

Planning and Environment Committee Report

16th Meeting of the Planning and Environment Committee
October 3, 2022

PRESENT: Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier

ABSENT: Mayor E. Holder

ALSO PRESENT: **PRESENT:** H. Lysynski and J.W. Taylor

REMOTE ATTENDANCE: Councillor J. Helmer; J. Adema, O. Alchits, A. Anderson, G. Barrett, J. Bunn, M. Campbell, M. Corby, L. Dent, K. Edwards, K. Gonyou, M. Hefferton, J. Kelemen, P. Kokkoros, S. Mathers, H. McNeely, N. Musicco, B. Page, M. Pease, A. Singh and B. Westlake-Power

The meeting was called to order at 4:02 PM, with Councillor A. Hopkins in the Chair, Councillors S. Lewis and S. Lehman present and all other members participating by remote attendance.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Lewis

Seconded by: S. Lehman

That Items 2.1 to 2.5, inclusive, BE APPROVED.

Yeas: (5): A. Hopkins, S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.1 3rd Report of the Ecological Community Advisory Committee

Moved by: S. Lewis

Seconded by: S. Lehman

That the 3rd Report of the Ecological Community Advisory Committee, from its meeting held on September 15, 2022 BE RECEIVED for information. (2022-D04)

Motion Passed

2.2 5th Report of the Community Advisory Committee on Planning

Moved by: S. Lewis

Seconded by: S. Lehman

That the 5th Report of the Community Advisory Committee on Planning from its meeting held on September 14, 2022 BE RECEIVED for information. (2022-A02)

Motion Passed

2.3 3924 and 4138 Colonel Talbot Road - Heathwoods - Phase 5 (39T-12503)

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd., for the subdivision of land situated on the east side of Colonel Talbot Road, north of Lambeth Walk, municipally known as 3924-4128 Colonel Talbot Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd., for the Heathwoods Subdivision, Phase 5 (39T-12503_5) appended to the staff report dated October 3, 2022 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated October 3, 2022 as Appendix "B"; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2022-D12)

Motion Passed

2.4 Heritage Alteration Permit Application - 870 Queens Avenue, Old East Heritage Conservation District

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for painting previously unpainted brick of the heritage designated property at 870 Queens Avenue, within the Old East Heritage Conservation District, BE REFUSED;

it being noted that removing the paint from the brick is necessary to restore the property to its former condition. (2022-R01)

Motion Passed

2.5 634 Commissioners Road West (Z-9541)

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the designation of the property at 634 Commissioners Road West:

a) Notice BE GIVEN under the provisions of Section 29(3) of the *Ontario Heritage Act, R.S.O. 1990, c. O. 18*, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in Appendix D of the associated staff report dated October 3, 2022; and,

b) should no objections to Municipal Council's notice of intention to designate be received, a by-law to designate the property located at 634 Commissioners Road West to be of cultural heritage value or interest for the reasons outlined in Appendix D of the above-noted staff report BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

it being noted that should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared; and,

it being further noted that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal. (2022-R01)

Motion Passed

3. Scheduled Items

3.1 2810 Roxburgh Road (Z-9525)

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, based on the application by Harpreet Singh (2309529 Ontario Inc.), relating to the property located at 2810 Roxburgh Road, the proposed by-law appended to the staff report dated October 3, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London (The London Plan, 2016)), to change the zoning of the subject property FROM a Light Industrial (LI2) Zone TO a Light Industrial Special Provision (LI6(_)) Zone;

it being noted that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

a) appropriate setbacks along the site boundaries, provide enhanced landscaping along the site borders, and use enhanced landscaping and street trees along Roxburgh Road to screen the development and meet City tree planting requirements; and,

b) hard surfacing for the parking lot;

it being noted that no individuals spoke at the public participation meeting associated with this matter

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Light Industrial Place Type;
- the recommended amendment would facilitate the reuse of an otherwise underutilized parcel of land within an existing Industrial Area;
- the proposed use is considered appropriate for the context of the site; and,
- the recommended amendment conforms to the in-force policies of the Southwest Area Secondary Plan, including but not limited to the Land

Use Designations policies for Industrial Areas within the Brockley Industrial Neighbourhood. (2022-D21)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Hillier

Seconded by: S. Lehman

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.2 16 Wethered Street (Z-9309)

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 24457277 Ontario Inc. (Phil Pattyn), relating to the property located at 16 Wethered Street:

- a) the proposed by-law appended to the staff report dated October 3, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2022 to amend Zoning By-law No. Z-1, (in conformity with the Official Plan for the City of London (The London Plan 2016)), to change the zoning of the subject property FROM a Residential R1 (R1-6) Zone TO a Residential R5-4 Special Provision (R5-4(_)) Zone; and,
- b) the Site Plan Approval Authority BE REQUESTED to consider the following through the site plan process:
 - i) if board-on-board fencing will impact the existing trees, infill plantings will be required;
 - ii) provide an alternative site design to allow street facing units with garages at the rear units along the back to provide for the continued street-wall and have the rear block private amenity spaces abutting the other private amenity spaces;
 - iii) any surface parking be buffered from the street by the building with the driveway located closer to the south property line;

- iv) centrally located amenity space that is safely and comfortably accessible from all units; and,
- v) retain as many trees on the property as possible, specifically on the eastern border of the property;
- vi) provide enhanced landscaping where trees are not able to be preserved;

it being noted that the Planning and Environment Committee received the following communications with respect to these matters:

- a communication dated September 19, 2022, from D. Lamont;
- the staff presentation; and,
- a communication dated September 28, 2022, from M. Leyland;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- M. Campbell, Zelinka Priamo Ltd.;
- J. Williams, 1171 Dobie Street;
- Joseph, one of the owners of 16 Wethered Street; and,
- M. Leyland;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment;
- the recommended amendment conforms to the policies of the 1989 Official Plan, including but not limited to the Low-Density Residential Designation and Near-Campus Neighbourhoods;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Neighbourhoods Place Type, City Building and Design, Our Tools, and Near-Campus Neighbourhoods; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary and Primary Transit Area with an appropriate form of infill development. (2022-D04)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.3 850 Highbury Avenue North

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development with the advice of the Heritage Planner, the demolition request for the removal of (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North, BE PERMITTED pursuant to Section 34(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

- a) prior to demolition, photo-documentation of the (3) non-designated built resources be provided to the City;
- b) during demolition, construction fencing and buffering of sensitive areas be implemented per Project Site Plan in Appendix B of the staff report dated October 3, 2022;
- c) during demolition, restrict construction routes to areas outside the treed allée; and,
- d) conduct and implement recommendations of a pre-condition survey, specific to the (3) non-designated built resources, to mitigate the risk of vibration from demolition activity on heritage designated resources;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- B. McCauley, Old Oak Properties. (2022-R01)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.4 185 and 189 Wellington Street

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the request by 2698746 Ontario Inc. and 2700875 Ontario Inc., to remove the properties located at 185 and 189 Wellington Street respectively, from the Register of Cultural Heritage Resources:

a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the built resource on the property at 185 Wellington Street;

b) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the built resource on the property at 189 Wellington Street;

c) the property at 185 Wellington Street BE REMOVED from the Register of Cultural Heritage Resources, and;

d) the property at 189 Wellington Street BE REMOVED from the Register of Cultural Heritage Resources;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- C. Pretotto, Cspace Architecture. (2022-R01)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner

Seconded by: S. Lehman

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Lehman

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

4. Items for Direction

4.1 ReThink Zoning Information Report - Update and Sample Place Type Zones

Moved by: S. Lehman

Seconded by: S. Lewis

That the staff report dated October 3, 2022 entitled "ReThink Zoning Information Report - Update and Sample Place Type Zones", BE RECEIVED for information. (2022-D14)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

4.2 Zoning By-law Amendment - Seasonal Outdoor Patios

Moved by: S. Turner

Seconded by: S. Lewis

That, the following actions be taken with respect to zoning regulations related to seasonal outdoor patios:

a) the proposed revised by-law as appended to the Planning and Environment Committee Added Agenda BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2022, to amend Section 4.18 of the Zoning By-law Z.-1; and,

b) the Civic Administration BE REQUESTED to report back at a future meeting with respect to the capacity limits and to explore any opportunities to update the limits as they relate to Section 4.18.1 of the Zoning By-law. (2022-D14)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members Only)

6.1 Personal Matters / Identifiable Individual

Moved by: S. Lehman

Seconded by: S. Turner

That the Planning and Environment Committee convene, in Closed Session, for the purpose of considering the following:

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2023 Mayor's New Year's Honour List.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

The Planning and Environment Committee convened, in Closed Session, from 5:22 PM to 5:26 PM.

7. Adjournment

The meeting adjourned at 5:28 PM.