24TH REPORT OF THE
PLANNING COMMITTEE

Meeting held on September 22, 2008, commencing at 4:00 p.m.

PRESENT: Councillor J. P. Bryant (Chair), Mayor A. M. DeCicco-Best, Controllers G. Barber and W. J. Polhill and Councillors N. Branscombe, R. Caranci and P. Van Meerbergen and L. J. Fisher (Secretary).


I YOUR COMMITTEE RECOMMENDS:

Legend Developments Ltd. – South Side of Legendary Drive

1. (1) That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application of Legend Developments Ltd., relating to the property located at on the south side of Legendary Drive:

(a) Council SUPPORT the Approval Authority approving a three year extension for that portion of the draft approved plan of subdivision not registered, as submitted by Legend Development Ltd. (File No. 39T-02502) certified by Murray Fraser, FKS Surveying Ltd., Drawing No. c-draftplan-sk3 which shows a total of 159 single detached lots, 5 future residential blocks, all served by 2 secondary collector roads and 4 local streets, SUBJECT TO the revised conditions contained in the attached Appendix “39T-02502-1”; and

(b) the applicant BE ADVISED that the Acting General Manager of Environmental & Engineering Services & City Engineer has projected the following claims and revenues information:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Estimated Revenue</th>
<th>Estimated Claims</th>
<th>Net Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Works Reserve Fund</td>
<td>$ 697,904</td>
<td>($ 950,000)</td>
<td>($ 252,096.00)</td>
</tr>
<tr>
<td>Stormwater Ponds</td>
<td>$ 471,115</td>
<td>Nil</td>
<td>$ 471,115.00</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$1,169,019</td>
<td>($ 950,000)</td>
<td>$ 219,019.00</td>
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<tr>
<td>City Services Reserve Fund</td>
<td>$2,329,686</td>
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<td>$2,329,686.00</td>
</tr>
<tr>
<td>London District Catholic School Board Fund</td>
<td>$ 98,919</td>
<td>Nil</td>
<td>$ 98,919.00</td>
</tr>
<tr>
<td>Capital Works Budget</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Oversizing Reserve Fund</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: NUMBERS REFLECT ONLY UNREGISTERED PHASES OF ENTIRE DRAFT PLAN OF SUBDIVISION

NOTE:
1) ESTIMATES ARE CALCULATED USING CURRENT RATES AND THE INFORMATION IS REPORTED ALL IN ACCORDANCE WITH THE DEVELOPMENT CHARGES AND URBAN WORKS FUND BY-LAW (IE. C.P.-1440-167), AND ANY AMENDMENTS THERETO. ANY CLAIM PAYMENT FROM THE URBAN WORKS RESERVE FUND WILL BE IN ACCORDANCE WITH BY-LAW NO. C.P.-1440-167 AND AS APPROVED BY THE CITY ENGINEER.

2) ESTIMATES ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT AND ARE PROVIDED FOR INFORMATION PURPOSES ONLY. THEY DO NOT CONSTITUTE ANY COMMITMENTS ON BEHALF OF THE CITY OF LONDON. ACTUAL CLAIMS WILL BE DETERMINED IN CONJUNCTION WITH THE SUBDIVISION AGREEMENT AND THE BY-LAWS. ACTUAL REVENUES ARE DETERMINED IN CONJUNCTION WITH BUILDING PERMITS AND THE BY-LAWS AT THAT TIME.

3) THE OWNER SHOULD TAKE NOTE THAT THERE IS CURRENTLY A DELAY IN PAYMENT OF CLAIMS FROM THE URBAN WORKS RESERVE FUND. THERE IS POTENTIAL FOR SIGNIFICANT DELAYS IN PAYMENT ON UWRF CLAIMS AT THIS TIME.
2. (2) That the following actions be taken with respect to the report from the General Manager of Planning and Development relating to potential modifications to Official Plan Amendment No. 438 (Official Plan Five Year Review):

(a) part (h), Stormwater Management Standards BE REFERRED back to staff for further review in conjunction with the development of part (j), Natural Heritage System - Infrastructure;

(b) part (n) relating to use of the word "only" BE REFERRED back to staff for further refinement; and

(c) the remainder of the report BE RECEIVED for information;

it being noted that additional modifications identified by the Civic Administration and Provincial Ministries will be reported at a future meeting of the Planning Committee, including mapping modifications, as required;

it being further noted that prior to final approval of Official Plan Amendment No. 438, a public participation meeting will be scheduled at Planning Committee to consider all of the modifications that are being considered. (2008-D18-00)

3. (3) That, on the recommendation of the General Manager of Planning and Development, proposed by-law BE INTRODUCED at the Municipal Council meeting on September 29, 2008 to amend Zoning By-law No. Z-1 (in conformity with the Official Plan) to change the zoning of the subject lands FROM a Holding Restricted Service Commercial (h-I 7.RSC1/RSC4) Zone TO a Restricted Service Commercial (RSC1/RSC4) Zone to remove the holding provision. (2008-D11-07)

4. (4) That, on the recommendation of the General Manager of Planning and Development, the following candidates BE APPROVED for the positions listed below on the Urban Design Peer Review Panel:

(a) Bill Ruth - Position of Architect;

(b) Tim Castle - Position of Architect;

(c) Jason McIntyre - Position of Architect;

(d) Andrew Wilson - Position of Landscape Architect;

(e) Jim Yanchula - Position of Urban Design Planner; and

(f) James Sheffield - Position of LEEDs Accredited Professional. (and Architect). (2008-G02-00)

5. (5) That, on the recommendation of the General Manager of Planning and Development, in response to the letter of appeal to the Ontario Municipal Board, dated September 2, 2008 and submitted by S. Ross on behalf of 1129397 Ontario Inc. relating to By-Law L.S.P. 3400-254 concerning the inclusion of the property at 369/371/373 Queens Avenue in the West Woodfield Heritage Conservation District, 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, and that the City Solicitor BE DIRECTED to provide legal representation at the Ontario Municipal Board Hearing to support Municipal Council's decision; it being noted that the Official Plan Amendment for the West Woodfield Heritage Conservation District is in force and effect. (2008-D13-00)

6. (6) That, on the recommendation of the General Manager of Planning and Development, the proposed amendment to By-law No. A.29 Various Fees and Charges By-law, attached as Appendix A, BE INTRODUCED at the Municipal Council meeting on September 29, 2008; it being noted that the proposed amendment includes a fee for by-law inspection services where by-law compliance
is not achieved and for sampling services specific to the Pesticide By-law where lab tests indicate a by-law violation. (2008-F17-00)

7. (7) That, the proposed Inspections By-law BE REFERRED back to staff to provide additional information with respect to the powers of entry by Officers on to private property both currently and under the proposed Inspections By-law. (2008-P05-00)

8. (8) That, on the recommendation of the London Advisory Committee on Heritage, the following actions be taken with respect to the properties located at 78 to 86 Oxford Street West:

(a) 78, 84 and 86 Oxford Street West BE ADDED as Priority 3 listings to the 2006 Inventory of Heritage Resources; and

(b) 82 Oxford Street West BE ADDED as a Priority 2 listing to the 2006 Inventory of Heritage Resources;

it being noted that the properties located at 80 and 88 Oxford Street West are already included in the 2006 Inventory of Heritage Resources.

9. (8) That, on the recommendation of the London Advisory Committee on Heritage, notice of the Municipal Council's intention to designate the properties located at 228/230, 232, 234/236, 256, 262/262A and 268 Central Avenue to be of cultural heritage value or interest BE GIVEN for the attached reasons under the provisions of subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, c.O.78.

10. (8) That, on the recommendation of the London Advisory Committee on Heritage, the following actions be taken with respect to the Heritage Alteration Permit Application of St. Paul's Cathedral requesting permission for an alteration to the designated heritage property located at 472 Richmond Street:

(a) the proposed alteration BE APPROVED; it being noted that the Heritage Planner has reviewed the proposed alteration and has advised that the impact of such an alteration on the heritage features of the property identified in the reasons for designation is negligible; it being further noted that the approval of the application will better protect the heritage feature;

(b) St. Paul's Cathedral BE ADVISED that the London Advisory Committee on Heritage (LACH) has no objection to the installation of more spikes if the Cathedral deems it necessary;

(c) St. Paul's Cathedral BE ADVISED that the LACH has no objection to the installation of bracing behind the decorative beavers on the fence; and

(d) the London Transit Commission BE REQUESTED to install additional benches, at a distance away from the fence, so that people do not lean on the fence.

11. (8) That clause 4 of the 10th Report the London Advisory Committee on Heritage relating to the inclusion of items on an Added Agenda BE REFERRED to the City Clerk to determine a process for the determination of emergent items as provided by the Council Procedure By-law in relation to Advisory Committees.

12. (8) That clause 21 of the 10th Report of the London Advisory Committee on Heritage relating to proposed increased communication between owners of designated properties and of properties identified in the 2006 Inventory of Heritage Resources BE REFERRED to staff to review and to report back at the next meeting of the Planning Committee.

13. That the Mayor BE REQUESTED to send a letter to Local Members of the Legislative Assembly of Ontario requesting their assistance with respect to the demolition of provincially-owned properties of heritage interest and value and that this matter be placed on the next meeting agenda of the Board of Control and Local Members of the Legislative Assembly of Ontario.
14. (9,25) That, on the recommendation of the General Manager of 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 Sifton Properties Limited for the subdivision of land over all of Part of Lot 35, Concession 2, (Geographic Township of Westminster), City of London, County of Middlesex, situated generally between Southdale Road West and Wharncliffe Road South, known municipally as 1451 Wharncliffe Road South:

(a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited, Phase 2, (39T-05506) BE APPROVED with the following amendments:

Clause (f) be amended to read:
"The Holding provision on Lots 39 to 43 inclusive shall remain in place until commencement of remediation work by the City on the Pincombe Drain, or until such time as the City Engineer provides clearance in writing for the removal of the Holding provision on Lots 39 to 43."

Clause (g) be amended to read:
"The Owner shall construct a temporary pumping station and forcemain (the "Facility") to accommodate sanitary flows for the subject plan to the satisfaction of the City Engineer, on the following terms:

i) Upon completion of its construction/installation, the Owner shall convey the land occupied by the Facility to the City, at no cost to the City. In addition, the Owner's professional engineer shall certify the as built costs of the Facility to the satisfaction of the City Engineer.

ii) If the design capacity of the Facility does not exceed the design flows for the subject plan as approved by the City Engineer, the City will not permit use of the Facility for other lands until the design capacity of the Facility has been increased to accommodate the design requirements of the other lands at the cost of the outside owner of such other lands.

iii) If the design capacity of the Facility exceeds the design flows for the subject plan, connection into and use of the Facility by outside owners shall be conditional upon the outside owner satisfying any requirements set out by the City, including payment to the Owner of the proportionate capital cost of the Facility, as certified by the Owner's professional engineer, and based upon the relative design flows as approved by the City Engineer for the subject lands and the lands of the outside owners who are connecting to the Facility.

iv) Upon clearance by the City Engineer for operation of the Facility, the City shall operate the Facility and in doing so, shall determine all issues relating to the operation and use of the Facility.

v) The Owner shall be responsible and shall reimburse the City for the operating and maintenance costs of the Facility, until the Facility is decommissioned. Until it is decommissioned, if the City permits access to the Facility by any outside owner of lands outside the subject plan, the operating and maintenance costs of the Facility shall be apportioned between the Owner and such outside owner based upon the relative design flows approved by the City Engineer for the subject lands and for the lands of the outside owners and the amount of the Owner's share invoiced to the Owner by the City shall thereafter be reduced by the operating and maintenance costs apportioned to the lands of the outside owners based upon design flows.

vi) The Facility will be decommissioned by the City at the expense of the Owner and any outside owner whose lands are connected to the Facility based on the relative design flows.
vii) Once the Facility has been decommissioned, the City shall transfer the land occupied by the Facility to the Owner, at the Owner's expense; 

(b) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement and all documents required to fulfill its conditions; and 

(c) the applicant BE ADVISED that the Acting General Manager of Environmental & Engineering Services & City Engineer has estimated the following Revenues and Claims:

**IMPACT OF SUBDIVISION ON RESERVE FUNDS AND CAPITAL WORKS**

**BUDGET**

**UNDER CURRENT FUNDING PRINCIPLES**

<table>
<thead>
<tr>
<th>Fund / Category</th>
<th>Estimated Revenue</th>
<th>Estimated Claims</th>
<th>Net Impact</th>
<th>Estimated Year of Payment</th>
</tr>
</thead>
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<tr>
<td>Urban Works Reserve Fund</td>
<td>$594,933</td>
<td>($1,280,000)</td>
<td>($685,067)</td>
<td></td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>$256,329</td>
<td>($1,955,500)</td>
<td>($1,699,171)</td>
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<td>Subtotal</td>
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<tr>
<td>City Services Reserve Fund</td>
<td>$913,790</td>
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</tr>
<tr>
<td>City Services Reserve Fund</td>
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<td>$100,000</td>
<td>$94,878</td>
<td>2009</td>
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<td>Catholic School Board Charge</td>
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<td>Capital Works Budget</td>
<td>Nil</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Overzizing Reserve Fund</td>
<td>Nil</td>
<td>Nil</td>
<td></td>
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</tr>
<tr>
<td>Owners Total Share</td>
<td>$5,212,193</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**NOTE:**

(1) ESTIMATED REVENUES ARE CALCULATED USING CURRENT RATES AND THE INFORMATION IS REPORTED IN ACCORDANCE WITH THE DEVELOPMENT CHARGES BY-LAW (ie. C.P.-1440-167), AND ANY AMENDMENTS THERETO. ANY CLAIM PAYMENT FROM THE URBAN WORKS RESERVE FUND WILL BE IN ACCORDANCE WITH BY-LAW NO. C.P.-1440-167 AND AS APPROVED BY THE CITY ENGINEER.

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(3) THE OWNER SHOULD TAKE NOTE THAT THERE ARE CURRENTLY SIGNIFICANT DELAYS IN PAYMENT OF CLAIMS FROM THE URBAN WORKS RESERVE FUND.

(4) * REFERS TO ROAD, SEWER (SANITARY & STORM), STORMWATER FACILITIES & WATER SERVICES.

**ESTIMATED URBAN WORKS RESERVE FUND CLAIMS FOR THIS SITE, INCLUDING SWM, EXCEED THE ESTIMATED REVENUES BY $2,384,238. THE URBAN WORKS RESERVE FUND IS CURRENTLY EXPERIENCING A SERIOUS BACKLOG REGARDING PAYMENT OF CLAIMS RESULTING IN SUBSTANTIAL WAITING TIMES. THE ENVIRONMENTAL AND ENGINEERING SERVICES DEPARTMENT ADVISES THAT PROGRESSING THIS PROJECT AT THIS TIME WILL FURTHER AGGRAVATE THE BACKLOG STATUS OF THE**
URBAN WORKS RESERVE FUND.

IMPACT OF SUBDIVISION ON RESERVE FUNDS AND CAPITAL WORKS BUDGET
UNDER FUTURE FUNDING PRINCIPLES – approved in principle through report to Committee of the Whole January 9, 2008

Alternative Threshold #1: (Using 300mm sanitary sewer and 1050 mm storm sewer oversizing)

<table>
<thead>
<tr>
<th></th>
<th>Estimated Revenue</th>
<th>Estimated Claims</th>
<th>Net Impact</th>
<th>Estimated Year Of Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Works Reserve Fund</td>
<td>General</td>
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<td>($915,827)</td>
<td>($320,894)</td>
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<tr>
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<td>Stormwater Management</td>
<td>$256,329</td>
<td>($1,955,500)</td>
<td>($1,699,171)</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td>$851,262</td>
<td>($2,871,327)</td>
<td>($2,020,065)</td>
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<tr>
<td>City Services Reserve Fund</td>
<td>Engineering Services *</td>
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<td>Nil</td>
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</tr>
<tr>
<td>City Services Reserve Fund</td>
<td>Other Growth works</td>
<td>$229,878</td>
<td>$100,000 Pathway</td>
<td>$94,878 2009</td>
</tr>
<tr>
<td></td>
<td>Catholic School Board Charge</td>
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<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Capital Works Budget</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Industrial Oversizing Reserve Fund</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Owners New Costs</td>
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</tr>
<tr>
<td></td>
<td>Owners Total Cost of Development</td>
<td>$5,576,366</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

NOTE:

(1) ESTIMATED REVENUES ARE CALCULATED USING CURRENT RATES. CLAIMS ARE CALCULATED UNDER THE NEW COST SHARING FRAMEWORK AND USING ONE OF 2 ALTERNATIVE METHODS FOR COST SHARING UNDER CONSIDERATION. ESTIMATED CLAIMS FROM THE URBAN WORKS RESERVE FUND WILL BE IN ACCORDANCE WITH THE NEW COST SHARING FRAMEWORK APPROVED BY COUNCIL IN PRINCIPLE ON JANUARY 9, 2008

(2) ESTIMATES ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT AND REVIEWED BY THE CITY ENGINEER'S DEPARTMENT. ESTIMATES ARE PROVIDED FOR INFORMATION PURPOSES ONLY. THEY DO NOT CONSTITUTE ANY COMMITMENTS ON BEHALF OF THE CITY OF LONDON. ACTUAL CLAIMS WILL BE DETERMINED IN CONJUNCTION WITH THE SUBDIVISION AGREEMENT AND THE BY-LAWS. ACTUAL REVENUES ARE DETERMINED IN CONJUNCTION WITH BUILDING PERMITS AND THE DEVELOPMENT CHARGE RATES AT THAT TIME.

(3) * REFERS TO ROAD, SEWER (SANITARY & STORM), STORMWATER & WATER SERVICES

IMPACT OF SUBDIVISION ON RESERVE FUNDS AND CAPITAL WORKS BUDGET
UNDER FUTURE FUNDING PRINCIPLES– approved in principle through report to Committee of the Whole January 9, 2008

Alternative threshold #2: (Using 250mm sanitary sewer and 750 mm storm sewer oversizing)
| PC - 7 |
|---|---|---|---|
| **Urban Works Reserve Fund** | **Estimated Revenue** | **Estimated Claims** | **Net Impact** |
| General | $594,993 | ($1,366,230) | ($773,297) |
| **Stormwater Management** | $256,329 | ($1,955,500) | ($1,699,171) |
| **Subtotal** | $851,262 | ($3,323,730) | ($2,472,468) |
| **City Services Reserve Fund** | **Engineering Services** | Nil | **$913,790** |
| **Other Growth works** | $229,878 | $100,000 Pathway | **$94,878** |
| **Catholic School Board Charge** | Nil | Nil | Nil |
| **Capital Works Budget** | Nil | Nil | Nil |
| **Industrial Oversizing Reserve Fund** | Nil | Nil | Nil |
| **Owners New Costs** | Nil | Nil | Nil |
| **Owners Total Cost of Development** | nil | nil | **$5,576,366** |

**NOTE:**

1. REVENUES ARE CALCULATED USING CURRENT RATES. CLAIMS ARE CALCULATED UNDER THE NEW COST SHARING FRAMEWORK AND USING ONE OF 2 ALTERNATIVE METHODS FOR COST SHARING UNDER CONSIDERATION. ESTIMATED CLAIMS FROM THE URBAN WORKS RESERVE FUND WILL BE IN ACCORDANCE WITH THE NEW COST SHARING FRAMEWORK APPROVED BY COUNCIL IN PRINCIPLE ON JANUARY 9, 2008.

2. ESTIMATES ARE BASED ON INFORMATION PROVIDED BY THE APPLICANT AND ARE REVIEWED BY THE CITY ENGINEER'S DEPARTMENT. ESTIMATES DO NOT CONSTITUTE ANY COMMITMENTS ON BEHALF OF THE CITY OF LONDON. ACTUAL CLAIMS WILL BE DETERMINED IN CONJUNCTION WITH THE SUBDIVISION AGREEMENT AND THE BY-LAWS. ACTUAL REVENUES ARE DETERMINED IN CONJUNCTION WITH BUILDING PERMITS AND THE DEVELOPMENT CHARGE RATES AT THAT TIME.

3. * REFERS TO ROAD, SEWER (SANITARY & STORM), STORMWATER & WATER SERVICES

**Parkland Calculations For Andover Trails and Surrounding Sifton Subdivision Applications**

**Less Blocks 86 and 87 (Pincombe Drain) in 39T-05506**

<table>
<thead>
<tr>
<th>File Number</th>
<th>Phase</th>
<th>Site Area</th>
<th>Required</th>
<th>Proposed</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>39T-05506</td>
<td>1</td>
<td>1.28259</td>
<td>0.064129</td>
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<tr>
<td></td>
<td>2</td>
<td>14.53806</td>
<td>0.726903</td>
<td>1.42345</td>
<td>0.696547**</td>
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<td>3.5348</td>
<td>0.17673</td>
<td>0</td>
<td>0.17673</td>
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<tr>
<td>Oakwood Lands</td>
<td></td>
<td>4.01402</td>
<td>0.200701</td>
<td>0</td>
<td>0.200701</td>
</tr>
<tr>
<td>39T-07510</td>
<td>applying 1ha/300 units &amp; 2% on commercial lands</td>
<td>15.259</td>
<td>1.943</td>
<td>0.422</td>
<td>1.521</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>3.111463</strong></td>
<td><strong>1.84545</strong></td>
<td><strong>1.266013</strong></td>
<td></td>
</tr>
</tbody>
</table>
PC - 8

** (-) denotes over dedication of parkland.

it being noted that the Planning Committee heard a delegation from P. Masschelein, Sifton Properties Limited expressing their support for the amended recommendation. (2008-D26-05)

Compassion Canada – 920 Wilton Grove Road

15. (10) That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application of Compassion Canada relating to the property located at 920 Wilton Grove Road:

(a) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on September 29, 2008 to amend the Official Plan by changing the "Light Industrial" designation in the Official Plan by adding a special policy in Chapter 10 – "Policies for Specific Areas" to permit the proposed office use;

(b) the request to amend Zoning By-law No. Z-1 to change the zoning of the subject property FROM a Light Industrial (L12/L13/L17) Zone which permits such uses as automobile body shops and repair garages, building or contracting establishments, commercial recreation establishments, dry cleaning and laundry plants, manufacturing and assembly industries, food processing, service trades, support offices, and warehouses, TO a Light Industrial Special Provision (L12/L13/L17) Zone to add an office use with a maximum floor area of 7,432.24 square metres (80,000 square feet) BE REFUSED;

it being noted that the reasons for refusal are that the office use needs to be more specifically defined and controlled through additional special provisions; and

(c) the proposed by-law attached hereto as Appendix "B" BE INTRODUCED at the Municipal Council meeting on September 29, 2008 to amend Zoning By-law No. Z-1 (in conformity with the Official Plan, as amended in part (a) above) to change the zoning of the subject property FROM a Light Industrial (L12/L13/L17) Zone which permits such uses as automobile body shops and repair garages, building or contracting establishments, commercial recreation establishments, dry cleaning and laundry plants, manufacturing and assembly industries, food processing, service trades, support offices, and warehouses, TO a Light Industrial Special Provision (L12/L13/L17) Zone to add the definition of an "Office, Charitable Organization", and to add the use to the L12 Zone with a maximum gross floor area of 7,450 square metres (80,194 square feet) on a minimum lot area of 2.9 ha (7.1 acres);

it being noted that during the site plan approval process, the following matters shall be considered with respect to urban design:

- the building mass should be oriented to Highway 401;
- loading areas should not be visible from Highway 401 or Wilton Grove Road. Loading area elements should be incorporated into the built form;
- the building façade and loading area elements should incorporate a diversity of material types, textures and forms to provide interest to the Highway 401 corridor and Wilton Grove Road; and
- the parking area should incorporate pedestrian links to the building entrances and from the building to Wilton Grove Road;

it being further noted that during the site plan approval process, transportation and servicing matters will be addressed to the satisfaction of the City;

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

- J. McGuffin, Monteith Brown Planning Consultants – representing the applicant, expressing support for the staff recommendation and providing
an overview of the daily operations of Compassion Canada; noting that the facility will also serve as a regional training centre and that this location is needed to ensure access from the highway and adequate parking for motorcoaches.

- B. Sloanway, Compassion Canada – providing additional information with respect to the training programs to be operated from the proposed location. (2008-D11-02)

16. (11) That, notwithstanding the recommendation of the General Manager of Planning and Development, the application of Goldcrest Properties Inc. for a variance from the regulations of the Sign and Canopy By-law to permit the construction of a ground sign with 2.3 metres height and with 1.7 square metres non illuminated sign face located 15 metres from a exclusively residential use zone and 1.5 metres from a municipally owned sidewalk at 1455 Trafalgar Street, BE APPROVED; it being noted that the Planning Committee heard a delegation from V. McKinnon, President, Goldcrest Properties requesting approval of this sign as it existed prior to their purchase of this property in 1999 and has been the subject of only one complaint since that time. (2008-D24-00)

17. (12) That a demolition permit BE ISSUED to Versteegh Bros. Ltd. to demolish the residential building located at 792 Southdale Road West; it being noted that the first sentence of the fourth paragraph in the background portion of the staff report should be amended by deleting the word “not” following the words “the building is”;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (2008-D10-00)

18. (13) That, on the recommendation of the General Manager of Planning and Development, the application of the Western Fair Association for a variance from the regulations of the Sign and Canopy By-law at 900 King Street to permit the construction of a 4.1 sq. m electronic message centre technology on an existing ground sign and located 50.8 m from an exclusively residential use zone, BE APPROVED. (2008-D24-00)

19. (15,26) That, notwithstanding the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the application for draft plan of vacant land condominium and the application for a Zoning By-law amendment submitted by Sifton Properties Limited relating to the property legally described as Block 1, Plan 33M-405 and municipally known as 34 Debbie Lane:

(a) the applications BE REFUSED;
(b) the City’s Ecologist Planner, B. Bergsma, BE REQUESTED to formalize her wetland evaluation for the Gibbons/UWO Wetland and the Powell Drain and to forward that evaluation to the Ministry of Natural Resources as soon as possible;
(c) Dr. B. Tegler, North South Environmental Inc. BE REQUESTED to formally evaluate the UWO/Gibbons woodlot and to forward that evaluation to the Planning Committee for its review to determine whether an Official Plan amendment is necessary;
(d) the City Solicitor BE REQUESTED to correct the official Ontario Municipal Board record with respect to its Decision issued on June 6, 2008 relating to this matter, (O.M.B. File 990713), to reflect the fact that the Municipal Council had resolved this wetland was Provincially Significant under a resolution dated March 3, 2008; it being noted this Decision indicates that Counsel for the City Council had indicated there had not been such a resolution passed; and
(e) should this matter be appealed or challenged; the Civic Administration BE DIRECTED to obtain independent legal, planning and environmental advice;
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, representing Sifton Properties Limited – indicating that Sifton Properties Limited is in support of the staff recommendation and that the development of the two dwellings will take place in an area designated for development which is outside of the wetland, that the driveway will be in an area determined to be the least detrimental choice, and that they are in compliance with the Zoning By-law, Official Plan and Provincial Policy Statement.

- B. Card, representing Sifton Properties Limited – noting that it is important to remember that Sifton could have developed these lands some time ago but was committed to protecting the wetland, that the Ontario Municipal Board has confirmed there is a developable area, that there is a misconception with respect to what is in front of the Planning Committee for its approval, which is only a fine-tuning of prior approvals already given as the matter of whether or not the land is developable has already been determined and the matters being disputed by the community have already been decided; further noting that the staff report has outlined how all issues have been addressed and urging the Committee to proceed.

- G. McGinn McTeer – President, Stoneybrook Heights Uplands Residents Association – providing the attached powerpoint presentation outlining the history of this site and of previous staff actions relating to the application; noting that Sifton had always indicated it would protect this wetland, that the fact the City recognizes this wetland as Provincially Significant has not been considered by the Ontario Municipal Board (OMB), that there are concerns with respect to the manner in which this application has been dealt with by City staff and providing details relating to various OMB hearings and staff meetings relating to this application.

- D. Shipley, 63 Pine Ridge Grove – noting that the 1999 Ontario Municipal Board findings noted that no development could take place until the size of buffers was determined, which was to be determined dependent on the significance of the area; further noting that while the City's Ecologist Planner has indicated at least 30 metres would be necessary, the applicant has recommended 10 metres.

- J. McLeod, 79 Pine Ridge Grove – noting there are numerous other concerns relating to the proposed development including the depth the private road will need to be excavated to given the nature of soil in a wetland, that the installation of City services will need to be installed below the Lake Huron water pipeline which runs beneath this property, that there is a liability issue should the private road cross the multi-use path at the proposed location given there is both a curve and a sloped grade, that there will be an alteration in the pattern of drainage runoff and further noting that one section of the wetland cannot be altered without impacting the entire area.

- S. Brown, 75 Pine Ridge Grove – noting that when he purchased his property 2 years ago he was assured by Planning staff that there would be no development on this site; that this is a Provincially Significant Wetland and that no alteration should take place within such a wetland, that the Ontario Municipal Board indicated the whole of the wetland must be maintained; and asking that the application be rejected, that the City's Ecologist Planner formalize her wetland evaluation for this area and submit it to the Ministry of Natural Resources, and that Dr. B. Tegler also evaluate this site.

- J. Acre, 45-124 North Centre Road – noting there has already been too much green space lost and that a precedent will be set if this development goes forward.
• P. Johnston, 83 Pine Ridge Grove – indicating he has been involved with this matter for 10 years and has attended the associated Ontario Municipal Board hearings; noting the wetland was to be protected due to its significance and that there was not to be an extension of Debbie Lane; further noting that trust in the process and in the City has been eroded.

• R. Wood, 42 Pine Ridge Drive – noting that the City of London has recently made bold decisions with respect to environmental matters and that these decisions should be continued; further noting that disrupting the wetland for the sake of 2 dwellings is not the right thing to do.

• W. Garaszczuk, 303 Elderberry Avenue – noting that this is the Forest City yet we keep cutting down trees, and that the City should act to keep its logo accurate.

• Dr. G. Gvirandon, 26 Debbie Lane – noting the City should practice administration with ethics and follow its conscience, while protecting the environment.

• S. Taran, 7-27 Northcrest Drive - requesting clarification with respect to the tree preservation plan required for the development and the role of the Upper Thames River Conservation Authority in this matter.

• J. Lyons, 23 Pine Ridge Drive – noting that this area has significant biodiversity and that as it is not manicured, it is a valuable habitat for wildlife and further noting he would pay additional taxes to maintain and retain this site as is.

• P. Patel, 39 Pine Ridge Drive – noting that Sifton Properties Limited has already built adjacent to this area and economic gain has already been earned;

it being noted the following individuals gave their names and addresses in order to express their opposition to this application:

• D. Westgate, 18 Virginia Road
• R. Watt, 58 Pine Ridge Drive
• T. DeGenover, 27 Debbie Lane
• H. Gregor, 6 Debbie Lane
• B. Shipley, 63 Pine Ridge Drive
• N. Shipley, 63 Pine Ridge Drive
• K. Lyons, 3-124 North Centre Road
• L. McLeod, 79 Pine Ridge Grove
• L. Lyons, 23 Pine Ridge
• S. Webb, 23 Ravenglass Crescent
• S. Brown, 75 Pine Ridge Grove
• R. Webb, 23 Ravenglass Crescent
• G. MacKenzie, 70 Pine Ridge Drive
• B. Kusturok, 23 Debbie Lane

it being further noted the Planning Committee received and noted a communication dated July 20, 2008 from A. Caveney, President, McIlwraith Field Naturalists of London Ontario Incorporated with respect to this matter. (2008-D08-00/D11-07)

20. (16) That NO ACTION BE TAKEN with respect to the report from the General Manager of Planning and Development with respect to a modification to Official Plan Amendment 438 relating to the policy regarding Block 1, Plan 33M-405. (2008-D18-00)
21. (17) That, notwithstanding the recommendation of the General Manager of Planning and Development, the site plan approval application of Sifton Properties Limited relating to the property located at 34 Debbie Lane BE REFUSED;

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, representing Sifton Properties Limited – indicating that Sifton Properties Limited is in support of the staff recommendation and that the development of the two dwellings will take place in an area designated for development which is outside of the wetland, that the driveway will be in an area determined to be the least detrimental choice, and that they are in compliance with the Zoning By-law, Official Plan and Provincial Policy Statement.

- B. Card, representing Sifton Properties Limited – noting that it is important to remember that Sifton could have developed these lands some time ago but was committed to protecting the wetland, that the Ontario Municipal Board has confirmed there is a developable area, that there is a misconception with respect to what is in front of the Planning Committee for its approval, which is only a fine-tuning of prior approvals already given as the matter of whether or not the land is developable has already been determined and the matters being disputed by the community have already been decided; further noting that the staff report has outlined how all issues have been addressed and urging the Committee to proceed.

- G. McGinn McTeer – President, Stoneybrook Heights Uplands Residents Association – providing a powerpoint presentation outlining the history of this site and of previous staff actions relating to the application; noting that Sifton had always indicated it would protect this wetland, that the fact the City recognizes this wetland as Provincially Significant has not been considered by the Ontario Municipal Board (OMB), that there are concerns with respect to the manner in which this application has been dealt with by City staff and providing details relating to various OMB hearings and staff meetings relating to this application.

- D. Shipley, 63 Pine Ridge Grove – noting that the 1999 Ontario Municipal Board findings noted that no development could take place until the size of buffers was determined, which was to be determined dependent on the significance of the area; further noting that while the City’s Ecologist Planner has indicated at least 30 metres would be necessary, the applicant has recommended 10 metres.

- J. McLeod, 79 Pine Ridge Grove – noting there are numerous other concerns relating to the proposed development including the depth the private road will need to be excavated to given the nature of soil in a wetland, that the installation of City services will need to be installed below the Lake Huron water pipeline which runs beneath this property, that there is a liability issue should the private road cross the multi-use path at the proposed location given there is both a curve and a sloped grade, that there will be an alteration in the pattern of drainage runoff and further noting that one section of the wetland cannot be altered without impacting the entire area.

- S. Brown, 75 Pine Ridge Grove – noting that when he purchased his property 2 years ago he was assured by Planning staff that there would be no development on this site; that this is a Provinceiably Significant Wetland and that no alteration should take place within such a wetland, that the Ontario Municipal Board indicated the whole of the wetland must be maintained and asking that the application be rejected, that the City’s Ecologist Planner formalize her wetland evaluation for this area and submit it to the Ministry of Natural Resources, and that Dr. B. Tegler also evaluate this site.
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- J. Acre, 45-124 North Centre Road – noting there has already been too much green space lost and that a precedent will be set if this development goes forward.

- P. Johnston, 83 Pine Ridge Grove – indicating he has been involved with this matter for 10 years and has attended the associated Ontario Municipal Board hearings; noting the wetland was to be protected due to its significance and that there was not to be an extension of Debbie Lane; further noting that trust in the process and in the City has been eroded.

- R. Wood, 42 Pine Ridge Drive – noting that the City of London has recently made bold decisions with respect to environmental matters and that these decisions should be continued; further noting that disrupting the wetland for the sake of 2 dwellings is not the right thing to do.

- W. Garaszczzuk, 303 Elderberry Avenue – noting that this is the Forest City yet we keep cutting down trees, and that the City should act to keep its logo accurate.

- Dr. G. Gvirandon, 26 Debbie Lane – noting the City should practice administration with ethics and follow its conscience, while protecting the environment.

- S. Taran, 7-27 Northcrest Drive - requesting clarification with respect to the tree preservation plan required for the development and the role of the Upper Thames River Conservation Authority in this matter.

- J. Lyons, 23 Pine Ridge Drive – noting that this area has significant biodiversity and that as it is not manicured, it is a valuable habitat for wildlife and further noting he would pay additional taxes to maintain and retain this site as is.

- P. Patel, 39 Pine Ridge Drive – noting that Sifton Properties Limited has already built adjacent to this area and economic gain has already been earned;

it being noted the following individuals gave their names and addresses in order to express their opposition to this application:

- D. Westgate, 18 Virginia Road
- R. Watt, 58 Pine Ridge Drive
- T. DeGenover, 27 Debbie Lane
- H. Gregor, 6 Debbie Lane
- B. Shipley, 63 Pine Ridge Drive
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- S. Webb, 23 Ravenglass Crescent
- S. Brown, 75 Pine Ridge Grove
- R. Webb, 23 Ravenglass Crescent
- G. MacKenzie, 70 Pine Ridge Drive
- B. Kusturok, 23 Debbie Lane

22. (18) That, notwithstanding the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the 1959 application of Foxwood Crossing (Ali Soufan-1640209 Ontario Ltd.) relating to the property located at 1959 Wharncliffe Road South:

(a) the application BE REFERRED back to staff and the applicant BE REQUESTED to undertake a Feasibility Study with respect to their proposal to expand the Southland Sewage Treatment Plant to allow for capacity for the servicing of the proposed subdivision, as well as an adjacent school
block; it being noted staff will report back with respect to their analysis of
this Study and the acceptable area (or lots) which could proceed without an
Area Plan and if necessary, a Legal opinion to proceed with an expansion
of the Southland STP at a future meeting of the Planning Committee;

(b) staff BE REQUESTED to review and address the matter of construction
track traffic and parking in this area; and

(c) staff BE REQUESTED to review and address the matter of construction
debris on streets in this area;

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

- J. Davis, Jack E. Davis Holdings Ltd. – representing the applicant and
  providing the attached correspondence dated September 22, 2008 relating
to this matter; noting that the applicant has offered to pay for upgrades
required for the Southland Sewage Treatment Plant and will allow the A. E.
Duffield School, Thames Valley District School Board to connect to the
services at no cost and requesting a deferral of the application to allow for
discussion of this matter.

- A. Soufan, Applicant – responding to the public’s concerns with respect to
the stormwater management pond in Phase 1 of this development noting
that the overflow issues relating to this pond were a result of vandalism on
one occasion and interference by wildlife on another.

- D. White, 6518 Beattie Street – expressing concerns with respect to the
stormwater management pond located in Phase 1 of this development as it
does not drain properly on occasion and should be reviewed to eliminate
drainage issues, and also asking that concerns relating to standing water
be addressed before Phase 2 is initiated.

- R. Wallace, 2090 Westwick Walk – requesting a review of the overflow
problems with the stormwater management pond located in Phase 1 of this
development, noting that construction truck traffic and parking is a safety
issue in this neighbourhood, that there is an ongoing problem with nails
from construction damaging cars and that the streets should be cleaned
more frequently as they are in other neighbourhoods undergoing
construction. (2008-D11-07)

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

- R. Knutson, representing Kenmore Homes and requesting input from the
community with respect to the existing woodlot on the Van Horik property
noting that his client has acquired the property and is seeking clarification
with respect to any development on this property in relation to tree
preservation, and requesting the matter be referred back to staff to review
the input received and to report back to the next meeting of the Planning
Committee.

- Dr. Epp, Earthtech – providing an overview of the current condition of the
woodlot and a brief overview of options available.

- L. Van Der Hoven, 456 South Carriage Way – noting their home directly
faces this woodlot and was purchased as their retirement property on the
basis there is a great deal of wildlife that also enjoys the woodlot; further
noting the woodlot should be retained as it provides a positive social impact
in the area.
• F. Vereyken, 1655 Healy Road – indicating the woodlot should be maintained as parkland to preserve the wildlife habitat rather than be developed.

• M. Lesley, 1661 Healy Road – indicating agreement that the woodlot should be maintained as parkland as there is a lack of green space in this area.

• D. Sheppard, Chair, Environmental and Ecological Planning Advisory Committee – noting he attended a public participation meeting relating to this woodlot previously where the applicant indicated this would be a deluxe version of a tree preservation plan above and beyond what would normally be required, and that this seems to be an "about-face" on the matter; further noting that if this patch was evaluated using current regulations it would be deemed significant.

• M. Skinner, 1615 Healy Road – requesting clarification of the term veneer as used by the applicant's agent.

• J. Pittam, 440 South Carriage Way – noting that many people purchased their properties on the basis their lots were part of a window street that offered a view of the woodlot, and indicating they feel misled with respect to the purchase of their properties.

24. (20) That a demolition permit BE ISSUED to Sifton Properties Limited to demolish the residential building located at 1270 Sunningdale Road East. (2008-D10-00)

25. (21) That a demolition permit BE ISSUED to the University of Western Ontario to demolish the residential building located at 1493 Richmond Street. (2008-D10-00)

26. (22) That a demolition permit BE ISSUED to M. Hussein to demolish the residential building located at 1796 Adelaide Street North. (2008-D10-00)

27. (23) That a demolition permit BE ISSUED to B. Dhinsa to demolish the residential building located at 1949 Fanshawe Park Road West. (2008-D10-00)

28. (24) That a demolition permit BE ISSUED to P. Queen to demolish the residential building located at 1755 Fanshawe Park Road East. (2008-D10-00)

29. That in response to an enquiry by Councillor N. Branscombe, the City Solicitor's Office BE REQUESTED to bring forward a report to be considered in public at a future meeting of the Planning Committee which will indicate implications for the City of London in relation to the recent Ontario Superior Court of Justice Decision (Court File No. 49820/07) concerning residential intensification of lands, as brought forward by the Corporation of the City of Oshawa, The Neighbourhoods of Windfields Limited Partnership, and the owners of 30 homes in The Neighbourhoods, to a future meeting of the Planning Committee.
30. That in response to an enquiry from Councillor R. Caranci with respect to the preparation of a report by the City Solicitor's Office relating to the property located at 1199 Hamilton Road that was to be submitted for the September 22, 2008 Planning Agenda, the City Solicitor BE REQUESTED to provide this report at the Municipal Council meeting on Monday, September 29, 2008.

II YOUR COMMITTEE REPORTS:

10th Report of the LACH

31. (8) That the Planning Committee received and noted clauses 5 through 20 and clauses 22 through 29 inclusive, of the 10th Report of the London Advisory Committee on Heritage from its meeting held on September 10, 2008. (See Report attached.)

Sanskriti Furniture – 761 Fanshawe Park Road West

32. (14) That the Planning Committee (PC) was unable to reach a majority decision with respect to the application of Sanskriti Furniture relating to the property located at 761 Fanshawe Park Road West requesting an amendment to the Zoning By-law and pursuant to Section 17.6 of the Council Procedure By-law is hereby submitting the matter to the Municipal Council for its disposition. (The report of the General Manager of Planning and Development dated September 22, 2008 is attached for reference);

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

- J. Davis, Jack E. Davis Holdings Ltd. – representing the applicant and expressing opposition to the staff recommendation; noting that there is a strong commercial component in the immediate area including a number of furniture stores in the same vicinity creating a community of like uses, that this type of commercial use would generate far less traffic than the already permitted convenience store use, that the site is not appropriate for residential development, and will be developed commercially now that it has been purchased, and requesting the removal of all other uses currently permitted with the exception of office use which would be complementary in nature. (2008-D11-07)

Confidential Matter

33. That the Planning Committee passed the following resolution prior to moving in camera from 10:47 p.m. to 10:48 p.m.:

"That the Planning Committee move in camera to consider a matter pertaining to personal matters about identifiable individuals, including municipal or local board employees relating to the 2009 Mayor’s New Year’s Honour List."

The PC is submitting a confidential report to the Municipal Council regarding this matter. (See Confidential Appendix to the 24th Report of Planning Committee enclosed for Council Members only.)

The meeting adjourned at 10:49 p.m.