

# Minutes

## Planning Advisory and Hearing Committee

**Meeting ID:** 2019-03  
**Meeting Date:** Mon April 15, 2019 07:00 PM  
**Location:** City Hall Council Chambers, 360 Pitt Street, Cornwall, Ontario, K6J 3P9  
**Chair:** Elaine MacDonald, Councillor  
**Prepared By:** Ely Daniels, Administrative Assistant

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### **Attendance Committee Members:**

Elaine MacDonald, Councillor  
Maurice Dupelle, Councillor  
Carilyne Hébert, Councillor  
Claude E. McIntosh, Councillor  
Justin Towndale, Councillor  
Dean Hollingsworth, Councillor  
Eric Bergeron, Councillor  
Glen Grant, Councillor  
Syd Gardiner, Councillor  
Todd Bennett, Councillor  
Amanda Brisson, Lay Member  
Ron Symington, Lay Member

### **Attendance Staff:**

Dana McLean, Development Coordinator  
Ely Daniels, Administrative Assistant  
Karl Doyle, Senior Planner  
Mark A. Boileau, General Manager, Planning,  
Development and Recreation  
Mary Joyce-Smith, Division Manager, Planning

### **Regrets:**

Bernadette Clément, Mayor

### **Attendance Media:**

None

### **Attendance Public:**

Eight gallery members were present; but only two signed the public attendance sheet.

### **WELCOME AND CALL MEETING TO ORDER BY CHAIRMAN:**

Chair Elaine MacDonald called the meeting to order at 7:00 PM.

**ROLL CALL:**

Roll call was conducted by Recording Secretary, Ely Daniels.

**ADOPTION OF THE AGENDA - ADDITIONS AND DELETIONS:**

Motion to adopt the Agenda with an amendment to add under separate cover the missing summary Report # 2019-07 - CPPEG Recommendation HOTC # 2019-02 at 245 and 249 Pitt Street.

**Moved By: Carilyne Hébert, Councillor**  
**Seconded By: Amanda Brisson, Lay Member**

**Motion Carried**

**ADOPTION OF THE MINUTES:**

Motion to endorse the following Minutes as presented.

**1 March 18, 2019 Planning Advisory and Hearing Committee Meeting**  
Click for detail --> 

**Moved By: Glen Grant, Councillor**  
**Seconded By: Ron Symington, Lay Member**

**Motion Carried**

**DECLARATION OF CONFLICT OF INTEREST:**

There were no disclosures of interest declared.

**BUSINESS ARISING FROM THE MINUTES:**

None

**PRESENTATION(S):**

None

**REVIEW OF PUBLIC NOTICE REQUIREMENTS BY PAC SECRETARY:**

PAC Secretary Mary Joyce-Smith advised that a Notice of Public Meeting was

advertised in the Standard-Freeholder on Saturday, March 23<sup>rd</sup>, 2019 covering two Public Meeting Items; modifications to the Comprehensive Zoning Bylaw #751, 1969 for PAC File Z-03-19 – Housekeeping No. 27, and a review of an application for a Condominium Conversion of one (1) existing rental mixed use apartment building located at 108 Second Street East. She added that Senior Planner, Karl Doyle would provide a brief presentation on each file for PAC discussion and final recommendation to Council.

## **PUBLIC MEETING ITEM(S) - PUBLIC HEARING:**

### **1 Proposed Modifications to the Comprehensive Zoning By-law No. 751, 1969, as amended (PAC File Z-03-19 - Housekeeping No. 27).**

Click for detail --> 

Senior Planner Karl Doyle provided an overview of the Housekeeping exercise and described it as a tool used by the municipality to maintain a current and relevant Zoning Bylaw. He added that pending a rewrite of the Zoning By-law, the Planning Division has an opportunity to introduce any necessary changes through the Housekeeping exercise process and that this Housekeeping No. 27 is to introduce provisions to two (2) items detailed in the report. The first item is for consideration of a proposed textual modification to Provision 01-2-24, Locational Criteria for Medical Marihuana Production Facilities, specifically, removing the reference to “Medical” in the provision as identified on Location Map Z-03-19 (Cornwall Business Park). He added that Planning staff is suggesting to modify the definition of Medical Marihuana Production Facility and replace it with a more general definition, such as, Cannabis Production and Processing Facility and introduce a definition for Cannabis as well as, adjust the General Section, Provision 01-2-24 Locational Criteria for Medical Marihuana Production Facilities. He added that the proposed changes to the Marihuana provisions will bring the Zoning Bylaw in line with Federal legislation and licensing regulations. The second item for consideration is a mapping discrepancy to recognize the historic commercial zoning at 14 Eleventh Street west which is the Commercial Window Visions / Residential site. The site will be rezoned to Commercial 51 (COM51). The mapping discrepancy was identified in 2016 when the current owners made a building permit application to reconstruct the accessory structure located at the rear of the property. Planning records indicate that the original detached garage was constructed in 1938, and the commercial business (Window Visions) has been in operation since 1989. As a result of the new accessory structure and associated sign not adhering to applicable Zoning and Sign By-law standards, a Committee of Adjustment (COA) application was required. The Window Vision use was legitimized under Section 45 of the Planning Act, which provides the COA the power to consider the use as an expanded legal non-conforming use. He concluded that applying the historic Commercial 51 (COM51) zoning to the

subject site will bring the property in conformity with the General Commercial Official Plan designation, and that the Planning Division is supportive of the proposed modifications.

Chair Elaine MacDonald asked three times if there were any questions/comments from the audience, and as there were none, she opened discussion to PAC members to discuss, debate and move the recommendation.

## **2 Condominium Conversion - Application for a Draft Plan of Condominium (Conversion) - PAC File CD-2019-01, located at 108 Second Street East, (Knox City Centre), legally described as Part of Lot 11 & 12, South Side of Second Street, Concession 1.**

Click for detail --> 

Senior Planner Karl Doyle advised that an application had been received by Knox City Centre Inc. to convert the Knox mixed use apartment building into condominium units at 108 Second Street East. He added that Knox City Centre Inc. has no intention to sell any units to residents, commercial tenants or to third parties and described the development as consisting of 4 ground floor commercial units, 36 residential units, with a total of 59 surface above grade parking stalls. He advised that the City's Official Plan clearly directs that any application for rental accommodation into condominium ownership should have regard for the current vacancy rate of rental accommodation at the time of application, and that it should not be less than 3%. He advised that the City of Cornwall's vacancy rate is approximately at 4.2%. He also added that 75% of the tenants had signed a document agreeing to the conversion and that the owner obtained 91% of the occupied residential units. *(Councillor Eric Bergeron indicated that his calculations showed an 87% and Planning staff agreed with the 3% differential).* He stated that the owner and legal counsel have provided a confirmation regarding Public Consultation with the current residents of the Knox Development and that even though the owner does not intend to sell, it is important to note that under the Residential Tenancies Act, 2006, the current tenants of this building maintain a right to continue to rent their units or to purchase them in the event of a future sale. In his conclusion, he stated that the property is appropriate for a Condominium Conversion as per the proposed Plan of Condominium, and therefore, Planning staff is supportive of the application.

The proponent's counsel, Lawyer Maurice Gatien advised that during the public information exercise/session hosted in September 2018, they were very careful in explaining to the tenants how very well protected they are under the Residential Tenancies Act. He added that even if the unit is sold to a third party, that third party cannot terminate their tenancy. Ultimately, they are fully protected under the provincial legislature which prevents tenants from being coerced or pressured

to move.

Chair Elaine MacDonald asked three times if there were any questions/comments from the audience, and as there were none, she opened discussion to PAC members to discuss, debate and move the recommendation.

### **PAC DISCUSSION OF PUBLIC MEETING ITEM(S):**

#### **1 Proposed Modifications to the Comprehensive Zoning By-law No. 751, 1969, as amended (PAC File Z-03-19 - Housekeeping No. 27).**

Click for detail --> 

Lay Member Ron Symington asked for clarification on the applicable existing setbacks for consideration in the report where it states that no two Cannabis Production and Processing Facility (CPPF) uses shall be located within 150 meters of each other. He asked whether that meant that one company could not have two buildings on their own property or does it relate only to two different companies being separated. The suggested modification could be misinterpreted.

Senior Planner Karl Doyle replied that this setback relates to two different entities being located within 150 metres of each other.

Lay Member Ron Symington also asked about the suggested modification that a CPPF must not be conducted within a private dwelling and asked if it would make sense to put a clause in the Home Occupation Section of the Zoning Bylaw excluding this use as a permitted use.

Senior Planner Karl Doyle replied that the suggestion can be reviewed.

Councillor Claude McIntosh asked if it was possible for a CPPF to establish a retail component in its' facility.

Senior Planner Karl Doyle replied that a small retail component is permitted; however, it would also have to adhere to Federal legislation and licensing requirements.

Following a further brief discussion, there was a motion that the Planning Advisory and Hearing Committee (PAC) recommends to City Council that the items included in the Housekeeping No. 27 report be approved as presented.

**Moved By: Justin Towndale, Councillor**  
**Seconded By: Glen Grant, Councillor**

**Motion Carried**

**2 Condominium Conversion - Application for a Draft Plan of Condominium (Conversion) - PAC File CD-2019-01, located at 108 Second Street East, (Knox City Centre), legally described as Part of Lot 11 & 12, South Side of Second Street, Concession 1.**

Click for detail --> 

Councillor Glen Grant stated that the only negative thing about condominium conversions is that the City loses tax money.

Lawyer Maurice Gatien replied that this change is being done strictly for administrative, legal and financial reasons, and the way to look at it is that there is a respected developer who invests a lot of money into properties in the city of Cornwall and has an excellent track record of putting money back into the community.

Councillor Claude McIntosh asked if a tenant were to pass away, would the unit be sold or continue to be rented.

Lawyer Maurice Gatien replied that the unit would continue to be rented and he reiterated how very much protected a tenancy is because of certain provisions in the Residential Tenancies Act.

Lay Member, Amanda Brisson asked whether once this application is approved, will the current tenants be explained their rights again so they completely understand.

Lawyer Maurice Gatien replied that this is a good suggestion and that once approved, they will make sure to re-educate the tenants on their rights.

Councillor Syd Gardiner stated that part of the approval depends on a certain number of square footage for Commercial usage, does this change anything.

Lawyer Maurice Gatien replied that the ground floor will remain Commercial.

Councillor Eric Bergeron asked for clarification with respect to the reason the report emphasizes that the owner has no intention to sell. He asked if the reason for stating it is just for PAC's information as it seems irrelevant to the decision. Once Council approves the recommendation, the owners can choose to sell or not sell.

Senior Planner Karl Doyle replied that in past condominium conversion cases, Council wished to know the intent of the proponent at the time of the application.

Following a further brief discussion, there was a motion that the Planning Advisory and Hearing Committee (PAC) recommends to City Council the following:

- i) That the application dated February 26th, 2019, from Knox City Centre Inc., to convert the mixed use apartment building into condominium units at 108 Second Street East, legally described as Part of Lot 11 &12, South Side of Second Street, Concession 1, be given approval in principle, subject to the Draft Plan conditions contained in Appendix "A" to this technical report, and;
- (ii) That upon final condominium drawings being prepared by an Ontario Land Surveyor and being reviewed and confirmed, that final approval be granted to the Plan of Condominium.

**Moved By: Syd Gardiner, Councillor**  
**Seconded By: Glen Grant, Councillor**

**Motion Carried**

#### **OTHER / NEW BUSINESS:**

PAC Secretary Mary Joyce-Smith advised that Development Coordinator Dana McLean would provide a brief presentation for PAC discussion and final recommendation to Council with respect to the following four (4) CPPEG funding applications.

#### **1 CPPEG Recommendation April 4, 2019 HOTC#2019-01 29 Second St E** Click for detail -->

Development Coordinator Dana McLean advised that this is a new application by Dr. Syed Hussain at 29 Second Street East requesting HOTC funding assistance in an amount up to \$4,607 for architectural and engineered drawings required for building permit submission.

Following a review by CPPEG, it was moved to recommend to PAC:

That HOTC#2019-01 funding request by Dr. Syed Hussain at 29 Second Street East, be accepted as follows:

Program 3 - Project Design Grant - \$4,607

Conditional: To complete the repair to the facade on the east side and to clean up the overgrowth in the rear of the property at the fence line.



## **2 CPPEG Recommendation April 4, 2019 HOTC#2019-02 245 and 249 Pitt St**

Click for detail --> 

Dana McLean advised that this is an application by Eric Charron and Giovanna Galletto at 245 and 249 Pitt Street requesting HOTC funding assistance in an amount up to \$7,500 for architectural and engineered drawings required for building permit submission.

Following a review by CPPEG, it was moved to recommend to PAC:

That HOTC#2019-02 funding request by Eric Charron and Giovanna Galletto at 245 and 249 Pitt Street, be accepted as follows:

Program 3 - Project Design Grant - \$7,500

Conditional: Reimbursement may be provided at the time of submission of the building permit.

Councillor Dean Hollingsworth asked is there a way of ensuring that the applicants do not demolish the building and leave an empty space in its' stead. He added that while the building has run its' life course, there is a fair number of empty spaces Downtown and it would be a shame to see more. He asked if there was anything stopping them from demolishing the building and selling it the empty lot.

Dana McLean replied that funds could be withheld so that funds don't move forward until the proponents apply for a building permit. They would have to pay for those permit fees up-front and hope that they move forward as there is no way to get that money refunded.

## **3 CPPEG Recommendation April 4, 2019 HOTC#2013-16 Addendum 108 Pitt St**

Click for detail --> 

Dana McLean advised that this is an application by Chris Munro at 108 Pitt Street requesting HOTC funding assistance in an amount up to \$6,483 to help replace the boiler system, and asbestos removal.

Following a review by CPPEG, it was moved to recommend to PAC:

That HOTC#2013-16 Addendum funding request by Chris Munro at 108 Pitt Street, be accepted as follows:

Program 2 - Building Restoration & Improvement - \$3,533 (Interest free loan)

Program 5 - Municipal Planning/Development Fees Grant - Actual

Program 6 - Discretionary Municipal Tipping Fees Grant - \$2,950

#### **4 CPPEG Recommendation April 4, 2019 BR#2009-06 Addendum 1200 Second Street West**

Click for detail --> 

Dana McLean advised that this is an application by 1350844 Ontario Inc. at 1200 Second Street West for Brownfields funding assistance in an amount up to \$89,321. This will assist with Municipal Planning / Development fees for a new 3 storey addition to Riverdale Terrace Seniors Residence.

Following a review by CPPEG, it was moved to recommend to PAC:

That BR#2009-06 Addendum funding request by 1350844 Ontario Inc at 1200 Second Street West, be accepted as follows:

Program 1 - City of Cornwall Rehabilitation Grant - \$31,656 (Development Charges)

Program 4 - Municipal Planning/Development Fees Grant - \$57,498

Note: New assessment will occur in 2020.

Lay Member Amanda Brisson asked for clarification as to whether there was also an option to individually vote on the CPPEG items presented.

Dana McLean replied that there is always an option to individually vote on any of the CPPEG items.

Chair Elaine MacDonald said she was surprised that there had not been a demand for traffic control with the increase in population at that location.

Dana McLean replied that the City's traffic engineer would have reviewed that at the time of the Site Plan approval.

Following a further brief discussion by the PAC, it was:

**Moved By: Maurice Dupelle, Councillor**  
**Seconded By: Todd Bennett, Councillor**

**That recommended CPPEG items #1 through #4 be approved and endorsed by the PAC, as proposed, and recommend same to Council.**

**Motion Carried**

**INFORMATION:**

An example of a Basic Rule of Order to follow during PAC meetings was attached. It will be further updated and re-distributed at the next PAC meeting.

**NEXT SCHEDULED MEETING:**

Having received no public meeting items as of yet, PAC Secretary Mary Joyce-Smith advised that there most likely will not be a PAC meeting held in May. If a public meeting item should be received by week's end, the next scheduled PAC meeting will be held on Tuesday, May 21st, 2019 or at the call of the Chair.

**ADJOURNMENT:**

Motion to adjourn the meeting of PAC at 8:05 p.m.

**Moved By: Justin Towndale, Councillor**

**Seconded By: Amanda Brisson, Lay Member**

**Motion Carried**

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**Elaine MacDonald, Chair**