

**MUNICIPALITY OF MIDDLESEX CENTRE**

**PLANNING AND DEVELOPMENT SERVICES COMMITTEE MINUTES**

Second Meeting

February 17, 2010

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The second meeting of 2010 of the Municipality of Middlesex Centre Planning and Development Services Committee was called to order this date at the Middlesex Centre Offices, Coldstream at 4:00 p.m.

**PRESENT**

Brian Ritchie  
Albert Bannister  
Al Edmondson  
Clare Bloomfield  
John Brennan  
Frank Berze  
Ken Filson

**STAFF PRESENT**

Marc Bancroft, Senior Planner  
Benjamin Puzanov, Planner  
Arnie Marsman, Director of Planning and Building Services/Chief Building Official  
Maureen Looby, Director of Public Works and Engineering – arrived at 5:30 p.m.

**DECLARATIONS OF PECUNIARY INTEREST**

There were no pecuniary interests declared by any of the Committee members.

**MINUTES**

Moved by Albert Bannister  
Seconded by Clare Bloomfield

**THAT the minutes of the January 20, 2010 Municipality of Middlesex Centre Planning and Development Services Committee Meeting be approved.**

Carried

**1. Delegation – Stephen Stapleton, Auburn Developments Meadowcreek Estates – Phase 1 – Brick Wall**

Mr. Stephen Stapleton was in attendance on behalf of Auburn Developments. Mr. Phil Davis of 23 Stoneridge Crescent was also in attendance, being one of the affected residents.

Mr. Stapleton requested that his proposal to facilitate the repair of the wall be discussed on a without prejudice basis. He indicated that the wall is located on private property, is not a requirement under the subdivision agreement, and therefore is not his responsibility. He added, however, that given the sensitivity of the deteriorating wall and as an act of good faith, he offered the Municipality \$50,000 to be held indefinitely so that the Middlesex Centre could broker a resolution with the affected residents. Mr. Stapleton noted that this is a last attempt to resolve the issue to facilitate the assumption of the subdivision.

Frank Berze indicated that in his opinion, the Municipality should not be in a position to broker a deal with the residents. He added that the subdivision agreement does not contemplate a brick wall.

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Mr. Stapleton indicated that the subdivision agreement requires a cedar hedge in the location of the brick wall and therefore cannot be satisfied without the removal of the wall. He added that the affected residents will not consent to the removal of the wall. As such, he noted that he is in default of the subdivision agreement and the Municipality needs to resolve this issue.

Ken Filson questioned whether Mr. Stapleton has spoken to the affected residents. Mr. Stapleton indicated that he has made no attempt given the sensitivity of the issue since the residents simply want the wall repaired at no charge to them. He added that this issue is paramount since it is holding up the assumption of not only Phase I but also Phases II and III.

Ken Filson indicated that the residents are willing to sign off on the repair of the wall albeit not at their cost. He added that the residents have conceded that they own the wall through the purchase of their properties however it was poorly constructed. The residents simply want the wall made right albeit not at their cost.

Mr. Davis indicated that the residents again simply want the wall made right. He added that the residents are willing to sign off on the warranty, provide access and cover any expanses related to disruption of landscaping. He noted that the majority of the residents have expressed no to any financial contribution to repair the wall.

**IN CLOSED SESSION**

Moved by John Brennan  
Seconded by Ken Filson

**THAT the Planning and Development Services Committee move into closed session at 4:36 p.m. to discuss potential litigation in respect of the Meadowcreek Wall in accordance with Sections 239 (2) (e) of the Municipal Act, S.O. 2001, c.25, as amended.**

Carried

**REGULAR COMMITTEE RESUME**

Moved by John Brennan  
Seconded by Clare Bloomfield

**THAT the Planning and Development Services Committee reconvene in regular session at 5:22 p.m.**

Carried

**BUSINESS OUT OF CLOSED SESSION**

Moved by John Brennan  
Seconded by Frank Berze

**THAT any further discussion of the Meadowcreek Wall be deferred to the March 17, 2010 Meeting of the Planning and Development Services Committee.**

Carried

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**2. Building Permit Report – January 2010**

Moved by Frank Berze  
Seconded by Ken Filson

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

**THAT Report Number PS-B-1-10/CBO, dated February 1, 2010 and entitled “Building Permit Report – January 2010”, be received.**

Carried

**3. Application for Temporary Use By-law – Otto and Sylvia Schneider – Part of Lot 2, Concession 2; Lot 7, Plan 428; Part 1, Reference Plan 34R-1234 (geographic Township of Delaware)**

Ben Puzanov indicated that the applicants are requesting a 3 year temporary use exemption to the Zoning By-law to allow a new dwelling to be constructed on the property. He also added that the subject application is scheduled to be presented at the Public Meeting of Municipal Council later this evening.

Ken Filson questioned why a three year timeframe is being requested. Ben Puzanov indicated that the applicants have not determined the design of the new dwelling and are therefore requesting the maximum 3 year timeframe.

Moved by Ken Filson  
Seconded by Frank Berze

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

**THAT the report of the Planning and Development Services Department, dated February 12, 2010 and entitled “Application for Temporary Use By-law; Owners: Otto and Silvia Schneider; Legal Description: Part of Lot 2, Concession 2, Lot 7, Plan 428, Part 1, Reference Plan 34R-1234 (geographic Township of Delaware), Municipality of Middlesex Centre; Municipal Address: 2597 Brigham Road”, be received.**

Carried

**4. Application for Zoning By-law Amendment – Jeanine Alice Pattyn (Agent – Robert Julien Pattyn); Part of Lot 8, Concession 11, Part 1, Reference Plan 33R-16761 (geographic Township of London)**

Marc Bancroft indicated that the rezoning is relatively straight forward to rezone the lands from Village Commercial (C1) to Hamlet Residential First Density (HR1) to facilitate the residential development of the land.

Moved by Clare Bloomfield  
Seconded by Ken Filson

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

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1. **THAT the report of the Planning and Development Services Department, dated February 12, 2010 and entitled “Application for Zoning By-law Amendment; Owner: Jeanine Alice Pattyn; Agent: Robert Julien Pattyn; Legal Description: Part of Lot 8, Concession 11; Part 1 on Reference Plan 33R-16761 (geographic Township of London), Municipality of Middlesex Centre”, be received.**
2. **THAT the Zoning By-law Amendment submitted by Robert Julien Pattyn on behalf of Jeanine Alice Pattyn for the property legally described as Part of Lot 8, Concession 11; Part 1, Reference Plan 33R-16761 (geographic Township of London), Municipality of Middlesex Centre be approved; and be forwarded to the next regular meeting of Municipal Council for consideration of enactment.**

Carried

5. **Site Plan Approval – Health and Wellness Centre; Part of Lots 5 and 6, Concession 2; Part 2, Reference Plan 33R-11885 (geographic Township of Lobo) Komoka**

Marc Bancroft provided a summary of the subject application. He added that the site plan was circulated to agencies and municipal departments for review and comment. He noted that subsequent to the circulation of the report, comments were provided by the Middlesex Accessibility Advisory Committee requesting that 2 handicapped parking spaces be provided at the drop off area in close proximity to the front entrance of the building.

Marc Bancroft was of the opinion that the provision of handicapped parking spaces within the drop off area was not warranted since adequate handicapped parking is provided in closer proximity to the side entrance of the building compared to the spaces requested at the drop off area. It was also added that access to the building would be barrier free at both the front and side entrance.

After some discussion, the Committee concurred with staff’s recommendation that no handicapped parking is warranted at the drop off area.

Moved by John Brennan  
Seconded by Clare Bloomfield

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

1. **THAT the report of the Planning and Development Services Department, dated February 12, 2010 and entitled “Site Plan Approval – Community Wellness and Recreation Centre; Owner: Middlesex Centre; Agent: Cornerstone Architecture; Legal Description: Part of Lots 5 and 6, Concession 2; Part 2, RP 33R-11885 (geographic Township of Lobo), Municipality of Middlesex Centre; Municipal Address: 1 Tunks Lane” be received.**
2. **THAT the request for Site Plan Approval for the Community Wellness and Recreation Centre for lands described as Part of Lots 5 and 6, Concession 2; Part 2, RP 33R-11885 (geographic Township of Lobo), Municipality of Middlesex Centre, be approved, provided the following revisions are undertaken to the satisfaction of the Middlesex Centre:**
  - 2.1 **THAT the site plan be amended to indicate snow storage areas along the northerly and westerly perimeter of the parking area;**

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- 2.2 THAT The site plan be amended to indicate exterior lighting along the façade of the building and in the parking areas;
- 2.3 THAT Drawing A1.1 – Partial Site Plan and Legends, be amended by indicating the series of steps just beyond the northerly limit of the barrier free concrete sidewalk on the east elevation of the building, as shown on Drawing A6.1 – Exterior Elevations;
- 2.4 THAT the site plan be amended to show all concrete curbing terminating at the property limit;
- 2.5 THAT the site plan be amended to indicate the proposed diesel storage tank in proximity to the proposed generator;
- 2.6 THAT a landscape plan be provided; and
- 2.7 THAT additional details with respect to servicing and grading be provided.

Carried

6. **Site Plan Approval – London District Catholic School Board re Our Lady of Lourdes Catholic Elementary School; Dickson Partnership Inc. Architects (Agent); Part of Park Lot 13, Plan 47; Parts 1, 2, 3 and 7, RP 33R-17494 (geographic Township of Delaware)**

Mr. Lance Dickson of Dickson Partnership Inc. Architects and Mr. Mark Weaver of the London District Catholic School Board (LDCSB) were in attendance to speak to the application.

Marc Bancroft provided a summary of the subject application. He added that the report circulated to the Committee should have excluded the comments of Joe Heyninck, the Municipality's engineering consultant. Mr. Bancroft indicated that subsequent to circulation of the report, Mr. Dickson had contacted staff and expressed concerns regarding the County's requirement for a traffic impact study and the Municipality's Public Works and Engineering Department's requirement for installing a sidewalk across the frontage of the school and connecting it to the existing sidewalk network in Delaware. Mr. Bancroft further added that Mr. Dickson had indicated to him that he had discussed the issue with Chris Traini, the County Engineer, and was told that the County would waive the traffic impact study requirement if the applicant submitted a \$5,000 contribution to facilitate improvements to the intersection of Martin Road and Longwoods Road. Mr. Bancroft concluded the presentation by stating that Chris Traini had not yet confirmed Mr. Dickson's comments and that the condition requiring a traffic impact study should be amended to state that the site plan be to the satisfaction of the County of Middlesex.

Mr. Dickson indicated that while the County's requirement for a traffic impact study has been addressed, he was concerned that the Municipality's requirement to connect the school's future sidewalk to the existing sidewalk network in Delaware may bring the project to a halt. Mr. Dickson noted that the LDCSB is prepared to contribute \$10,000 in lieu of the installation of any sidewalk.

Mr. Weaver indicated that the LDCSB is planning to open the new school in September of 2011. Mr. Weaver further noted that staff's sidewalk requirement could create financial difficulties for the school board and potentially delay the opening of the proposed school.

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Ms. Looby stated that it is her preference that the applicant connect to the existing sidewalk network in Delaware but she will offer no objection to the applicant's proposal to instead contribute \$10,000 in lieu of the sidewalk requirement.

Frank Berze indicated that it would be his preference to extend the sidewalk to Victoria Street as that would provide some measure of safety for students who will walk to the school.

Mr. Weaver indicated that it is not uncommon for students to walk to school on roads that do not have sidewalks. He stated that students who live further than 1.6 kilometres away from the proposed school will be eligible for bus service. He further added that the school board will undertake its own safety analysis closer to the start of the 2011 school year and will then establish hazard zones that take into account the lack of sidewalks in certain areas in Delaware, as well as other risk factors.

Councillor Filson asked whether the access to the proposed school would only be from Wellington Street. Mr. Weaver indicated that it would be.

Councillor Berze questioned as to whether the proposed school will have playground equipment and whether the playground equipment from the current school site will be relocated to the new site. Mr. Weaver noted that the existing playground equipment at the current site of the school is dated and will remain where it is today. Mr. Weaver further indicated that new playground equipment would be purchased for the new site through school fundraising.

Moved by Al Edmondson  
Seconded by Clare Bloomfield

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

1. **THAT the report of the Planning and Development Services Department, dated February 12, 2010 and entitled "Application for Site Plan Approval – Our Lady of Lourdes Catholic Elementary School; Owner: London District Catholic School Board (LDCSB); Agent: Dickson Partnership Inc. Architects; Engineer: Development Engineering; Legal Description: Part of Park Lot 13, Plan 47; Parts 1, 2, 3 and 7, RP 33R-17494 (geographic Township of Delaware), Municipality of Middlesex Centre; Municipal Address: unassigned", be received.**
2. **THAT the request for Site Plan Approval submitted by Dickson Partnership Inc. on behalf of the London District Catholic School Board (LDCSB) for the lands described as Part of Park Lot 13, Plan 47; Parts 1, 2, 3 and 7, RP 33R-17494 (geographic Township of Delaware), Municipality of Middlesex Centre; be approved, provided the following revisions are undertaken to the satisfaction of the Municipality and additional information is provided to the Municipality:**
  - 2.1 **THAT the site plan be amended to indicate a snow storage area east of the bus drop off area;**
  - 2.2 **THAT the site plan be amended to indicate a dedicated bicycle parking area capable of accommodating a minimum of 30 bicycle parking spaces;**

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- 2.3 THAT the site plan be amended to indicate chain link fencing with a height of 1.8 metres (6 ft) along the east side of the subject property between the adjacent residential property and the wooded area;
- 2.4 THAT the site plan be amended in respect of Drawing 1 as the fire hydrant in front of the building is incorrectly shown and the location is not consistent with the servicing drawings;
- 2.5 THAT the site plan be amended in respect of Drawing SS1 as the note for the valve and tee is not correct. Additional notes are to be provided with respect to the method of connection and need to co-ordinate works with the Municipality;
- 2.6 THAT the site plan be amended in respect of Drawing SS1 in respect of fire flow data from the hydrant on Wellington Street is to be provided;
- 2.7 THAT the site plan be amended in respect of Drawing SS1 in respect of Middlesex Centre records indicate an existing 200mm watermain fronting the subject property whereas the plans submitted identify a 150mm watermain; clarification regarding the watermain size is required;
- 2.8 THAT the site plan be amended in respect of Drawing SS1 to correct the boulevard drainage from the property limit, out to the road which would facilitate sheet flow out onto the road. To minimize further problems due to drainage issues, a swale along the north part of Wellington Street fronting the school site within the road allowance is desirable to be designed and constructed, however the outlet issues are recognized;
- 2.9 THAT the site plan be amended clearly noting on the drawings with a double line all curbing and type;
- 2.10 THAT the site plan be amended to show that all concrete curbs shall end at the property line;
- 2.11 THAT the site plan be amended to indicate that the raised sidewalk crossing the fire route be lowered to the level of the roadway;
- 2.12 THAT the site plan be amended in respect of the landscape plan by deleting the bushes to be in front of the fire department connections and replacing with grass or sidewalk;
- 2.13 THAT the site plan be to the satisfaction of the County of Middlesex;
- 2.14 THAT the LDCSB's solicitor provide confirmation that all necessary easements have been granted and/or dissolved to facilitate the construction of the school in respect of Hydro One;
- 2.15 THAT the LDCSB provide confirmation that Certificates of Approval have been issued by the Ministry of the Environment for the proposed stormwater management facility and private on-site sewage disposal system;
- 2.16 THAT the LDCSB receive approval from the Upper Thames River Conservation Authority in respect of the stormwater management plan;

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**2.17 THAT a copy of the report entitled “Geotechnical Investigation – Our Lady of Lourdes Catholic Elementary School Wellington Street Delaware ON dated August 17, 2009 by Trow Engineering Inc.” be provided;**

**2.18 THAT the LDCSB provide \$10,000 cash-in-lieu of a sidewalk across the frontage of the subject property to the Municipality of Middlesex Centre.**

- 3. That staff be directed to present the Site Plan Agreement submitted by Dickson Partnership Inc. on behalf of the London District Catholic School Board (LDCSB) for the lands described as Part of Park Lot 13, Plan 47; Parts 1, 2, 3 and 7, RP 33R-17494 (geographic Township of Delaware), Municipality of Middlesex Centre; for execution at the next regular meeting of Municipal Council once the above matters have been undertaken to the satisfaction of the Municipality of Middlesex Centre.**

Carried

- 7. Severance Agreement – Richard and Christine Rankin – Part of Lot 17, Concession 13; Part 1, RP 33R-17639 (geographic Township of London)**

Moved by Al Edmondson

Seconded by Albert Bannister

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

- 1. That the report of the Planning and Development Services Department, dated February 12, 2010 and entitled “Draft Severance Agreement; Owners: Richard and Christine Rankin; Legal Description: Part of Lot 17, Concession 13, Part 1, Reference Plan 33R-17639 (geographic Township of London); Municipality of Middlesex Centre”, be received.**
- 2. That the Severance Agreement for the land in the ownership of Richard and Christine Rankin and legally described as Part of Lot 17, Concession 13, Part 1, Reference Plan 33R-17639 (geographic Township of London), Municipality of Middlesex Centre, be approved; and that the Severance Agreement be forwarded to Municipal Council for consideration.**

Carried

- 8. Committee of Adjustment Notices of Public Hearing**

Moved by Al Edmondson

Seconded by Ken Filson

It is therefore recommended that the Planning and Development Services Committee recommend to Municipal Council:

**THAT the Notices of Public Hearing for Applications for Minor Variance A-1/10 and A-2/10 in respect of the Middlesex Centre Committee of Adjustment be received.**

Carried

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**NEXT MEETING**

The meeting adjourned at 5:55 p.m. with the next regular meeting of Planning and Development Services Committee being scheduled to be held on Wednesday, March 17, 2010 at 4:00 p.m.

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Chair

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Secretary