



## The Corporation of the City of Stratford Planning and Heritage Committee MINUTES

Date: Monday, June 8, 2020  
Time: 4:02 P.M.  
Location: Electronically

Committee Present Electronically: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Beatty, \*Councillor Bunting, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Sebben, Councillor Vassilakos

Committee Present in Council Chamber: \*Mayor Mathieson

Staff Present In Council Chamber: Joan Thomson - Chief Administrative Officer, Tatiana Dafoe - City Clerk, Mike Beitz - Corporate Communications Lead,

Staff Present Electronically: Ed Dujlovic - Director of Infrastructure and Development Services, David St. Louis - Director of Community Services, Jeff Leunissen - Manager of Development Services, John Paradis - Fire Chief, Kim McElroy - Director of Social Services, Janice Beirness - Acting Director of Corporate Services, Jodi Akins - Council Clerk Secretary, Victoria Trotter, Jeff Bannon – Planner, Rachel Bossie - Planner

Also Present: Caroline Baker, Patrick O'Rourke, Seana McKenna, Anthony Wise

### 1. Call to Order

The Chair called the Meeting to Order.

## **2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

### Name, Item and General Nature of Pecuniary Interest

None declared at the June 8, 2020 Planning and Heritage Committee Meeting.

## **3. Delegations**

None were scheduled.

## **4. Report of the Manager of Development Services**

### **4.1 Planning Report Zone Change Application Z05-19, a portion of 265 St. David Street, and Zone Change Application Z07-19, 122 Birmingham Street and a portion of 265 St. David Street (PLA20-005 and PLA20-006)**

#### **Committee Discussion:**

\*Mayor Mathieson departed the meeting at 4:03 p.m.

The Planner reviewed the management reports regarding the Zone Change Application Z05-19, a portion of 265 St. David Street, and Zone Change Application Z07-19, 122 Birmingham Street and a portion of 265 St. David Street.

\*Councillor Bunting departed the meeting at 4:04 p.m., and returned at 4:05 p.m.

Zone change application Z05-19 requests a change to the zoning of a portion of 265 St. David Street from a Residential First Density R1(3)-27 to a Residential Fifth Density R5(1) to permit apartment dwellings, nursing homes, senior's apartment dwellings and a retirement home/lodge.

The City initiated review of Z07-19 would change the zoning of 122 Birmingham Street and the west portion of 265 St. David Street from Residential First Density R1(3)-27 which permits a banquet hall, a three unit converted dwelling, a single detached dwelling and a group home to

a Residential First Density R1(3) which would permit a single detached dwelling and a group home.

\*Mayor Mathieson returned to the meeting at 4:10 p.m.

Staff recommended a special provision be included in the R5 Zone to ensure the scale of the development of the six-unit building will continue to be compatible with the streetscape. It was noted the applicant did not object to this provision.

No objections were received from agencies that were consulted. An overview of the public comments received was provided.

The Planner noted staff supports the approval of the zoning by-law amendments as the amendments:

- are consistent with the Provincial Policy Statement,
- conform with the goals, objectives and policies of the Official Plan,
- provide for a development that is appropriate for the lands, and
- public input was considered.

In response to questions from the Committee, the City Planner stated that a building can be developed at 122 Birmingham Street with a driveway off Shrewsbury Street without removing the trees. The building would need to be set back further on the property.

It was noted the applicant has been provided one year to satisfy the conditions associated with Consent Application B06-17 set forth by the Local Planning Appeal Tribunal (LPAT). The approval is currently set to be revoked in early 2021 if conditions are not met, however, the current emergency order may allow for the deadline to be altered. To date the entirety of the conditions have not been completed.

With respect to the special provisions related to the banquet facility, they would be revoked during the next official plan amendment. It was noted the special policy is still in place but the City has not dealt with an official plan amendment at this time. If approved, when a review of the official plan is completed in the future, those special provisions would be revoked through the special policy.

Concern was expressed with approving these applications when conditions for the consent application remain outstanding. The Planner advised that if the applicant did not complete the consent, the City would be left with a

split zoning on the property and they could not develop a single-detached dwelling. The consent has conditions attached to it and a future application for development was submitted, the City would still impose the same conditions.

It was questioned whether there is a time limit to complete the heritage designation. The Planner advised the request for heritage designation is one of the consent application conditions and a request to Council is required.

**Motion by** Councillor Ritsma  
**Seconded By** Councillor Henderson

**THAT the presentations by Caroline Baker, Patrick O'Rourke, Seana McKenna and Anthony Wise be heard.**

**Carried**

Caroline Baker, agent for the applicant, stated that in January 2020 LPAT approved their consent application with conditions which the applicant is working to meet. The key condition remaining that both the City and their team is working on is the consent agreement, which is nearing completion.

In response to what happens if the consent approval lapses and the zone change application is approved, the proposed zoning as structured would not change anything on the site in terms of this proposed re-development. The site specific zoning limits the units to six and requires it to be in the existing building. If the severance lapses and is not fulfilled it would simply result in a larger lot with open space being created. No buildings could be constructed.

As part of the conditions, the owner is required to submit a request for designation to Council including the agreed on attributes: roof, facade elevations, brickwork and large open lot. Ms. Baker confirmed that the plans do not include parking in the front yard of 265 St. David Street and that the circular driveway will be removed.

Patrick O'Rourke, citizen, stated he would like the application to be denied or deferred as there are 15 conditions of the consent application that have not been met. Mr. O'Rourke commented that approval should not be granted as previous commitments by the owner of the property have not been fulfilled. He noted that it is his understanding that there have been

cases in the past where conditions were not met and provisional consents never became final consents as the owner did not comply.

Mr. O'Rourke spoke to the heritage designation noting that until it has been designated there are no requirements for the owner to follow the guidelines. He noted that the concept plan in the management report includes a 10% addition and new doors and lacks notes of how the changes might affect the heritage attributes that have been agreed to. These changes may adversely impact these attributes which were a key part of the settlement which the City worked hard to obtain.

Mr. O'Rourke spoke to previous permits that have been issued to the property including demolition of the garage and columns. He noted the owner of the property indicated he would restore the building but has failed to do so.

Mr. O'Rourke stated that in his opinion it is not good policy to approve another plan for the property when the owner has not fulfilled current conditions.

The Committee confirmed with Mr. O'Rourke that his main objection is with the current applications and believes all conditions of the consent application should be met prior to approval being granted.

Seana McKenna, citizen, urged the Committee to deny or defer the application as the conditions have yet to be met. She noted that the proposal includes removal of a window and replacement with a door. There is also a proposed addition of a porch and questions which is most important, changes or heritage preservation. Concerns were expressed that the heritage request will be submitted after alterations have been made and that existing items included on the drawings are not in fact there, such as shrubbery. Ms. McKenna stated the property is not being well maintained at this time.

Anthony Wise, citizen, stated that there are five to eight vehicles currently parked for three units. Concern was expressed that if six units are permitted, with only nine parking spaces, there will not be enough parking spaces which will lead to parking concerns in the neighbourhood. Mr. Wise noted the property is not being properly maintained by the owner at this time. Mr. Wise expressed concerns regarding the increased burden on services and utilities.

In response to questions from Committee, the Planner noted that the outstanding conditions of the consent application are:

- heritage designation,
- review appraisal,
- driveway removal,
- updated site plan approval,
- finalization of consent agreement,
- confirmation of services,
- updated reference plan final submission.

Ms. Baker advised the applicant has been working to clear each of the conditions and noted that certain conditions cannot be met until closer to the end of the project including the payment of taxes.

Councillor Gaffney made a motion to defer the item until all conditions have been met. The motion was seconded by Councillor Vassilakos and later withdrawn by Councillor Gaffney.

In response to questions from Committee, the Director of Infrastructure and Development Services advised a sanitary inspection is required. Upgrades or replacements may also be required based on the outcome of the inspection.

Staff advised a holding provision could be included in the motion at a cost of \$1,855 to the applicant. This would allow the applicant to be granted approval for the zone change applications once all conditions have been met.

Ms. Baker advised the applicant did not have any concerns with the cost of the holding provision.

**Motion by** Councillor Ritsma

**Seconded By** Councillor Vassilakos

**THAT the zoning of the east portion of the property municipally known as 265 St. David Street, legally described as Lot 1 and Part of Lots 2, 13 and 14, Plan 84 BE CHANGED from a Residential First Density R1(3)-27 Zone to a Residential Fifth Density R5(1)-\_\_ special provision Zone which restricts uses to the existing building (with an addition of not more than 10%), permits a maximum density of 32 units per hectare, allows an exterior side yard depth for a parking space of 2.7 m and a rear yard depth for a parking space of 1.5 m for the following reasons:**

- the request is consistent with the Provincial Policy Statement;
- the request is in conformity with the goals, objectives and policies of the Official Plan;
- the zone change will provide for a development that is appropriate for the lands;
- public input has been considered.

**THAT the zoning for the lands known municipally as 122 Birmingham Street and the west portion of the property municipally known as 265 St. David Street BE CHANGED from a Residential First Density R1(3)-27 Zone to a Residential First Density R1(3) Zone for the following reasons:**

- the request is consistent with the Provincial Policy Statement;
- the request is in conformity with the goals, objectives and policies of the Official Plan;
- the zone change will provide for a development that is appropriate for the lands;
- public input has been considered.

**THAT a holding provision be applied for the consent to be finalized and the heritage designation to be in place;**

**AND THAT City Council receive the supplemental information included with the Management Report dated March 9, 2020.**

**Carried**

## **5. Adjournment**

**Motion by** Councillor Clifford

**Seconded By** Councillor Sebben

**Committee Decision: THAT the Planning and Heritage Committee meeting adjourn.**

**Carried**

Meeting Start Time: 4:02 P.M.

Meeting End Time: 5:24 P.M.