necessary to increase set fines for parking related offences as outlined in the attached Appendix “A”. (2011-S04-00)
- Special Provisions – 2047790 Ontario Inc. (Z-Group) – Powell Subdivision – Phase 2 – 530 Sunningdale Road East (39T-05510)
6. (6,24) That, on the recommendation of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the subdivisions of land on the South Half of Lot 14, Concession 6, (geographic Township of London), City of London, County of Middlesex, municipally referred to as 530 Sunningdale Road East:
- (a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the Powell Subdivision, (39T-05510) **BE APPROVED**;
 - (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report, attached hereto as Appendix “A”;
 - (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill the draft approval conditions; and,
 - (d) the applicant **BE ADVISED** that the Director of Development Finance has projected the estimated the claims and revenues information, attached hereto as Appendix “B”. (2011-D26-06)
- Draft Terms of Reference for the 2011 Official Plan Review
7. (8) That, on the recommendation of the Agricultural Advisory Committee, the Municipal Council **BE ASKED** to consider the resolution of the issues at Southdale Road West and Colonel Talbot Road as a priority when reviewing the draft terms of reference for the 2011 Official Plan review.
- Demolition Application - 736 Talbot Street
8. (10) That, on the recommendation of the London Advisory Committee on Heritage (LACH), the Director of Building Controls and Chief Building Official **BE ADVISED** that the LACH does not support the designation of the property located at 736 Talbot Street; it being noted that the LACH requested that the Heritage Planner be allowed to document the building if it is to be demolished.

Demolition
Application -
254 Gideon
Drive

9. (10) That, on the recommendation of the London Advisory Committee on Heritage (LACH), the Director of Building Controls and Chief Building Official **BE ADVISED** that the LACH does not support the designation of the property located at 254 Gideon Drive; it being noted that the LACH requested that the Heritage Planner be allowed to document the building if it is to be demolished.

Demolition
Application - 91
Southdale Road

10. (10) That, on the recommendation of the London Advisory Committee on Heritage (LACH), the Director of Building Controls and Chief Building Official **BE ADVISED** that the LACH does not support the designation of the property located at 91 Southdale Road; it being noted that the LACH requested that the Heritage Planner be allowed to document the building and that all salvageable heritage aspects of the property be retained.

Wortley Village -
Old South
Heritage
Conservation
District

11. (10) That, the following recommendation of the London Advisory Committee on Heritage (LACH), relating to the Wortley Village - Old South Heritage Conservation District (WV/OS HCD) **BE REFERRED** to the December 12, 2011 Planning and Environment Committee meeting.

The LACH recommendation reads as follows:

“That the following actions be taken with respect to the Wortley Village - Old South Heritage Conservation District (WV/OS HCD):

- (a) the WV-OS HCD Study **BE RECEIVED**;
- (b) the boundaries, as revised, for the WV/OS HCD **BE APPROVED**; and,
- (c) the Municipal Council **BE REQUESTED** to initiate Phase 2 of the WV-OS HCD; it being noted that Phase 2 produces the District Plan and the Conservation Guidelines; it being further noted that funding is expected to be available in the 2012 Budget.”

Reservoir Hill –
940 Springbank
Drive

12. (10) That, the following recommendation of the London Advisory Committee on Heritage, with respect to the property located at 940 Springbank Drive, **BE FORWARDED** to the Civic Administration for consideration and to report back when this matter is considered at the site plan stage.

The LACH recommendation reads as follows:

- (a) approval of the site plan, which does not comply with the restraints imposed by the Ontario Municipal Board, sets a dangerous precedent; and,
- (b) approval of the site plan will result in additional loss of the part of the site which the Ontario Municipal Board directed should be rezoned OS5;

it being noted that the London Advisory Committee on Heritage received a presentation from A. Hopkins, 9 Springbank Drive, with respect to this matter.

*Inventory of
Heritage
Resources –
City of London
Website*

13. (10) That the London Advisory Committee on Heritage **BE ALLOWED** to retain its remaining 2011 Budget for use in 2012, for the inclusion of a photograph and a link to the Statements of Significance for heritage designated properties listed in the *Inventory of Heritage Resources* contained on the City of London’s website.

Cedar Auto of
London Ltd. –
2170
Wharcliffe
Road South (Z-
7944)

14. (11,26) That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Cedar Auto of London Ltd. relating to a portion of the subject land located at 2170 Wharcliffe Road South, the revised attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject land **FROM** a h-17.AC2 Zone which permits a range of commercial, and residential uses **TO** a h-17•h-(*)•AC2() Zone to permit the additional use of automobile sales and service establishment; it being noted that the h-17 holding provision requires water and sanitary services prior to development, with the exception of dry uses

on approved private sanitary services; it being further noted that the h-(*) holding provision requires that urban design and comprehensive traffic patterns in the area be considered during the site plan review process and a development agreement be entered into prior to development to ensure the orderly development of the site; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-02)

1145505
Ontario Limited
– 45 Artisans
Crescent (Z-
7967)

15. (12) That, on the recommendation of the Director, Land Use Planning and City Planner, based on the application of 1145505 Ontario Limited relating to the property located at 45 Artisans Crescent, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to **CHANGE** Section 4.13 5) to permit vehicles to manoeuvre into loading areas at 45 Artisans Crescent, using the Artisans Crescent road allowance; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-06)

Sifton
Properties
Limited – 2140
Kains Road (Z-
7953)

16. (13,27) That, on the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 2140 Kains Road:

- (a) the attached proposed revised by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property **FROM** a Neighbourhood Shopping Area (NSA1) Zone which permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format, **TO** a Neighbourhood Shopping Area Special Provision (NSA5()) Zone to permit the above listed range of uses in a shopping centre format or in standalone buildings that do not form part of a shopping centre, with special provisions to establish a maximum building setback of 4.5 metres for a minimum of 35 metres of the built form along Kains Road, and a maximum yard depth adjacent to the South leg of Somerville Drive (private) of 10.0 metres; to allow for a maximum total gross floor area for office use within the zone, of 3,000 square metres; a maximum total gross floor area for office use as a proportion of the maximum total gross floor area of 57%; a maximum gross floor area for restaurants of 700 square metres; a maximum gross floor area of 1700 square metres for offices, including medical/dental offices; and to apply the shopping centre parking rate of 1 space per every 20 square metres of gross leasable floor area;
- (b) the Site Plan Approval Authority **BE REQUESTED** to address the following design issues through the site plan process:
- (i) the provision of a height element incorporated in the building at the southeast corner of the property to denote this significant streetscape;
 - (ii) street oriented built form with building elevations that support pedestrian activity along Somerville Drive (private) and along Kains Road;
 - (iii) a combination of built form, enhanced landscaping and pedestrian spaces that visually and functionally integrates with the Thames Valley Parkway along Kains Road;
 - (iv) a parking lot design that provides pedestrian amenity as a public space; and,
 - (v) creation of a clearly defined, pleasant and direct connection between the site and the nearest transit stop;

- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Neighbourhood Shopping Area (NSA1) Zone which permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, and brewing on premises establishments, within a shopping centre format, **TO** a Neighbourhood Shopping Area Special Provision (NSA5()) Zone to permit the above listed range of uses in standalone buildings that do not form part of a shopping centre, with special provisions to allow for a maximum total gross floor area within the zone, of 3,000 square metres; a maximum gross floor area for restaurants of 700 square metres; a maximum gross floor area of 1700 square metres for offices, including medical/dental offices; and the shopping centre parking rate of 1 space per every 20 square metres of gross floor area, **BE REFUSED** for the following reasons:
- (i) the staff recommendation clarifies that either a shopping centre or standalone format may be permitted;
 - (ii) an additional special provision is required to allow for a total gross floor area for office use as a proportion of the maximum total gross floor area of 57%; and;
 - (iii) the staff recommendation includes additional special provisions to ensure that a minimum length of the built form is located close to Kains Road and Somerville Drive (private) to create a pedestrian oriented environment; and,
- (d) 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 changes are minor in nature and reflective of the site concept that was submitted with the application;

it being noted that the Built and Natural Environment Committee received written communications dated November 18, 2011 and November 22, 2011, respectively, from A. and E. Dobronyi, 1508 Kirkpatrick Way and J. C. Rodriguez and C. De Leon, 1562 Kirkpatrick Way, with respect to this matter;

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

- M. Zunti, Sifton Properties Limited – expressing support for the application; responding to Mr. Furlongers’ concerns by indicating that there will be a high standard of design for the signs; indicating that she cannot respond to the operating hours as the tenants have not been confirmed; however, she does not believe that the stores/restaurants will be open late at night.
- B. Furlonger, 1556 Kirpatrick Way – expressing concern with how this will affect his property; enquiring as to the various stores and/or restaurants hours and the noise at night; and requesting input on any signage that is installed. (2011-D11-07)

Demolition
Application – C.
Sedge – 736
Talbot Street

17. (14) That, the following actions be taken with respect to the demolition application of C. Sedge, for the residential property, located at 736 Talbot Street:
- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit **BE ISSUED**;
 - (b) the property owners **BE REQUESTED** to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition; and,
 - (c) all salvageable heritage aspects of the building be **BE RETAINED** and all reusable heritage items be stored, so they may be incorporated into future construction on the site;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

Demolition
Application -
Medd-Co
Holdings Corp.
- 91 Southdale
Road East

18. (15) That, the following actions be taken with respect to the demolition application of Medd-Co Holdings Corp., for the institutional structures, located at 91 Southdale Road East:

- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit **BE ISSUED**;
- (b) the property owners **BE REQUESTED** to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition; and,
- (c) all salvageable heritage aspects of the building be **BE RETAINED** and all reusable heritage items be stored, so they may be incorporated into future construction on the site;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

Demolition
Application -
Liahn Farms
Ltd. - 254
Gideon Drive

19. (16) That, the following actions be taken with respect to the demolition application of Liahn Farms Ltd. for the residential structure and farm buildings located at 254 Gideon Drive:

- (a) on the recommendation of the Director, Land Use Planning and City Planner, the above-noted demolition permit **BE ISSUED**;
- (b) the property owners **BE REQUESTED** to permit the London Advisory Committee on Heritage to photograph the heritage features of the property prior to its demolition; and,
- (c) all salvageable heritage aspects of the building be **BE RETAINED** and all reusable heritage items be stored so they may be incorporated into future construction on the site;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D10-00)

Devcom
Developments
Inc. - 1155
Commissioners
Road East and
Middlesex
Condominium
Corporation No.
156 - 733-739
Deveron
Crescent (OZ-
7962)

20. (17,28) That, on the recommendation of the Director of Development Planning, based on the application of Devcom Developments Inc. and Middlesex Condominium Corporation No. 156, relating to the property located at 1155 Commissioners Road East and a portion of the property located at 733-739 Deveron Crescent:

- (a) the attached proposed revised by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011, to amend the Official Plan by changing the designation on Schedule "A" - Land Use **FROM** "Multi-family, Medium Density Residential" **TO** "Neighbourhood Commercial Node"; and,
- (b) the attached proposed revised by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law Z.-1, (in conformity with the Official Plan, as amended in Part (a) above), to change the zoning of the subject lands **FROM** an Associated Shopping Area Commercial Special Provision (ASA1(9)/ASA3(2)) Zone which permits a range of retail/commercial uses such as convenience stores, financial institutions, restaurants, grocery stores, pharmacies, dry cleaning and laundry plants, personal service establishments, day care centres, clinics, and medical/dental offices; and **FROM** a Residential R8 (R8-4) Zone which permits such uses as low-rise apartment buildings, senior citizens apartment buildings, and stacked townhouses, **TO** an Associated Shopping Area Commercial Special Provision (ASA1()/ASA3()) Zone to permit the current range of retail/commercial uses, together with special provisions for an interior side yard depth abutting a residential zone of 1.5 metres, a rear yard depth abutting a residential zone of 2.45 metres, a

maximum lot coverage of 36 percent, and a minimum 59 parking spaces for a pharmacy use;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-02)

Isaac Shapiro –
569 Victoria
Street (B-7961)

21. (18) That, notwithstanding the recommendation of the Director of Land Use Planning and City Planner, the following actions be taken with respect to the objection submitted by I. Shapiro on October 28, 2011, from the decision of the City of London Residential Boulevard Parking, relating to the property located at 569 Victoria Street:

- (a) the application from I. Shapiro to permit boulevard parking at 569 Victoria Street **BE APPROVED**; and,
- (b) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this matter;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-04)

Royal Host
Limited – 800
Exeter Road (Z-
7957)

22. (19) That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of Royal Host Limited relating to the property located at 800 Exeter Road, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 6, 2011 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Highway Service Commercial Special Provision (HS1/HS4(1)) Zone which permits assembly halls, financial institutions, hotels, motel and restaurants **TO** a Highway Service Commercial Special Provision (HS1()/HS4(1)) Zone to add “Apartment-Hotel” to the list of permitted uses and to change the regulation that limits the maximum gross floor area devoted to dwelling units from 50% to 60%; it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2011-D11-06)

Development
and Economic
Plans in the
Boler Mountain
Area

23. (20) That, on the recommendation of the Managing Director, Development Approvals Business Unit and the Manager, Parks Planning & Design, the following actions be taken with respect to the concept of the joint shared use of Boler Mountain and City open space lands:

- (a) the Civic Administration **BE DIRECTED** to explore the concept of joint shared use of Boler Mountain and City open space lands, **SUBJECT TO**:
 - (i) any limitations set by environmental constraints; and,
 - (ii) the establishment of a main access to the Boler Mountain from Wickerson Road; and,
- (b) the concept of joint shared use of Boler Mountain and City open space lands **BE APPROVED, IN PRINCIPLE**, subject to the completion of agreements between private land owners, as shown in the attached Appendix “A”;

it being noted that the SWM servicing was for servicing for growth development within the Urban Growth boundary; and,

it being also noted that the Built and Natural Environment Committee heard a verbal presentation from J. Kennedy, Boler Mountain, with respect to this matter. (2011-D14-08)

OMB Appeal –
176127 Ontario
Limited - 633
Commissioners
Road West and
Blocks 66 and
73, Plan 33M-
119

24. (C-2) That the Development Approvals Business Unit **BE DIRECTED** to process and circulate the revised application and provide advice to a future public participation meeting of the Planning and Environment Committee as it relates to the Ontario Municipal Board appeal by 176127 Ontario Limited relating to the properties located at 633 Commissioners Road West and Blocks 66 and 73, Plan 33M-119.

II YOUR COMMITTEE REPORTS:

- 12th Report of
EEPAC
25. (7) That the Built and Natural Environment Committee reviewed and received the 12th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on November 17, 2011. (See Report attached.)
- 5th Report of
AAC
26. (8) That the Built and Natural Environment Committee reviewed and received clauses 2 to 5, inclusive, of the 5th Report of the Agricultural Advisory Committee, from its meeting held on November 16, 2011. (See Report attached.)
- Building
Division Monthly
Report
27. (9,25) That the Built and Natural Environment Committee reviewed and received the revised monthly report from the Director of Building Controls and Chief Building Official relating to Building Activity and Inspector Workloads for October, 2011. (2011-D05-00)
- 12th Report of
LACH
28. (10) That the Built and Natural Environment Committee reviewed and received clauses 7 to 19, inclusive, of the 12th Report of the London Advisory Committee on Heritage. (See Report attached.)
- Lighting – Your
Storage Team –
715 Fanshawe
Park Road
29. (21,29) That the Built and Natural Environment Committee reviewed and received communications dated November 21, 2011 and November 28, 2011, respectively, from Councillor M. Brown and D. McKinnon, 71 Acorn Place, with respect to lighting concerns relating to the property located at 715 Fanshawe Park Road. (2011-M06-00)
- Confidential
Matters
30. (See *Confidential Appendix to the 29th Report of the Built and Natural Environment Committee enclosed for Members only.*)

That the Built and Natural Environment Committee convened in camera from 5:05 p.m. to 5:37 p.m., after having passed a motion to do so, with respect to the following matters:

- C-1 A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to potential litigation with respect to the Southeast Reservoir and Pumping Station.
- C-2 A matter pertaining to litigation or potential litigation, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and giving instructions and directions to the solicitors of the municipality in connection with the appeal of 1767127 Ontario Limited to the Ontario Municipal Board, including matters before administrative tribunals, affecting the municipality or local board relating to a refusal to approve a zoning by-law amendment and site plan.

The meeting adjourned at 7:33 p.m.