

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, November 21, 2011

The Public Meeting was held Monday, November 21, 2011 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox

Absent:

Councillor: Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Mark Van Patter

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner: 1530953 Ontario Ltd.

THE LOCATION OF THE SUBJECT PROPERTY is described as 161 Eliza Street, Arthur. The property contains the former Arthur Public School.

THE PURPOSE AND EFFECT of the amendment is to rezone the property to an appropriate residential and commercial category. The owner is proposing to redevelop the site with residential uses and some commercial uses. The existing building is proposed to be converted into residential apartments and a limited amount of commercial. Townhouses are proposed on the remaining land. This is the second public meeting being held for this site.

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Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the Council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the Council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120m and required agencies and posted on the property on October 27, 2011.
2. Application for Zoning By-law Amendment
 - Including Traffic Impact Study
3. Presentations by:
 - Linda Redmond, Planner, reviewed her, dated November 15, 2011.
 - Public Meeting Minutes, November 9, 2009

The proposal is for the redevelopment of the former Arthur Public School site. The owner is proposing to convert the existing vacant school into 67 senior apartments and add approximately 300 sq.m (3229 sq.ft.) of commercial area. The north portion of the property (former playing field) is proposed for 16 townhouse units. There will be 23 street townhouse units, 14 are proposed to front on Eliza Street and 9 are proposed to front on Isabella Street.

Overall this development appears to be an efficient reuse of an existing vacant school property and a great example of intensification and infill. There are a few overall design issues related to density and access. There are also some minor zoning variances that are required in order to accommodate this proposal. Staff still requires some clarification with respect to the apartment and commercial component of the development before proceeding with a by-law.

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The subject lands are located at 161 Eliza Street, Arthur. The property has an area of approximately 1.86 ha. (4.59 ac.) and has frontage on Eliza, John and Isabella Streets. The lands are currently occupied by the former Arthur public school building which is currently vacant. The property is primarily surrounded by residential properties.

The proposal is to rezone the property to an appropriate residential and commercial category. The owner is proposing to redevelop the site with residential uses and some commercial uses. The existing school building is proposed to be converted into 67 residential apartments and a limited amount of commercial. The remainder of the property will be developed with 23 street townhouses and 16 cluster townhouse units.

The property is designated RESIDENTIAL in the Wellington County Official Plan. According to Policy 8.3.3 of the County Official Plan the predominant use of land in those areas designated Residential shall be residential and provides for a variety of housing types from low rise and low density to medium density. Section 8.3.5 outlines criteria for medium density developments which includes: density targets, development on full services, compatibility with surrounding land uses, adequate on-site parking, amenity area's and storm water management. Some non residential uses are also recognized uses within the Residential designation.

Section 8.3.5 a) establishes density targets for medium density residential uses as follows: 14 units/acre for townhouses or row houses and 30 units/acre for apartments. This development is a combination of all three dwelling types. The property appears to exceed the density criteria by 12 units and is shown on the following table:

	Dwelling Type	Area	Density permitted	Density provided
Parcel A	(to be severed) – Row Houses	0.5 ac (2119 m2)	7 units	9 units
Parcel B	(to be severed) – Row Houses	0.8 ac (3264 m2)	11 units	14 units
Parcel C	Apartment & Commercial	2 ac. (8440 m2)	60 units	67 units
	Townhouses	1.16 ac (4705 m2)	16 units	16 units

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Section 4.6.1 outlines a number of studies that may be required in order to assess the merit of planning applications. These studies may propose ways of reducing or eliminating any negative impacts that may result from the development. The developer has completed a traffic impact study.

Under the Zoning By-law the subject property is zoned Institutional (IN). The property should be placed in a site specific Residential/Commercial zone. A draft by-law had not been prepared. Although formal Site Plan approval has not been completed, staff had completed a zoning review of the most recent Site Plan, last revised on September 12/11. A copy of the zoning review was attached. In summary the following deficiencies will need to be addressed through the zoning by-law:

- Parking – 1 space per unit (1.5/unit required) for Street townhouse units (23 units)
- Lot area reduction for apartment (former school) 9686 sq.m required – 8440 sq.m. provided.
- Interior side yard setback (former school expansion) 4.3m required – 4.2m provided.
- Rear yard setback (former school) 7.6m required – 7.45m provided.

Other zoning requirements that need to be considered or clarified include:

- Buffer area – buffer is required along the northerly and westerly yards which abut residential uses (section 6.3).
- Common Amenity Area – is required for the apartment and 16 unit townhouse. The apartment requires an area of approximately 3821 sq.ft. and the townhouse requires an area of 1297 sq.ft. (section 6.6).
- Type and floor area of apartment units.
- Type of commercial use proposed.

At the Public meeting in 2009 the Developer's Planner stated that the apartment units are proposed to be approximately 350 sq.ft. This does not meet the minimum floor area for a bachelor unit which is 398 sq.ft. Also a one bedroom apartment is to be a minimum of 538 sq.ft. It would be preferable to see a variety of unit types within the proposed apartment building.

According to the Site Plan Control By-law, this proposal will be subject to Site Plan approval. Ms. Redmond suggested that Site Plan approval be obtained in principle prior to adoption of the by-law.

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This application was before Council on November 9, 2009. At that time a number of residents were in attendance and had the following concerns/comments:

- Type of commercial use proposed.
- Size and scale of street townhouse units (height).
- Density too high.
- Traffic issues.
- Property values.
- Storm Water Management – lots of flooding currently on property.
- Some residential properties drain onto school property – how will this be dealt with.
- Concerns with crime on the site.
- Would like access onto Isabella – too much coming onto Eliza with current plan.
- Concerned with subsidized housing.
- Assurance that project will be completed in a timely manner.
- Buffering.

Council requested the applicant complete a traffic impact study and storm water management plan. A draft traffic impact study was submitted and was reviewed by Triton Engineering on behalf of the Township.

There are currently two applications for severance on the subject lands. These applications were deferred until such time that Council has dealt with the Zone Amendment and Site Plan approval of the overall parcel. The parcels to be severed are proposed for street townhouses as shown on the site plan. It should be noted that the two proposed townhouse blocks will not conform to maximum allowable density as per the Official Plan.

It is proposed that the street townhouses be severed. The parking requirement of 1.5 spaces per unit is difficult to achieve with this type of dwelling. The units are proposed to have garages which will essentially provide two off street parking spaces. The developer is proposing to provide 20 extra parking spaces within the development for the street townhouse units. This option would be difficult to implement once the lots have been severed from the overall property. The preference would be to amend the by-law to allow 1 parking space per townhouse unit which is the same requirement for a single family dwelling. The 20 extra parking spaces will still be available for use as well as on street parking.

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Further, the apartment has been reviewed as a senior building at 1 parking space per unit, while other apartment dwellings require 1.5 spaces per unit. This makes sense from a use perspective as seniors tend to have less vehicles per household, however the Township has no control over the type of residents who will ultimately reside in the building. As such it would be preferable that the extra 20 parking spaces referred to earlier be available for apartment overflow parking, visitors and the street townhouse units.

Parking located in exterior side yard is permitted for commercial uses, however it should be noted that parking would not be permitted in this yard if the building becomes all residential.

There are three issues with overall design which staff has discussed with the Developer's Planner. First issue is the number of Street Townhouse units. Although the By-law does not limit the number of units permitted in a row, staff has advised that we would prefer to have no more than 6 units attached with breaks. Second issue is an access onto Isabella Street. The site plan shows this access for emergency use only, with a gate. Staff would prefer that this be a fully utilized access. Finally the overall density appears to be higher than the Official Plan recommends.

Consideration needs to be given to the capacity of Municipal services and whether there is sufficient capacity and allocation for this proposal. My understanding is that there is allocation of 42 units for this site. The amending by-law should place any portion of lands that would not have allocation in a holding zone until such time that capacity is available. Further given the sewage constraints, Council should consider what phasing is preferable.

The type of commercial use is unknown at this time. Through discussions with the Planner it is understood that the intention is to have uses that would service the senior residents of the apartments such as a restaurant, variety store or salon etc. We would want to ensure that any commercial use that locates there does not compete with the downtown core area of Arthur. The by-law for this property should include controls for this use.

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4. Review of Correspondence received by the Township:
 - Ray Kirtz, Township Engineer, Triton Engineering Services
 - General & Transportation Impact Study Comments
 - Rezoning Submission Comments
 - Liz Yerex, Resource Planner, Grand River Conservation Authority
 - No objection
5. The by-law will be considered at a future regular Council Meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
6. Mayor Tout opened the floor for any questions/comments.

The Owner and his Agent were present to answer any questions.

Scott May, owner's agent, explained that they have prepared a traffic study and pre-servicing report regarding stormwater, as requested. Site Plan Approval would get into specifics of engineering. This work has already been completed and forwarded to Triton. They have addressed the previous concerns. The intent is to create a streetscape where each unit is different to get away from a repetitive design. In regards to the density issue the Zoning By-law is being implemented. They are complying with the existing zoning for lot frontage and setbacks. The unit sizes for the bachelor, one and two bedrooms comply with the existing unit size as per the by-law

David Emery, 160 Eliza Street, questioned the reference to John Street in the Traffic Report. John Street was renamed as part of Eliza Street shortly after amalgamation.

Dan Cotton, 304 Eliza Street, commented that this project is too dense for what is going on in Arthur. He questioned the proposal that commercial uses not interfere with existing businesses. There are empty storefronts now and whatever goes in the commercial portion of this project will interfere with downtown businesses. Mr. Cotton disagreed with the reduction in parking from 1.5 spaces to 1 space.

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Mr. Cotton feels the street is too narrow to allow parking on both sides of the street without affecting traffic flow. This project would set a precedent of what can and cannot be done. If it is allowed then Council could not say no to another developer. Mr. Cotton would like to see Arthur grow, but not with this concept. Could the developer be asked to develop the existing school building first? If that was done it might give the neighbours some belief that the rest of the project would go through. It was Mr. Cotton's belief that if the freehold townhouses are developed first the school will not be done.

Mr. May explained that the proposal is for phase one and is based on the sewage units. Phase one includes the 23 street townhouses and the first floor of the school.

Mr. Cotton questioned the number of sewage units available for this development. He is concerned that some of this development will happen but it won't be able to be completed due to a lack of sewage allotments

Mr. Emery agreed with Mr. Cotton and stated that he is against the commercial portion of the proposed development.

Judy Bannister, 306 Eliza Street, expressed concern for the senior citizens that live across the street from the proposed development. She felt the parking won't be enough. Garages will probably be used for storage. Visitors or other family members will have cars.

Rob Schmidt, 308 Eliza Street, questioned the on street parking and what would happen in the winter when there is no parking allowed on the street overnight.

Gord Bannister did not think only one access off Eliza Street was sufficient and questioned why there could not also be access off Isabella Street.

7. Comments/questions from Council.

Councillor Lennox commented that he would like to see the property developed but has concerns with the proposal. It should be developed like the area around it. If the density could be reduced it might work.

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Councillor Burke echoed Councillor Lennox's comments and asked if consideration could be given to the school being done first.

Mr. May stated that the proposed project complies with the R3 Zoning so they are not asking for relief for the density. They want to begin with the street townhouses to have income to finance the renovation of the school. The Official Plan and the Zoning are not consistent. The Zoning By-law is a legal document and they are working with it. Phase one includes the street townhouses and a portion of the school.

Mayor Tout questioned what types of commercial uses are planned and expressed his concern about winter parking on a narrow street

Mr. May indicated that they want something that can be supported by the residents; such as a chiropractor, hair salon, naturopath. They are allocating commercial spaces on the east side. There will be extra for apartments. They are still allocating separate commercial parking. The development still exceeds the by-law in regards to parking.

Ms. Redmond explained that the parking reduction is only being asked for the street townhouses and is based on seniors living in the townhouses. This meets the parking requirements for seniors; but there is nothing that says the units have to be rented to seniors. The Official Plan requires certain density for types of units. There are green areas included but there is nothing showing common amenity area. A more substantial area for common amenity is needed as these landscaped areas throughout the development do not meet the common amenity area requirements. The apartment building does not meet the required lot area.

Councillor Lennox stated that although there has been a significant amount of information presented Council needs more information and understanding before moving forward. The public and Council have raised concerns that need to be addressed.

Mayor Tout agreed that more information is needed as this is a large undertaking. He thanked the public for coming out and raising very valid points.

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8. Adjournment 7:42 p.m.

C.A.O./CLERK

MAYOR