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File No.: O-7609
Planner: G. BARRETT

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| TO: | CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE |
| FROM: | JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER |
| SUBJECT: | SOUTHWEST AREA SECONDARY PLAN OFFICIAL PLAN AMENDMENT NO. 541 APPEAL TO THE ONTARIO MUNICIPAL BOARD W3 LAMBETH FARMS PROPERTY INC. 3700 COLONEL TALBOT ROAD AND 3645 BOSTWICK ROAD MEETING ON TUESDAY, AUGUST 20, 2013 |

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| RECOMMENDATION |
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That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board (OMB) 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 Schedules 2, 4, 6, 8, 9, and 12, Southwest Area Secondary Plan - Conceptual Road Network, and Appendix 1 – Proposed Schedule “A” amendment to the Official Plan, as it applies to the W3 Lambeth Farms property, to:
- i) modify the open space configuration on the W3 Lambeth Farms property on all the identified Schedules, Conceptual Plan, and proposed Official Plan Schedule “A” amendment,
 - ii) apply a Low Density Residential land use in place of the Open Space land use on all the identified Schedules and proposed Official Plan Schedule ‘A’ amendment,
 - iii) modify the location of the proposed neighbourhood park from the north-west corner of Bostwick Road and proposed Kilbourne Road extension to the W3 Lambeth Farms property on all the identified Schedules; and,
 - iv) modify Schedule 2, to shift the Multi-use Pathway Planned Route to the east so that it forms part of the open space pathway connection.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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January 22, 2013 Planning report to Planning and Environment Committee on the notice of appeals to the Ontario Municipal Board.

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| BACKGROUND |
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Following a comprehensive public consultation and planning review process, the Managing Director of Planning & City Planner brought forward a report to the Planning and Environment Committee on October 15, 2012, recommending the adoption of the Official Plan amendment to add the Southwest Area Secondary Plan to the Official Plan for the City of London (Official Plan Amendment No. 541). The purpose and effect of this recommendation was to put Official Plan policies and Schedules in place to provide a framework for decisions affecting future land uses, urban design, preservation of environmental features, municipal servicing infrastructure, road

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networks, and phasing of development in the Southwest Area Secondary Plan area.

On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 ("the Decision"). Nineteen appeals were filed with the City Clerk from the Decision.

A location map of the identified site specific property is attached in Appendix "A". Attached as Appendix "B" is the appeal from W3 Lambeth Farms Property Inc. (3700 Colonel Talbot Road and 3645 Bostwick Road). The Owner has requested a change to a portion of their lands from an "Open Space" designation to a "Low Density Residential" designation and to show the symbol representing a proposed neighbourhood park in place of the open space land use. This change in designation also applies to a portion of the lands owned by Southside Construction Management Limited, located immediately north of the subject site, known municipally as 6309 Pack Road.

Staff agree with this request, as the proposed change would maintain the purpose and intent of the Official Plan by maintaining a neighbourhood park and pathway connection on a portion of these lands in the general location as contemplated by the Southwest Area Secondary Plan. It is important to note that the large natural heritage feature located on these lands is maintained and is not affected by this change.

The nature of the changes to the identified schedules, conceptual map and proposed Schedule 'A' amendment to the Official Plan, as applied on the W3 Lambeth Farms Property Inc. lands and a portion of the lands located at 6309 Pack Road, located to the immediate north, is provided as follows and in Appendix C:

Schedule 2 –

- i) Change the north westerly portion of the open space land use to low density residential,
- ii) Shift the proposed neighbourhood park from the north west corner of Bostwick Road and Kilbourne Road to the portion of lands modified to a low density residential use, and
- iii) Shift the multi-use pathway planned route to follow the edge of the modified open space use

Schedule 4 –

- i) Change the north westerly portion of the open space land use to low density residential, and
- ii) Shift the proposed neighbourhood park from the north west corner of Bostwick Road and Kilbourne Road to the portion of lands modified to a low density residential use.

Schedules 6, 9, 12 – adjustments to the base mapping as it applies to surrounding neighbourhood plans to reflect the change in use from open space to low density residential and the proposed neighbourhood park.

Schedule 8 –

- i) Change the north westerly portion of the open space land use to low density residential, and
- ii) Shift the proposed neighbourhood park from the north west corner of Bostwick Road and Kilbourne Road to the portion of lands modified to a low density residential use.

Conceptual Road Network - Remove the north westerly portion of the open space land use from the concept plan.

Proposed Schedule 'A' amendment to the Official Plan – Remove the north westerly portion of the Open Space land use designation and apply a Low Density Residential designation.

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The recommended modifications to the above Schedules, Concept Plan, and Proposed Schedule ‘A’ amendment to the Official Plan are considered minor in nature given the general intent is maintained to provide parkland and pathway connections to serve the Bostwick Residential Neighbourhood, as well as the surrounding neighbourhoods in the Southwest Area Secondary Plan.

A prehearing conference was held on June 26, 2013 that established deadlines for all parties to submit their issues list and for the finalization of the procedural order, dates for follow-up prehearing conferences, a time frame to allow for OMB prescribed mediation, and the formal Hearing date. The Hearing date has been set starting February 18, 2014 for a period of 8 weeks.

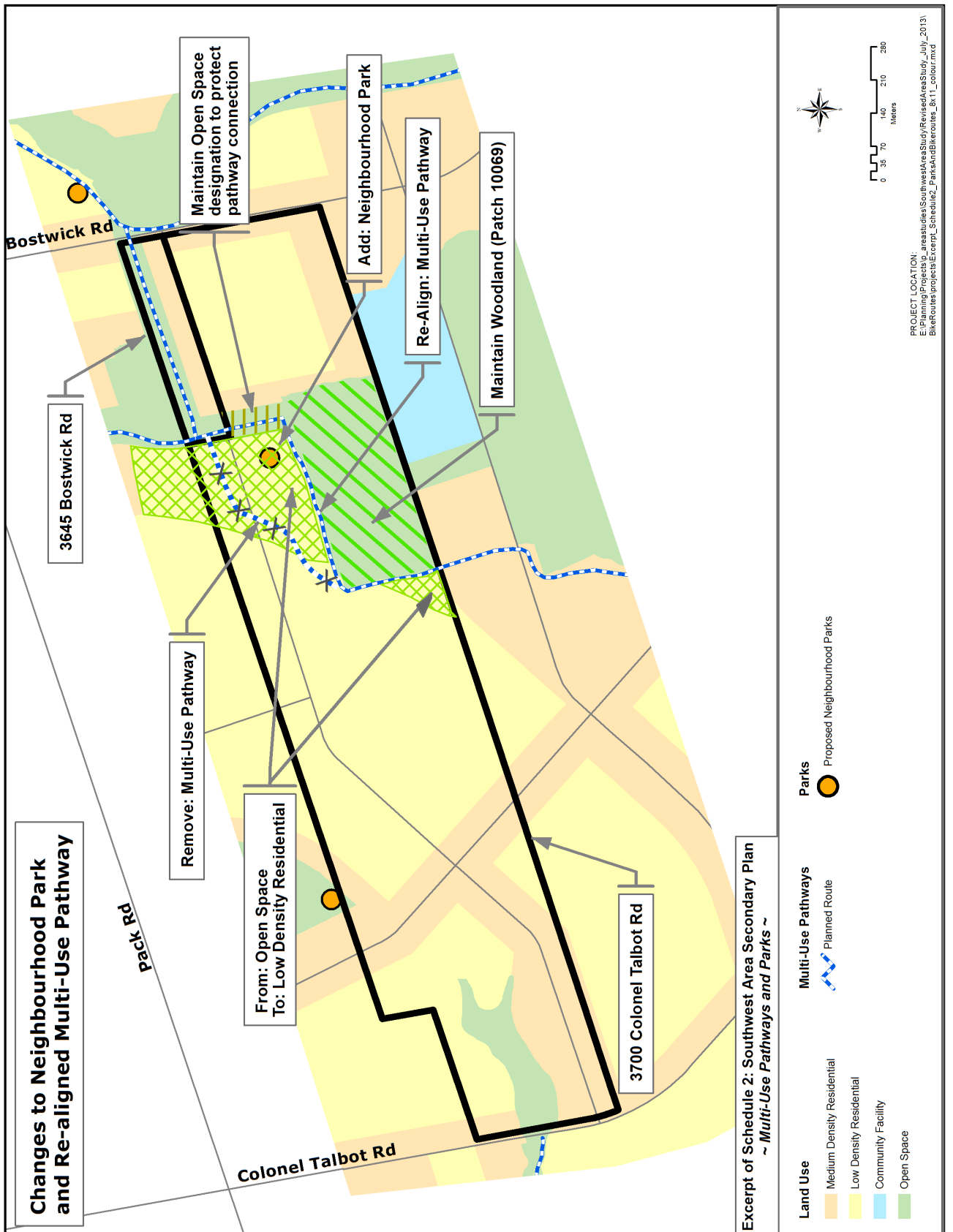
A Council position on the recommended modification to the Southwest Area Secondary Plan and Schedule ‘A’ to the Official Plan is intended to resolve the Appellant issues for the subject lands. The proposed amendments are consistent with the purpose and intent of the proposed Southwest Area Plan, and have been reviewed by Parks Planning. The proposed amendments would retain the neighbourhood parks and open space connection in the appropriate location.

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| PREPARED BY: | SUBMITTED BY: |
| | |
| HEATHER McNEELY SENIOR PLANNER POLICY PLANNING AND PROGRAMS | GREGG BARRETT, AICP MANAGER, PLANNING POLICY AND PROGRAMS |
| RECOMMENDED BY: | |
| | |
| JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER | |

July 26, 2013
GB/hmcn
“Attach
cc: J. Page, City Solicitor
J. Paul, Stantec Consulting
A. Patton, Patton Cormier & Associates (Southside Construction Management Limited –
6309 Pack Road)

Y:\Shared\policy\Area-Community Plans\SW Area Study\OMB\Modification to SWAP - W3 Lambeth Farms PEC ReportAug 20.docx

APPENDIX “A”



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APPENDIX "B"



Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
www.eltio.gov.on.ca

APPELLANT FORM (A1)
PLANNING ACT

SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY

Date Stamp - Appeal Received by Municipality

RECEIVED

DEC 20 2012

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

| SUBJECT OF APPEAL | TYPE OF APPEAL | PLANNING ACT REFERENCE (SECTION) |
|---|---|--|
| Minor Variance | <input type="checkbox"/> Appeal a decision | 45(12) |
| Consent/Severance | <input type="checkbox"/> Appeal a decision | 53(19) |
| | <input type="checkbox"/> Appeal conditions imposed | |
| | <input type="checkbox"/> Appeal changed conditions | 53(27) |
| | <input type="checkbox"/> Failed to make a decision on the application within 90 days | 53(14) |
| Zoning By-law or Zoning By-law Amendment | <input type="checkbox"/> Appeal the passing of a Zoning By-law | 34(19) |
| | <input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days | 34(11) |
| | <input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality | |
| Interim Control By-law | <input type="checkbox"/> Appeal the passing of an Interim Control By-law | 38(4) |
| Official Plan or Official Plan Amendment | <input checked="" type="checkbox"/> Appeal a decision | 17(24) or 17(36) |
| | <input type="checkbox"/> Failed to make a decision on the plan within 180 days | 17(40) |
| | <input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days | 22(7) |
| | <input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality | |
| Plan of Subdivision | <input type="checkbox"/> Appeal a decision | 51(39) |
| | <input type="checkbox"/> Appeal conditions imposed | 51(43) or 51(48) |
| | <input type="checkbox"/> Failed to make a decision on the application within 180 days | 51(34) |

Part 2: Location Information

3700 Colonel Talbot Road (Con ETR Pt Lots 74 & 75); 3645 Bostwick Road (Con ETR Pt Lot 74 RP33R/405 Part 1)

Southwest Area Plan

Address and/or Legal Description of property subject to the appeal

Municipality/Upper tier: City of London

A1 Revised April 2010

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Part 3: Appellant Information

First Name: _____ Last Name: _____
W3 Lambeth Farms Inc.
 Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
 Professional Title (if applicable): _____
 E-mail Address: *w3l@msn.com* _____
 Daytime Telephone #: _____ Alternate Telephone #: _____
 Fax #: _____
 Mailing Address: *Box 559 1000 LARAMEE Road*
 Street Address Apt/Suite/Unit# City/Town
Brackendale BC Canada N0N1H0
 Province Country (if not Canada) Postal Code
 Signature of Appellant: _____ Date: *12.14.12*
 (Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: *Dan* Last Name: *Young*
 Company Name: *Stantec Consulting Ltd.*
 Professional Title: *Senior Planner*
 E-mail Address: *dan.young@stantec.com* _____
 By providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Daytime Telephone #: *519.645.2007* Alternate Telephone #: *226.448.9591*
 Fax #: *519.645.6573*
 Mailing Address: *171 Queens Ave.* *Suite 800* *London*
 Street Address Apt/Suite/Unit# City/Town
Ontario *N6A 5J7*
 Province Country (if not Canada) Postal Code
 Signature of Appellant: _____ Date: *12.14.12*

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

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Part 5: Language and Accessibility

Please choose preferred language: ☒ English ☐ French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
Official Plan Amendment 541
(By-law No. C.P.-1284(st)-331)

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
With regards to Official Plan Amendment 541, the appeal is with respect to the application of the Open Space designation on the properties municipally identified as 3700 Colonel Talbot Road and 3645 Bostwick Road. The reason for the appeal is that we understand there was a technical mapping error or oversight that arbitrarily re-designated lands between two Vegetative Patches from Urban Reserve Community Growth to Open Space whereas the lands should have been designated Low Density Residential in keeping with the adjacent land uses. In particular, the land use is depicted on Schedule 1-a of the Official Plan as amended. Subsequent to this, Schedule 2 to Southwest Area Secondary Plan ~ Multi-Use Pathways and Parks ~ would be amended to correctly locate the identifier for Proposed Neighbourhood Parks from its location near Bostwick Road to a position near-to the two vegetative patches.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

- a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)
- b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES ☐ NO ☒
Are there other planning matters related to this appeal? YES ☐ NO ☒
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

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Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☒ half day ☐ 1 day ☐ 2 days ☐ 3 days
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
Two

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
Land Use Planner, Engineer

Do you believe this matter would benefit from mediation? YES ☒ NO ☐
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES ☒ NO ☐
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? City staff have already acknowledged a mapping error and only need a resolution to bring back to Council for plan revision.

Part 9: Other Applicable Information **Attach a separate page if more space is required.

[illegible]

Part 10: Required Fee

Total Fee Submitted: \$ 125

Payment Method: ☐ Certified cheque ☐ Money Order ☐ Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

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December 14, 2012

Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5

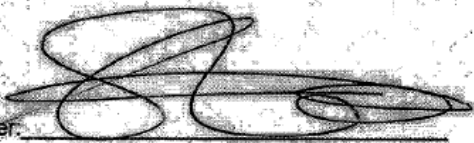
Dear Sir/Madam:

Reference: OMB Appeal – Authorization of Representation

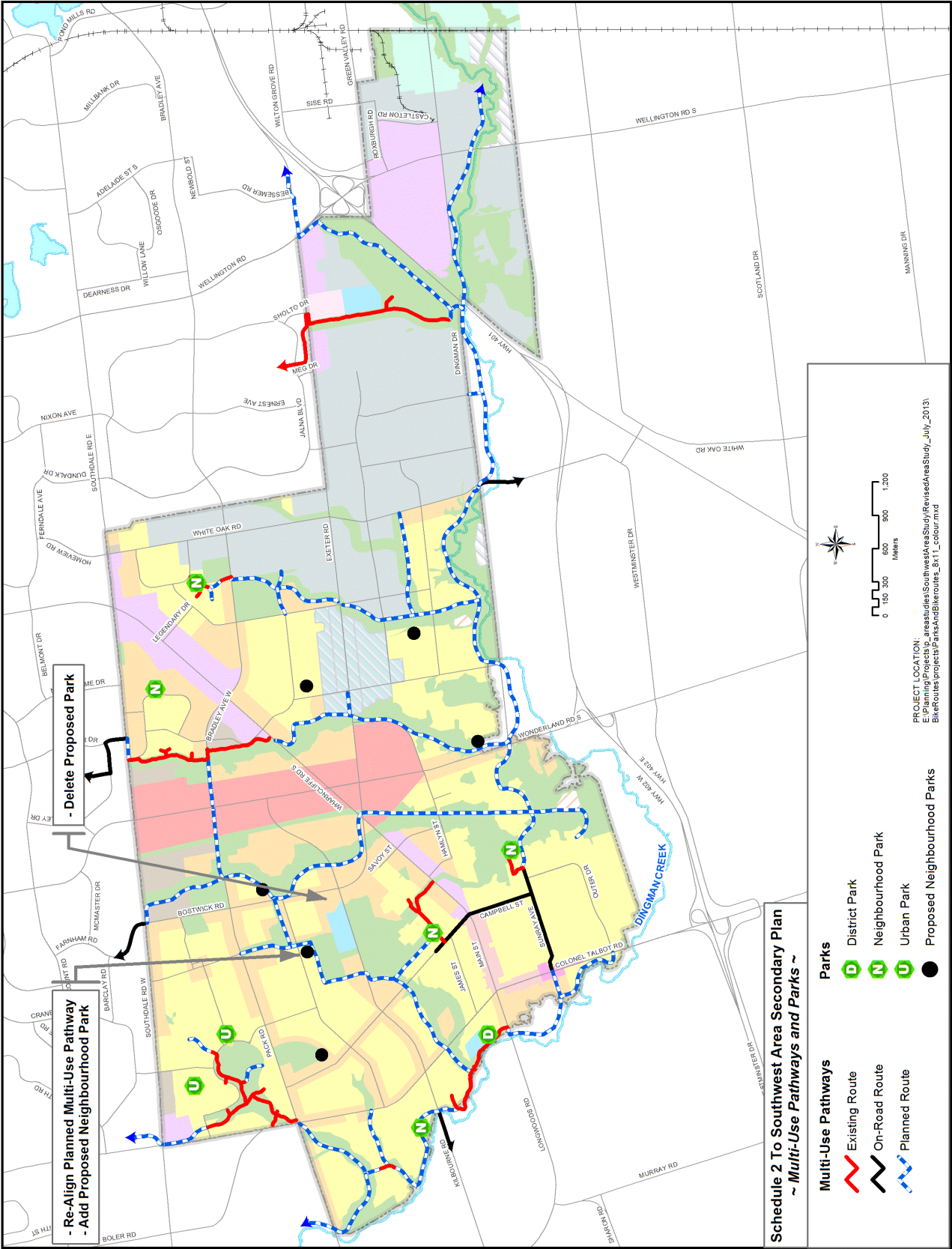
Please be advised that Stantec Consulting Ltd. is hereby authorized to act as our agent/representative for the submission of this Appellant Form with regards to the Official Plan Amendment 541.

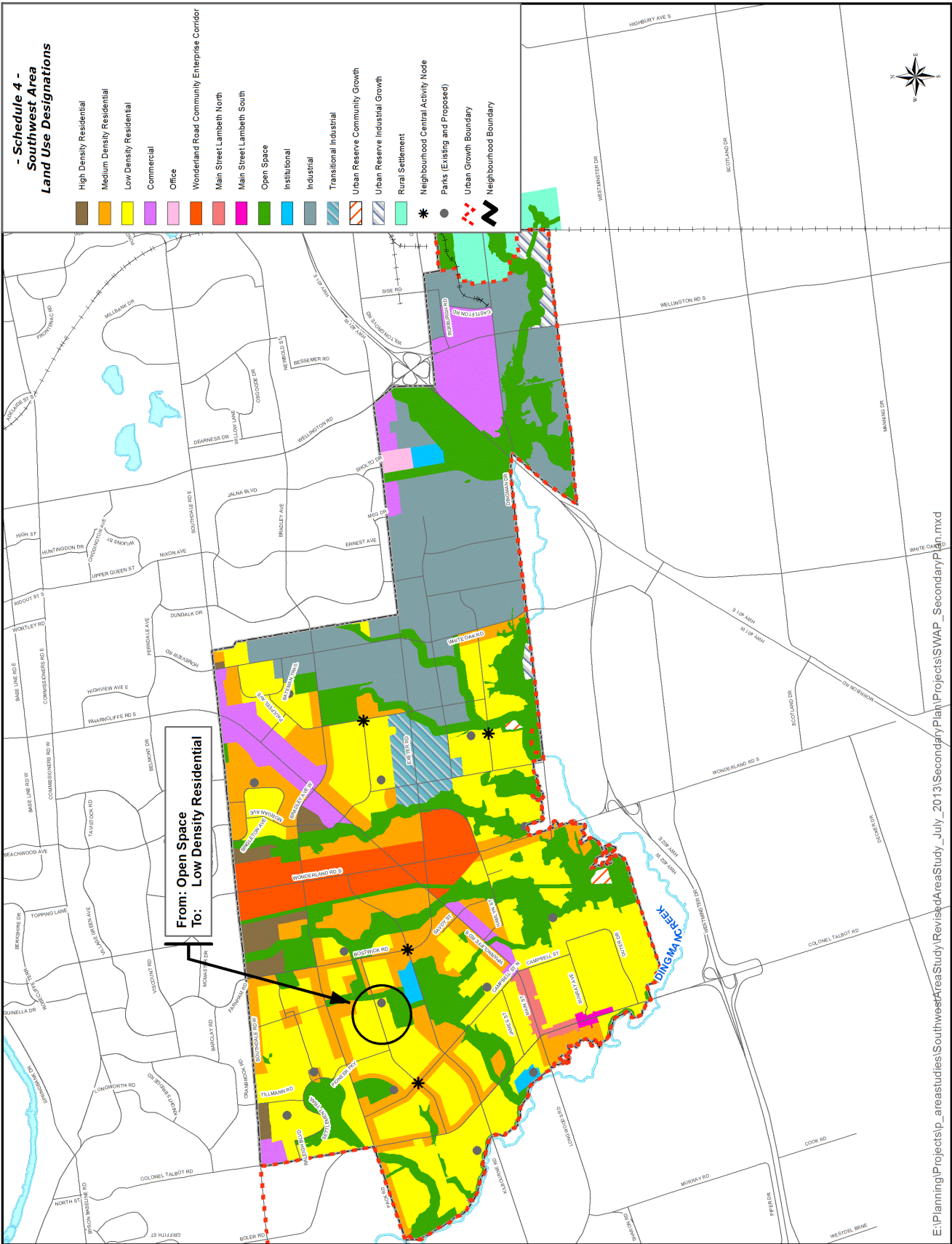
If you have any questions regarding this authorization, please do not hesitate to contact me.

Sincerely,
W3 Lambeth Farms Inc.


Per _____

APPENDIX “C”

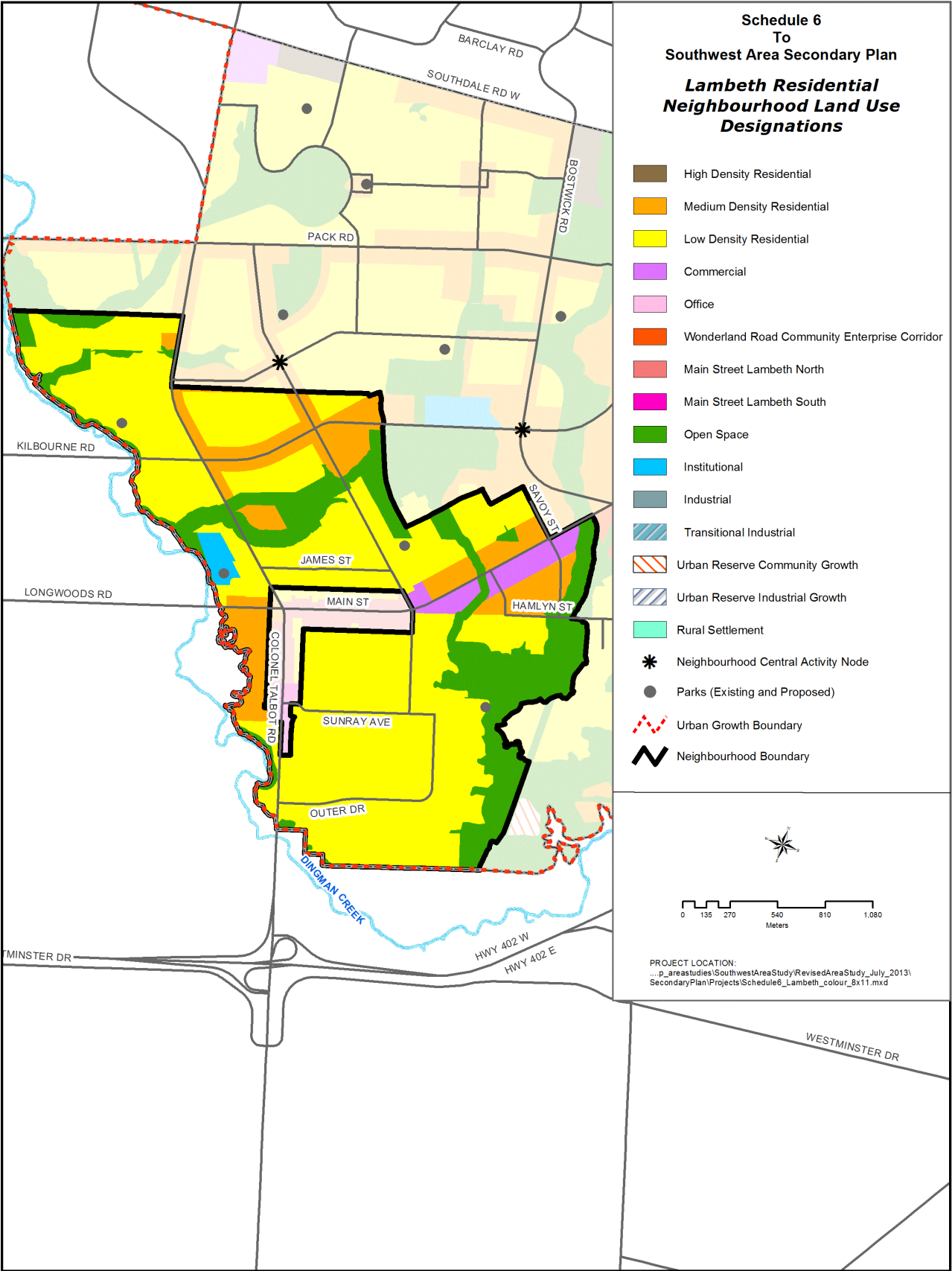




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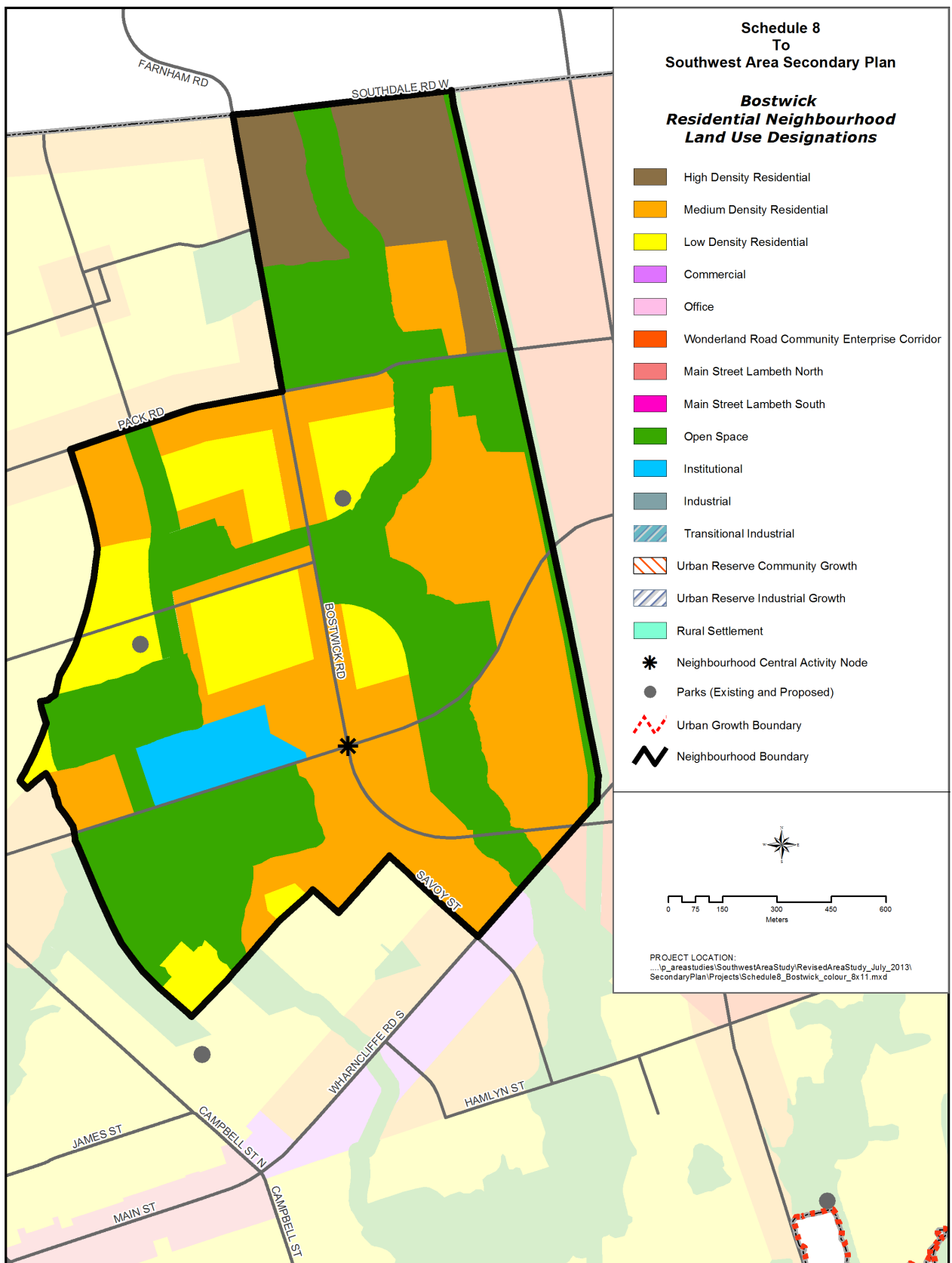
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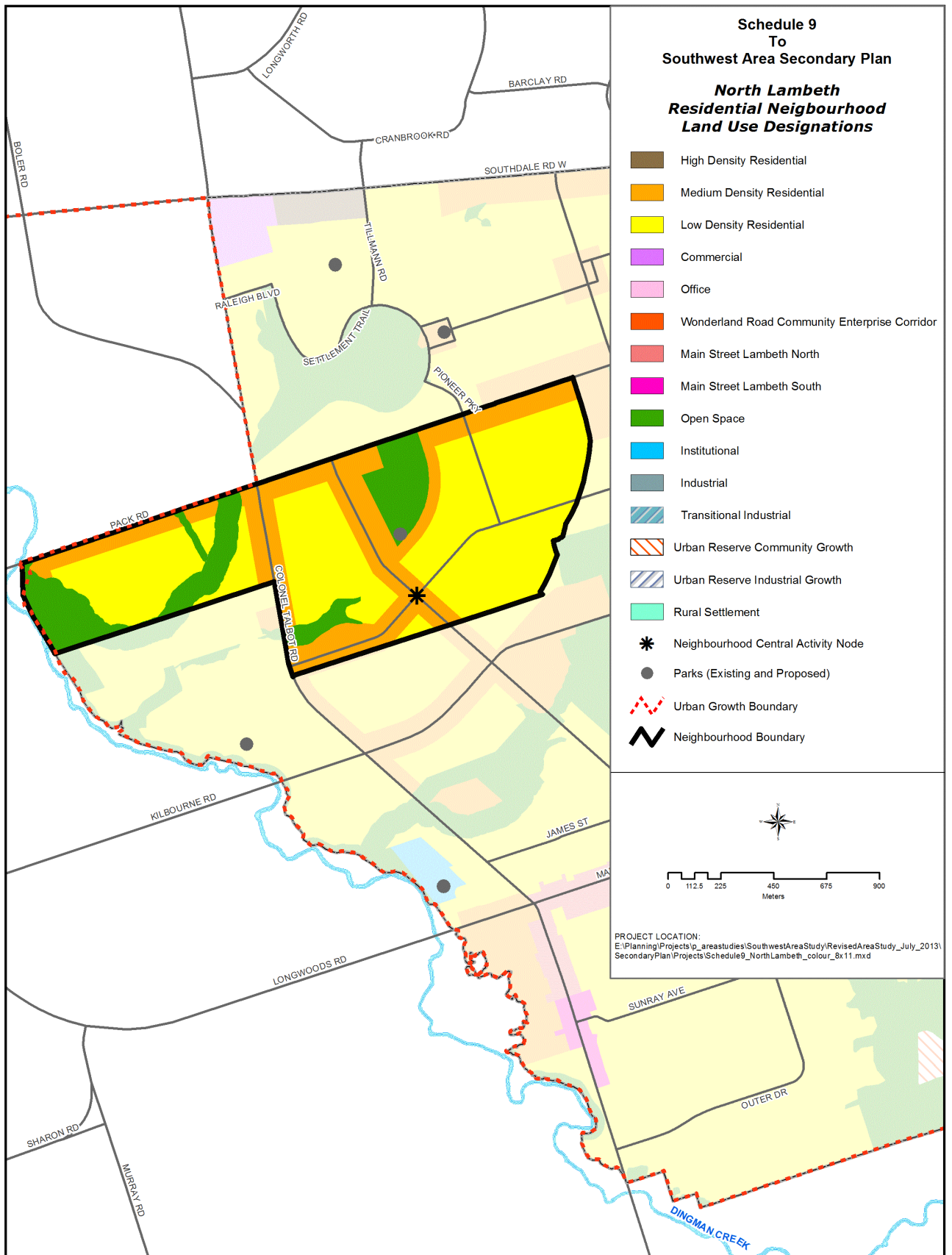
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