

PLANNING ADVISORY COMMITTEE

MINUTES

County Council Chambers
7 Broadway Street West, Paris
Wednesday, May 20, 2009
7:01 p.m.

Present: Mayor Eddy, Councillors Wheat, Schmitt, Simons (7:28p.m.), Atfield, Powell, Chambers, Coleman and Gatward

Regrets: Councillors Haggart and Hodge

Staff: Johnston, Stone, Davidson and Lehmann

Councillor Schmitt in the Chair.

APPROVAL OF AGENDA

Moved by – Councillor Coleman
Seconded by – Councillor Powell

That the Planning Advisory Committee agenda and addendum for May 20, 2009 be approved, as amended.

.Carried

MINUTES

Moved by – Councillor Wheat
Seconded by – Councillor Gatward

That the Planning Advisory Committee meeting minutes of April 15, 2009, be approved, as printed.

.Carried

PA-09-38 – Drainage Complaint – A. Pike – Falkland Area – D. Johnston

The Director of Development Services reviewed the history of the drainage issues identified by Mr. Pike at the May 5, 2009 meeting of County Council and noted that staff has since met with Mr. Bill Pike to tour the identified area of concern.

The Director reviewed the conclusions presented in Staff Report PA-09-38, namely, that there is an established private drain across lots 1 and 4 of plan 1755 to the benefit of the owner of Part 1 on plan 2R-3415 and that the only person that has the right to access the subject properties to improve or maintain drainage is the property owner of Part 1 on plan 2R-3415. He further noted that the County does not have any drainage or utility easements across the subject property and as such this is a private drainage issue.

Committee discussion focused on the subdivision of the land, severances, changes of land use, the Grand River Conservation Authority, drainage requirements, title registration and the necessity to notify the land owners of lots one to four of the registered Plan 1755. In response to a question, the Director noted that encumbrances run with the land and not with the original developer of the land. He further noted that the Subdivision Agreement was register against the tile to the land and as such, the current owners of the land are the responsible parties.

Moved by – Councillor Wheat
Seconded by – Mayor Eddy

That the landowners of lots one to four of Registered Plan 1755 be provided with a copy of Staff Report PA-09-38;

And that the landowners of lots one and four of Registered Plan 1755, as well as the owner of Part 1 of Plan 2R3415, be strongly encouraged to properly maintain the subject drain.

.Carried

Mr. Al Pike - Falkland

Mr. Pike reviewed the history of the purchase and sale of the subject property, along with the installation of the original drain. He expressed concern that the drain has not been adequately maintained and noted that he is of the opinion that drain maintenance is the responsibility of the County as the original drain was developed by the landowner under a forced labour arrangement in lieu of payment of municipal taxes.

It was noted that the documents registered in the Land Titles Office require that the owner of Part 1 on Plan 2R-3514 maintain the subject drain. Committee discussion focused on the process by which Mr. Pike could apply for municipal drain status and the Director advised that Development Services staff would forward an application to Mr. Pike immediately.

It was noted that the application process for municipal drain status is not often an expeditious one and that in some cases, completion of the process can take years. Members of Committee advised that the process is costly and provides no guarantee. It was suggested that a meeting of the landowners of lots one to four of Registered Plan 1755, and Part 1 of plan 2R-3514 to discuss drainage concerns and next steps might be beneficial.

Moved by – Councillor Chambers
Seconded by – Mayor Eddy

That County staff facilitate a meeting of the landowners of lots to four of Registered Plan 1755, and Part 1 of plan 2R- 3514 to discuss drainage concerns as identified by Mr. Al Pike and the appropriate measures for the future maintenance of the subject drain.

.Carried

Councillor Simons joined the meeting at 7:28 p.m.

Moved by – Councillor Gatward
Seconded by – Councillor Atfield

That Mr. Pike be advised that:

- i. the original drainage tile installed for this area was not installed by the County and as such, the County is not responsible for the maintenance of the drain;
- ii. the drain was privately installed by Mr. Leach in the early 1980's to drain the adjoining farm land and bush land area;
- iii. the documents registered in the Land Titles Office requires the owner of Part 1 on Plan 2R-3514 to maintain this agricultural drain;
- iv. the drainage and grading plan runs with the land and not with the original developer and if he wishes to claim an adverse impact because of the development of the 4 lot subdivision, it is a private matter between the land owners of lots one to four of the Registered Plan 1755 and himself.

.Carried

1. **ZBA15/09/MD PART RANGE 1 WMPR, PART LOT 4 PLAN 48, LOTS 12-17, PART LOT 11 SOUTH RUSSELL STREET, LOTS 12-17, PART LOTS 9-11 (RP 2R-4632 PARTS 1 TO 8) GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT**

In the matter of an Application received J.H. Cohoon Engineering Ltd., agent for 977243 Ontario Ltd., applicant / owner of Part Range 1 WMPR, Part Lot 4, Plan 48, Lots 12-17, Part Lot 11 South Russell Street, Lots 12-17, Part Lots 9-11 (RP 2R-4632 Parts 1 to 8), in the geographic Township of Brantford, County of Brant, located to the south, directly adjacent to Phase One of the Barnes Estates Subdivision, to rezone a portion of these lands from Village Residential (VR) and Environmental Protection (EP) to Village Residential (VR), Environmental Protection (EP) and Environmental Protection with a special exception (EP-9) to prohibit the erection of buildings / structures on a portion of these lands.

Mr. Marcus Davidson, Senior Planner, reported that the application proposes to rezone a portion of the subject lands to satisfy the concerns of the Grand River Conservation Authority as it relates to the environmentally sensitive lands along the southerly extent of the site.

The Senior Planner advised that pursuant to the *Planning Act*, notice of the application was given via circulation to agencies and neighbours within 120 metres of the property.

With regard to the Official Plan, the Senior Planner advised that the lands are designated as Hamlet Residential, Woodlot and Steep Slope and Flood Prone Area and that the intent of this application is to accurately reflect the true extent of the environmental features that exist on the subject lands.

With regard to the Zoning By-law, the Senior Planner advised that the subject lands are currently zoned Village Residential (VR) and Environmental Protection (EP). In order to satisfy

the concerns of the Grand River Conservation Authority, the Senior Planner noted that the applicants are proposing to rezone the lands to recognize existing environmental features.

The Senior Planner reported that this application intends to rezone the subject lands in accordance with the findings of the floodplain analysis which was conducted by J.H. Cohoon Engineering Ltd. and has been approved by the Grand River Conservation Authority. He noted that staff is of the opinion that the proposal is contemplated in the Official Plan, as the lands to be rezoned are within the Hamlet Residential designation.

- **Committee Questions and Comments**

In response to a question, the Senior Planner advised that there will be no buildings or accessory structures constructed on the Environmental Protection lands identified as EP-9 on Schedule "A" to the application.

- **Mr. Rob van Poorten – J.H. Cohoon Engineering Ltd. – Agent for the Applicant**

Mr. van Poorten provided Committee with a copy of the Draft Plan of Subdivision, expressed his concurrence with the remarks provided by the Senior Planner and reviewed the requirements of the EP-9 zone.

- **Committee Questions and Comments**

Committee discussion focused on the conveyance of Lot 29 to the County, parkland dedication, and septic tile beds. In response to a question, Mr. van Poorten reviewed lot depth and dimensions.

- **Public Questions and Comments**

None.

- **Committee Consideration**

Concern was expressed with respect to Lots 25 through 28, noting that there may not be adequate room available on those Lots to accommodate a replacement septic system in the future. Questions were raised with regard to the lot deposits owed to the property owners of Phase 1 of the development.

In response to questions and concerns, Mr. van Poorten noted that there is adequate room available on Lots 25 through 28 to accommodate a replacement septic system in the future. Mr. Joe Cohoon noted that the Lots are designed in such a way that the tile beds can be located at the front, along the right hand side of the driveway or at the back of the respective Lots.

With regard to the lots deposits owed to the property owners of Phase 1 of the development, Mr. Joe Cohoon reported that the deposits are intended to be refunded as part of the Phase II development, provided that the property owners have remedied any issues they may have contributed to during construction.

Moved by – Councillor Wheat
Seconded by – Councillor Chambers

That Application No. ZBA/15/09/MD from J.H. Cohoon Engineering Limited, agent for 977243 Ontario Ltd., owner of Range 1, WMPR, Part Lot 4, Plan 48 Lots 12-17 Part Lot 11, South Russell Street, Lots 12-17 Part Lots 9-11 Plan 2R-4632 Part 1 to 8 in the geographic Township of Brantford, located on the west side of Mount Pleasant Road, south of Burtch Road, to change the zoning on a portion of the subject lands from Village Residential (VR) and Environmental Protection (EP) to Village Residential (VR) Environmental Protection (EP) and Environmental Protection with a special exception (EP-9) to prohibit the erection of buildings / structures, **be approved.**

.Carried

Senior Planner Davidson left the meeting at 8:22 p.m.

2. **ZBA14/09/SS PART BLOCK 1 AND PART BLOCK 2, KERR TRACT, FORMER GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT, 180 OAKHILL DRIVE**

In the matter of an Application received from Sam Miron, agent for Diane Kochendorfer, applicant / owner of Part Block 1, and Part Block 2, Kerr Tract, geographic Township of Brantford, County of Brant, located at 180 Oakhill Drive, to change the present Village Residential (VR) to add a holding (H) provision to the zoning symbol (Related File No. Consent B43/08)

Mr. Steve Stone, Senior Planner, reported that the applicant is requesting that a Holding Provision be affixed to the existing Village Residential Zone. He advised that pursuant to Section 34 of the *Planning Act*, notice was given and the applications were circulated to agencies and by mail to property owners within 120 metres of the property, and posting on site.

The Senior Planner reported that the rezoning satisfies a Condition of Approval for the related Consent B43/08 which was recently granted by the Committee of Adjustment. He noted that the applicant is proposing to sever a lot with an existing residence and that the proposed lot to be severed will have a frontage of 48.5 metres along Oakhill Drive, and contain an area of 4257 square metres. He further noted that the retained lands consist of approximately 3.0 hectares, and will remain vacant in the short term and may be redeveloped in the future for Village Residential uses.

The Senior Planner reported that the property is well drained, the lot is serviced with a well and septic system, the entrance location is subject to Public Works approval, the lot is regulated by the Village Residential (VR) Zone and the other County departments have commented favourably.

The Senior Planner advised that staff is recommending approval, as the rezoning will preclude development in the forest area of the property until such time as there is a development agreement which protects the forest.

- **Committee Questions and Comments**

None.

- **Mr. Sam Miron – Agent for the Applicant**

Mr. Miron expressed his concurrence with the comments provided by the Senior Planner and reiterated that the application satisfies a Condition of Approval for the related Consent B43/08, as recently granted by the Committee of Adjustment.

- **Public Questions and Comments**

Mr. G. Easterbrook - 176 Oakhill Drive

Mr. Easterbrook requested information with regard to the long term vision for the subject property. In response to comments regarding municipal water, the Senior Planner noted that the reference to municipal water as contained in the report was in error. He noted that the long term vision for the subject property is to preserve the woodlot until such time as it is deemed insignificant by County standards.

In response to questions from Mr. Easterbrook, the Senior Planner reported that wood cutting on the woodlot is governed by County By-law and requires a permit.

With regard to the provision of municipal water to the site, the Senior Planner reported that at this time, there is no long term vision for same and that without the Holding Provision in place, as a result of the severance having been granted, a new building lot is being created that an interested buyer could acquire and develop and that the Holding Provisions prevent that development.

- **Committee Consideration**

Moved by – Councillor Wheat

Seconded by – Councillor Simons

That Zoning By-law Amendment File No. ZBA14/09 from Sam Miron, agent for Diane Kochendorfer, for lands described as Part Block 1 and Part Block 2, Kerr Tract, County of Brant, in the geographic Township of Brantford, located at 180 Oakhill Drive, wherein the applicant is asking that a Holding Provision be affixed to the existing Village Residential (VR) Zone, **be approved.**

.Carried

3. **ZBA13/09/SS PART LOT 17, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT, LOCATED AT 792 POWERLINE ROAD**

In the matter of an Application received from Plansmith Consulting, agent for King & Benton Corp., applicant / owner of Part Lot 17, Concession 2, County of Brant, geographic township of Brantford, located at 792 Powerline Road to change the present Heavy Industrial (M3) to add a holding (H) provision to the zone symbol (Related File No. Consents B7/09 and B8/09).

The Senior Planner reported that the applicant is requesting that a Holding Provision be affixed to the existing Heavy Industrial (M3) Zone. He further reported that pursuant to Section 34 of the

Planning Act, notice was given and the applications were circulated to agencies and by mail to property owners within 120 metres of the property, and posting on site.

The Senior Planner advised that the rezoning satisfies a Condition of Approval for the related Consents B7/09 and B8/09 which was recently granted by the Committee of Adjustment and that the application involves two consents for severance of the westerly portion of 792 Powerline Road, for two industrial lots.

The Senior Planner reported that the property is well drained, the lot is serviced with a septic system and municipal water service, the entrance location is subject to Public Works approval, the lot is regulated by the Heavy Industrial (M3) Zone and that the other County Departments have commented favourably.

The Senior Planner advised that it is staff's recommendation that the application be approved, as the rezoning will preclude development on the newly created lots until such time as there is a development agreement which assures there is an allocation of water service from the Paris Water Supply System.

- **Committee Questions and Comments**

None.

- **Mr. Brian Smith – Plansmith Consulting - Agent for the Applicant**

Mr. Brian Smith reviewed the purpose and intent of the application and noted that the proposed rezoning complies with the Growth Plan for the Greater Golden Horseshoe, Provincial Policy Statement and the County Official Plan. He noted that the Holding Provision will preclude development from occurring on the vacant lots to be created by severance until such time as adequate municipal water is available, which is consistent with the intent of the Paris Interim Water Servicing Policy.

- **Public Questions and Comments**

None.

- **Committee Consideration**

Moved by – Councillor Coleman
Seconded by – Councillor Powell

That Zoning By-law Amendment File No. ZBA13/09/SS (King & Benton) from Plansmith Consulting, agent for the applicant King & Benton Development Corporation, owners of Part 1, RP 2R-6855, Part Lot 17, Concession 2, County of Brant, geographic Township of Brantford, located at 792 Powerline Road, wherein the applicant is requesting that a Holding provision be affixed to the existing Heavy Industrial (M3) Zone **be approved**.

.Carried

4. **ZBA11/09/SS PART LOT 15, CONCESSION 11, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF BURFORD, LOCATED AT 3 WILLIAMS ROAD**

In the matter of an Application received from Snodgrass Consulting, agent for Jepma Farms Inc., applicant / owner of Part Lot 15, Concession 11, County of Brant, geographic Township of Burford, located at 3 Williams Road, to rezone the subject lands to prohibit the establishment of a dwelling on this vacant parcel (Related File: Consent B23/08)

The Senior Planner reported that the applicant is requesting that a Special Exception A-9 be affixed to the retained lands associated with Consent B23/08 (Parcel A) and that notice of the application was given via circulation to agencies and neighbours within 120 metres of the property and that the subject property is designated in part as Agricultural in the County Official Plan.

In a related Consent B23/08, the Senior Planner advised that the applicant obtained approval from the Committee of Adjustment to sever Parcel A which will contain an existing residence and an area of 0.67 hectares. He noted that the retained lands will have an area of 18.6 hectares, and will remain vacant as a result of this rezoning.

The Senior Planner reported that Consent B23/08/SS has a Consent Suitability Score of three (3) out of ten (10) and appears to meet the policies for severing a parcel with a surplus farm dwelling as stipulated in the County Official Plan. He advised that it is staff's opinion that the rezoning has merit, as it will preclude the redevelopment of the vacant agricultural land as a residential building lot.

- **Committee Questions and Comments**

None.

- **Public Questions and Comments**

None.

- **Committee Consideration**

Moved by – Councillor Powell

Seconded by – Councillor Coleman

That Zoning By-law Amendment File No. ZBA11/09/SS, from Snodgrass Consulting, agent for Jepma Farms Inc., c/o Randy Jepma, applicant / owner of Part Lot 15, Concession 11, County of Brant, in the geographic Township of Burford, located at 3 Williams Road, to affix a Special Exception A-9 to the retained lands associated with B23/08 (Parcel A) **be approved.**

.Carried

5. **ZBA33/08/SS PART LOT 15, CONCESSION 4 AND PART LOTS 15 & 16, CONCESSIONS 4 & 5, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF SOUTH DUMFRIES, LOCATED ON MCLEAN SCHOOL ROAD**

In the matter of an application received from J.H. Cohoon Engineering Ltd., agent for William and John Sharp and Steve and Patricia Traver and Wm. Sickle, applicants / owners of Part Lot 15, Concession 4 and Part Lots 15 & 16, Concessions 4 & 5, County of Brant, in the geographic Township of South Dumfries, located on McLean School Road to change the zoning by-law regulations on the subject lands to seek relief from the MDS-1 and 2 formulae to allow residential and livestock facility development with reduced MDS arcs.

The Senior Planner reported that the revised application proposes to change the zoning by-law regulations on the subject lands to seek relief from the MDS-1 and MDS-2 formulae to allow residential and agricultural development with a reduced MDS arcs. The Senior Planner reviewed the amendments, noting that:

- The Sickles will be allowed to expand their farm building to a maximum of 1,505 m² in accordance with their environmental farm plan; and
- The Minimum Distance Separation applicable to the development of the Sharp lands shall be 350 metres.

The Senior Planner noted that related files include Consents B25, B26, B40 and B41/06 which resulted in four registered Estate Residential lots and have been tabled since 2006. Pursuant to Section 34 of the *Planning Act*, the Senior Planner reported that notice was given and the application was circulated to agencies and by mail to property owners within 120 metres of the property, and posting on site.

The Senior Planner advised that the subject lands are located on the north and south side of McLean School Road, west of Brant Road, in the County of Brant. The property is designated in part as Estate Residential, Agricultural, Wetlands and Woodlands in the Official Plan. The proposed lot creation is subject to the relevant policies of Section 3.7.4.8 and Section 5.1.2.

The Senior Planner reviewed the sections of the Official Plan, as follows:

Section 2.2.1 (Site Suitability)

Stipulates that Council shall be satisfied, prior to the approval of any development, that:

- The new lots are in locations that are well drained.
- The new lots will be serviced with septic systems and wells as per the Building Code.
- Public Works have stipulated where the establishment of safe driveways can occur.
- The new estate residential lots are sized to conform to the ER1 Zone in By-law.

Section 3.7.4.8 (Estate Residential)

Establishes the parameters for developing a lot in areas within the existing Estate Residential Designation.

Subsection 4 states that building permits shall be refused within areas designated Estate Residential if adequate servicing cannot be provided or if the MDS formulae or any other policy of Section 5.1.2 cannot be met.

The applicants are requesting that a Factor A land use or 350 metre separation distance be considered in this area as the Estate Residential designation is not sufficiently removed from the Sickie barn (See MDS 1 and MDS 2 map and calculation attachments).

The Senior Planner reported that the rezoning is in general conformity with Official Plan, as amended.

- **Committee Questions and Comments**

In response to a question, the Senior Planner reviewed Minimum Distance Separation parameters and the ability of the County to vary same.

- **Mr. Rob van Poorten – J. H. Cohoon Engineering Ltd. – Agent for the Applicant**

Mr. van Poorten reviewed the history of the application. He noted that Mr. Sharp has indicated his willingness to advise potential property buyers of the altered MDS requirements and reported on an amicable meeting that was held between the Sickles and the Sharps, to discuss matters of concern to both parties, which resulted in the amended application being submitted to Committee.

- **Public Questions and Comments**

Mr. W. Sickie – 361 McLean School Road

In response to a question, Mr. Sickie reported that the amended application will allow for an approximate 20% increase in the number of animal units that he is permitted to have on his property.

He advised that it is not his intention to dramatically increase the number of animal units that he is permitted to have on his property. He noted that the intent of requesting that the application be amended was to ensure that if in the future his son wishes to expand the farming operation, that he will have the opportunity to do so. Mr. Sickie advised that his agreement with the amended application does not constitute his support of the proposed development.

- **Committee Consideration**

Moved by – Councillor Coleman
Seconded by – Councillor Gatward

That Revised Zoning By-law Amendment File No. ZBA33/08 (Sharp), received from J.H. Cohoon Engineering Ltd., agent for John and William Sharp, applicants / owners of Part Lots 15, Concessions 4 & 5, County of Brant, in the geographic Township of South Dumfries, located on McLean School Road, to change the zoning by-law regulations on the subject lands to seek relief from the MDS-1 and MDS-2 formulae to allow residential and agricultural development with a reduced MDS arc, **be approved.**

.Carried

6. **PART LOTS 4 & 5, CONCESSION 7, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF BURFORD, LOCATED AT 14 POTTER DRIVE**

In the matter of an application received from Tim Malcolm, President, Burford Bulldogs, applicant of Part Lots 4 & 5, Concession 7, County of Brant, geographic Township of Burford, located at 14 Potter Drive to temporarily rezone the subject lands for an adult entertainment event.

The Senior Planner reported that the applicant is proposing to rezone the subject lands temporarily for an adult entertainment event for a period no greater than three (3) years and that pursuant to Section 39 of the *Planning Act*, notice was given and the application was circulated to agencies and property owners within 120 metres of the property, and posting of notice on site.

The Senior Planner advised that the property is designated as Recreational and subject to Section 3.11.1 of the Official Plan which states that the predominant use of land shall be commercial recreational facilities including golf courses, private parks, campgrounds, outdoor or indoor sports activities, amusement parks, residences and offices associated with the recreational uses, and other public or private commercial recreational facilities including restaurants, snack bars, parking areas and auxiliary buildings and uses but does not include a trailer park.

The Senior Planner advised that the rezoning is in general conformity with the Growth Plan for the Greater Golden Horseshoe, Provincial Policy Statement and the County Official Plan.

It was noted that the one night event will be held indoors in a closed facility and will not adversely affect the neighbourhood.

- **Committee Questions and Comments**

In response to questions raised and concerns expressed, the Senior Planner advised that should the Committee so wish, the approval period could be restricted to one year, as opposed to three years. It was noted that the County can restrict at any time the rental of the Burford Community Centre, that the County retains ownership of the facility and may rent to whomever it sees fit.

- **Mr. Tim Malcolm – President of Burford Bulldogs - Agent for the Applicant**

Mr. Malcolm reviewed the fundraising plans of the Burford Bulldogs, noting that neighbouring municipalities have facilitated similar, successful events without incident. Mr. Malcolm advised that the O.P.P. has been consulted with and noted that a Facebook ® group established to gauge the interest in such an event has indicated that there is a significant community interest in and support for the event.

- **Public Questions and Comments**

Reverend Donna Kerrigan – Burford United Church

Reverend Kerrigan reported that her congregation had reviewed the application at their last Board meeting and is strongly opposed to same. She noted that the congregation is in favour of sport and supporting sporting teams, but not in a fashion proposed by the applicant. Reverend

Kerrigan expressed her belief that such an event would be contrary to the initiatives of the Burford Revitalization Committee.

Mr. M. Amey – 49 William Street

Mr. Amey expressed his opposition to the application and noted that the Burford Bulldogs are ambassadors of the County of Brant. He expressed his belief that there are alternative means to raise funds and that it would be inappropriate to permit the event to take place in a County owned facility.

- **Committee Consideration**

Committee discussion focused on the economic climate as it relates to fundraising, community opposition and support, policing and freedom of choice to attend or not attend.

Moved by – Councillor Wheat
Seconded by – Councillor Atfield

That Zoning By-law Amendment File No. ZBA12/09/SS, from Tim Malcolm, President – Burford Bulldogs, applicant of Part Lots 4 & 5, Concession 7, County of Brant, in the geographic Township of Burford, located at 14 Potter Drive, to rezone the subject lands temporarily for an adult entertainment event, **be approved, on a temporary basis for a period no greater than three (3) years.**

.Carried

Moved by – Councillor Chambers
Seconded by – Councillor Coleman

That the request for reimbursement of the \$170.00 application fees incurred by the Burford Bulldogs Hockey Club, to apply for Zoning By-law Amendment File No. ZBA12/09/SS be referred to the Corporate Development Committee for consideration.

.Carried

7. **PART LOT 6, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF SOUTH DUMFRIES, COUNTY OF BRANT, LOCATED ON MAIN STREET NORTH & ST. GEORGE ROAD**

In the matter of an application received from J.H. Cohoon Engineering Ltd., agent for Starlite Homes, applicant of Part Lot 6, Concession 3, geographic Township of South Dumfries, County of Brant, located on Main Street North & St. George Road, to change the zoning by-law regulations for these lands in order to allow the redevelopment for residential and parkland uses by way of plan of subdivision.

The Senior Planner reported that a Residential First Density (R1) Zone with a reduced exterior side yard of 4.5 metres is being sought via Zoning By-law Amendment ZBA29/08.

With regard to the Plan of Subdivision PS4/08, the Senior Planner reviewed the breakdown of the plan as follows:

| | |
|--------------------------|----------------------|
| Low Density Residential: | 153 units per 8.5 ha |
| Parkland: | 1 block per 1.2 ha |
| Public Right-of-ways: | 3 streets per 3.0 ha |

Total Land Area **13.3 ha**

Pursuant to Sections 34 and 51 of the *Planning Act*, the Senior Planner reported that notices were given and the applications were circulated to agencies and by mail to property owners within 120 metres of the properties and that notices were also posted on site.

The Senior Planner reported that the applications, as they relate to the changing of the existing agricultural zone to a residential zone and the establishment of 153 unit residential plan of subdivision in an area currently designated for settlement, are premature.

He noted that staff is of the opinion that the St. George Area Study must be completed first in order to be consistent with the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement and noted that there is a need for the strategic allocation of the uncommitted hydraulic reserve capacity in order to be consistent with provincial policy. The Senior Planner noted that the intent of staff's recommendation is to ensure that there continues to be a three year supply of shovel ready, residential lots in the community while the St. George Area Study is undertaken.

The Senior Planner noted that it is staff's opinion that Council should adopt an allocation strategy for the 50 residential units of reserve capacity prior to considering the merits of these applications.

- **Committee Questions and Comments**

In response to questions, the Senior Planner reported that although Provincial Policy stipulates that the County is required to maintain a three year supply of residential lots, the Policy does not specify what town, village, etc. within the County that that supply must be located.

With respect to the strategic allocation of water, the Senior Planner noted that Council will ultimately have to assess whether or not it is prudent to consider certain plans of subdivision in total, in part, or not at all, depending upon whether or not those plans of subdivision are strategically located in terms of water servicing.

It was noted that South Dumfries Non-Profit Housing Corporation is considering the development of a seniors' housing project in South Dumfries and is asking interested area seniors to participate in a survey of housing needs and preferences. South Dumfries Non-Profit Housing Corporation has hired SHS Consulting to conduct a survey with the aim of confirming the need for a new housing development, providing guidance about key features to be included in a development, and determining the housing preferences of area seniors.

- **Mr. Joe Cohoon – J.H. Cohoon Engineering Ltd. – Agent for the Applicant**

Mr. Cohoon reported on a meeting that had taken place with his firm and other developers interested in the subject area and indicated that the respective firms are actively and financially obliged to carry on with the Area Study. He advised that reports dealing with water and sewer capacity are expected within the coming weeks and that although his firm is supportive of staff's recommendation to table the application, his firm does not support a tabling of three cycles and

feels that a one cycle tabling would be more appropriate. Mr. Cohoon reviewed the allocation of water in South Dumfries and expressed his disagreement with reports regarding servicing to the Parmalat facility.

- **Committee Questions and Comments**

Committee discussion focused on infilling, allocation policies and green fields. In response to a question, Mr. Cohoon noted that part of the subject lands fall outside of the Area Study lands.

- **Public Questions and Comments**

None.

- **Committee Consideration**

Moved by – Councillor Chambers
Seconded by – Councillor Wheat

That the consideration of the Application for **Zoning By-law Amendment** File No. ZBA29/08 received from J.H. Cohoon Engineering Ltd., agent for Starlite Homes, applicant of Part Lot 6, Concession 3, in the geographic Township of South Dumfries, in the County of Brant, located on Main Street North, wherein the applicant proposes to change the zoning by-law regulations for these lands in order to allow the development for residential and parkland uses by way of plan of subdivision, **be tabled for up to three meeting cycles (July 15, 2009);**

And that the consideration of the Application for **Draft Plan of Subdivision** File No. PS-4/08 received from J.H. Cohoon Engineering Ltd., agent for Starlite Homes Ltd., applicant of Part Lot 6, Concession 3, in the geographic Township of South Dumfries, in the County of Brant, located at Main Street North, wherein the applicant proposes to develop these lands for residential and parkland uses by way of plan of subdivision, **be tabled for up to three meeting cycles (July 15, 2009).**

.Carried

The Committee recessed at 9:20 p.m. and reconvened at 9:26 p.m.

8. **PART LOTS 1, 11, 12 & 13 OF BLOCK D, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF SOUTH DUMFRIES, LOCATED AT 20 TOLHURST AVENUE**

In the matter of an Application received from J.H. Cohoon Engineering Ltd., agent for Glenwood Homes, applicant / owner of Part Lots 1, 11, 12 & 13 of Block D, County of Brant, in the geographic Township of South Dumfries, located at 20 Tolhurst Avenue, to change the Official Plan land use designation on the subject property from its present Low Density Residential Area to a Medium Density Residential Area in order to permit a broader range of residential uses including a 25 unit rowhouse condominium. Related Files include Zoning By-law Amendment ZBA10/09 and Plan of Condominium CDM1/09.

The Senior Planner reported that the applicant is proposing to change the Official Plan land use designation on the subject property from its present Low Density Residential Area to a Medium Density Residential Area.

With regard to Zoning By-law Amendment ZBA-29/08, the Senior Planner reported that the applicant is proposing to rezone the subject lands from Residential Second Density (R2) to Residential Multiple First Density (R4).

The Senior Planner reviewed the breakdown of the Plan of Condominium CDM-1/09 as follows:

| | |
|-----------------------------|----------------------|
| Medium Density Residential: | 25 units per 1.33 ha |
| Parkland: | Cash in lieu |
| Public Right-of-ways: | None (private road) |
| Total Land Area | 1.33 ha |

Pursuant to Sections 17, 22, 34 and 51 of the *Planning Act*, notices were given and the applications were circulated to agencies and by mail to property owners within 120 metres of the properties and notices were also posted on site.

The Senior Planner reported that the applications, as they relate to changing the existing low density residential designation and zone to a medium density residential designation and zone in order to establish a 25 unit residential plan of condominium in an area currently designated for settlement, are premature.

He reported that it is staff's opinion that the St. George Area Study must be completed first in order to be consistent with the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement. He noted that there is a need for the strategic allocation of the uncommitted hydraulic reserve capacity in order to be consistent with Provincial Policy.

The Senior Planner advised that the intent of staff's recommendation is to ensure that there continues to be a three year supply of shovel ready, residential lots in the community while the St. George Area Study is undertaken.

Given the details above, Council should adopt an allocation strategy for the 50 residential units of reserve capacity prior to considering the merits of these applications.

- **Committee Questions and Comments**

In response to a question, the Senior Planner reported that the original application included an access via an unopened road allowance and considerable review and discussion was undertaken with regard to the suitability of same.

- **Mr. Rob van Poorten – J.H. Cohoon Engineering Ltd. – Agent for the Applicant**

Mr. van Poorten reviewed the history of the application and discussed the proposed size of the lots, infilling, neighbouring development, the style of units proposed for the lots, density and phasing.

- **Committee Questions and Comments**

Committee discussion focused on Holding Provisions and water allocation.

In response to a question, Mr. van Poorten noted that his firm is aware that water allocation is an issue of concern and that if only for the purpose of the servicing and water allocation, his firm

does not object to the staff recommendation to table the application for up to three cycles, in order for Council to adopt an interim allocation policy for the St. George Settlement Area.

- **Public Questions and Comments**

Mr. W. Sickle – 361 McLean School Road, South Dumfries

On behalf of the St. George Baptist Church, Mr. Sickle advised that the Board of Directors has no objections to the application. Mr. Sickle noted that the Church does have concerns with respect to drainage from the Church parking lot. He requested information with regard to whether there would be any access to the right of way from the proposed development to Beverly Street, noting that if there is, the Church is concerned with respect to the services that run along the right of way. Mr. Sickle advised that in the past, when there has been work undertaken on the sewer system and / or road maintenance works along Beverly Street, the works have affected the Church in that heavy machinery causes shifts and settling within the Church structure. Mr. Sickle further requested information with regard to fencing and access.

In response to questions, Mr. van Poorten reviewed the potential for a water loop system within the proposed development and reported that the proposed development will have access only as shown on the draft Plan of Subdivision. He noted that fencing is a matter that will be dealt with via the site plan approval process. In response to further questions, Mr. Bob Phillips advised that the proposed development will be self-contained and any runoff for any particular lot will be contained within that lot.

Mr. G. Quadland - 16 Tolhurst Ave, South Dumfries

Mr. Quadland expressed concern with respect to the proposed roadway as it relates to the ravine on the subject property and reviewed the size, location and topographical information with respect to the ravine. Mr. Quadland expressed his opposition to the proposed roadway and requested that the Committee consider instead the utilization of the unopened road allowance that exists on the subject property.

In response to Mr. Quadland's concerns, Mr. Phillips noted that the intent of the proposed roadway is to match the profile of the ravine.

Ms. H. Ford – 14 Tolhurst Ave, South Dumfries

Ms. Ford expressed similar concerns to those of Mr. Sickle and Mr. Quadland. She expressed specific concern with regard to the amount of traffic on Tolhurst Ave and the potential for it to increase as a result of the proposed development. Ms. Ford expressed her belief that there are not adequate sidewalks in the area.

Mr. J. Copping - 18 Tolhurst Ave, South Dumfries

Mr. Copping expressed similar concerns to Mr. Quadland and Ms. Ford and expressed further concern with respect to flooding, the number of proposed units, density, traffic, emergency vehicle access and pedestrian safety.

In response to comments from Mr. Copping, Mr. van Poorten noted that the form of the proposed development is considered infilling, that it is supported by Provincial Policy and is the type of format that the Province is encouraging Municipalities to approve. Mr. van Poorten noted

that it is likely that the persons residing in the proposed development will be older couples, “empty nesters”, etc. He noted that the proposed development is that of a condominium nature and will be entirely managed by and the responsibility of the condominium corporation.

Mr. Phillips noted that the drainage plan for the proposed development will come under close scrutiny by the County and the Grand River Conservation Authority. He noted that a traffic impact analysis has been undertaken, the results of which indicated that there will be no significant traffic impact as a result of the proposed 25 residential units. He advised that the roads within the proposed development will be designed to meet the requirements for emergency vehicle access. Mr. Phillips reiterated that the intent of the roadway, as it relates to the ravine, is that the roadway will closely match the profile of the ravine.

Mr. J. Ford – 14 Tolhurst Ave, South Dumfries

Mr. Ford requested specific information with regard to the anticipated roadway access to the proposed development. In response, Mr. Phillips reported that the roadway will be nine meters wide and sufficient to support emergency vehicle access.

The Senior Planner noted that any information with regard to sidewalks and / or roadway improvements falls outside the scope of the application.

- **Committee Consideration**

Moved by – Councillor Wheat

Seconded by – Councillor Gatward

That the consideration of the Application for **Official Plan Amendment File No. OPA-C09** from J.H. Cohoon Engineering Ltd., agent for Glenwood Homes, applicant / owner of Part Lots 1, 11, 12 & 13 of Block D, County of Brant, in the geographic Township of South Dumfries, located at 20 Tolhurst Avenue wherein the applicant proposes to change the Official Plan land use designation on this property from its present Low Density Residential Area to a Medium Density Residential Area in order to permit a broader range of residential uses including a 25 unit rowhouse condominium **be tabled for up to three cycles (July 15, 2009)**, in order for Council to adopt an interim allocation policy for the St. George Settlement Area;

That the consideration of the Application for **Zoning By-law Amendment File No. ZBA-10/09** from J.H. Cohoon Engineering Ltd., agent for Glenwood Homes, applicant / owner of Part Lots 1, 11, 12 & 13 of Block D, County of Brant, in the geographic Township of South Dumfries, located at 20 Tolhurst Avenue wherein the applicant proposes to change the Official Plan land use designation on this property from its present Low Density Residential Area to a Medium Density Residential Area in order to permit a broader range of residential uses including a 25 unit rowhouse condominium **be tabled for up to three cycles (July 15, 2009)**, in order for Council to adopt an interim allocation policy for the St. George Settlement Area;

That the consideration of the Application for **Draft Plan of Condominium File No. CDC-1/09** from J.H. Cohoon Engineering Ltd., agent for Glenwood Homes, applicant / owner of Part Lots 1, 11, 12 & 13 of Block D, County of Brant, in the geographic Township of South Dumfries, located at 20 Tolhurst Avenue wherein the applicant proposes to change the Official Plan land use designation on this property from its present Low Density Residential Area to a Medium Density Residential Area in order to permit a broader range of residential uses including a 25

unit rowhouse condominium **be tabled for up to three cycles (July 15, 2009)**, in order for Council to adopt an interim allocation policy for the St. George Settlement Area.

.Carried

9. **LOTS 39 TO 55 INCLUSIVE AND PART OF LOT 38, WEST OF MILL RACE AND EAST OF ELM STREET, LOTS 1 TO 10 INCLUSIVE, WEST OF ELM STREET, PART OF ELM STREET, PART OF THE MILL RACE AND LOT 1, BLOCK 57, REGISTERED PLAN 492, GEOGRAPHIC TOWN OF PARIS, COUNTY OF BRANT, 80 WILLOW STREET**

In the matter of an application received from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow Street, to redevelop a portion of the subject property for a 97 parcels of tied land subdivision in the form of block rowhouses.

The Senior Planner reviewed a power point presentation of the application and discussed the following: background information, plan of subdivision, plan of common elements condominium, Zoning By-law amendment, revised development concept, revised Willow Street elevation, revised plan and profile, development concept, examples of two and three storey condominiums in neighbouring cities and parking.

- **Committee Questions and Comments**

Committee discussion focused on employment land, Provincial Policy, traffic concerns, drainage issues, neighbour consultation, trails and previous hearings before the Ontario Municipal Board.

Councillor Haggart arrived at the meeting at 10:47 p.m., but did not join the table.

In response to questions, the Senior Planner reviewed the extensive history of the application.

Members of Committee expressed concern with respect to the extensive information, relating to the application, received in the addendum moments before the meeting began.

Moved by – Councillor Wheat

Seconded by – Councillor Gatward

That the 11:00 p.m. curfew be extended.

.Carried

- **Mr. Bob Phillips – J.H. Cohoon Engineering Ltd. – Agent for the Applicant**

In response to questions and comments, Mr. Phillips reviewed the history of the application and discussion took place regarding the revised concept plan. Mr. Phillips noted that a fundamental change in the concept plan has been the introduction of residential units that are lower in height than originally proposed. Mr. Phillips discussed parkland dedication and cash in lieu of parkland dedication. He noted that a traffic study has been undertaken and that the Developer has agreed to a contribution of up to \$25,000 to rectify the issues at the intersection of William

Street and Willow Street. With respect to drainage, flooding, etc., Mr. Phillips advised that the Grand River Conservation Authority, as well as County staff have expressed their satisfaction with the stormwater management concept proposed in the plan.

- **Committee Questions and Comments**

It was noted that persons interested in purchasing the proposed units may not necessarily be older couples and / or “empty nesters” as suggested by the agents for the applicant.

- **Public Questions and Comments**

Ms. J. Field – 71 William Street, Paris

Ms. Field expressed her opposition to the application. She discussed density and the future of the subject area and requested that Committee deny the application.

Mr. J. Timon – 74 William Street, Paris

Mr. Timon requested that the four way stop currently in place at the intersection of Willow Street and William Street become a permanent fixture. Mr. Timon reviewed a power point presentation with regard to the proposed application, the buildings that currently exist in the subject area and expressed concern that the proposal does not fit with what is currently in place on Willow Street in Paris.

Mr. B. Harschnitz 81 Walnut Street, Paris

Mr. Harschnitz expressed concern with respect to parkland, elevation and traffic.

Mr. H. Stolp – Pinevest Developments

Mr. Stolp expressed concern with respect to walkability and requested that a pedestrian walkway be included in the plan.

Mr. M. Amey – 49 William Street, Paris

Mr. Amey expressed concern with respect to density, the number of residential units being proposed, drainage, emergency access and traffic.

Mr. Creery – 60 William Street, Paris

Mr. Creery voiced his agreement with the concerns expressed by the aforementioned delegations.

In response to questions and comments, Mr. Phillips noted that a centralized play area, inclusive of playground equipment will be included in the proposed development. He reiterated that a traffic impact study has been undertaken and that the proposed development is consistent with Provincial Policy and the County’s Official Plan.

- **Committee Consideration**

Moved by – Councillor Wheat
Seconded by – Councillor Coleman

That the consideration of the Revised Application for Plan Subdivision File No. PS5/08 received from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow Street, wherein it is proposed to redevelop a portion of this property for a 97 parcels of tied land subdivision in the form of block rowhouses, **be approved**, subject to conditions;

And that the consideration of the Application for Plan of Common Elements Condominium File No. CDM1/08 received from from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow Street, wherein it is proposed to redevelop a portion of this property for common elements condominium in the form of internal roads and outdoor amenity areas, **be approved**, subject to conditions; and

That the consideration of the Application for Zoning By-law Amendment File No. ZBA27/08 received from from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow Street, wherein it is proposed to rezone these lands to change the present Residential Second Density (H-SR2-21) Zone to Residential Multiple First Density (H-SR4-xx) Zone in order to permit 97 freehold parcels of tied land subdivision and a common elements plan of condominium **be approved**.

.Defeated

Moved by – Councillor Chambers
Seconded by – Councillor Powell

That the consideration of the Revised Application for Plan Subdivision File No. PS5/08, as presented at the May 20, 2009 meeting of the Planning Advisory Committee, as received from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow Street, wherein it is proposed to redevelop a portion of this property for a 97 parcels of tied land subdivision in the form of block rowhouses, **be denied**;

And that the consideration of the Application for Plan of Common Elements Condominium File No. CDM1/08 as presented at the May 20, 2009 meeting of the Planning Advisory Committee, as received from from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow

Street, wherein it is proposed to redevelop a portion of this property for common elements condominium in the form of internal roads and outdoor amenity areas, **be denied**;

That the consideration of the Application for Zoning By-law Amendment File No. ZBA27/08 as presented at the May 20, 2009 meeting of the Planning Advisory Committee, as received from from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, Geographic Town of Paris, County of Brant, 80 Willow Street, wherein it is proposed to rezone these lands to change the present Residential Second Density (H-SR2-21) Zone to Residential Multiple First Density (H-SR4-xx) Zone in order to permit 97 freehold parcels of tied land subdivision and a common elements plan of condominium **be denied**.

.Carried

CONSENT ITEMS

Moved by – Councillor Coleman
Seconded by – Councillor Gatward

That the following consent items be received as information:

- i. County of Brant Accessibility Committee minutes of May 7, 2009;
- ii. County of Brant Heritage Committee minutes of April 20, 2009.

.Carried

REPORTS FROM STAFF

PA-09-39 – Area Studies – Planning Peer Review Consultants – Paris North and Nith Peninsula

Moved by – Councillor Coleman
Seconded by – Councillor Gatward

That the consideration of Staff Report PA-09-39 be referred to the next meeting of the Planning Advisory Committee meeting.

.Carried

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 11:41 p.m., on a motion of Councillors Coleman and Chambers, to meet again on Wednesday, June 17, 2009, Council Chambers at 7:00 p.m., Paris.

Secretary