

Minutes

Planning Advisory and Hearing Committee

Meeting ID: 2013-01
Meeting Date: Mon January 21, 2013 07:00 PM
Location: City Hall Council Chambers, 360 Pitt Street, Cornwall, Ontario, K6J 3P9
Chair: CN=Glen G Grant/OU=CITYHALL/O=CityCornwall
Prepared By: Ely Daniels, Administrative Assistant

Attendance Committee Members:

André Rivette, Councillor
Bernadette Clément, Councillor
Bob Kilger, Mayor
Glen Grant, Councillor
Syd Gardiner, Councillor
David Murphy, Councillor
Denis Thibault, Councillor
Elaine MacDonald, Councillor
Maurice Dupelle, Councillor
Gerald E. Samson, Councillor

Attendance Staff:

Christopher Rogers, Chief Building Official
Ely Daniels, Administrative Assistant
Enrique Figueredo Kamm, Transportation Engineer
Karl Doyle, Zoning and Site Plan Coordinator
Ken Bedford, Supervisor, Planning Division
Mary Joyce-Smith, Senior Planner

Regrets:

Denis Carr, Councillor

WELCOME AND CALL MEETING TO ORDER BY CHAIRMAN:

Chairman Grant called the meeting to order at 7:02 PM.

Attendance Media:

Chery Brink, The Standard-Freeholder
Ed Allard, Cogeco

Attendance Public:

Christine Cholette
Christine Lapensee
Brad Moore
Wayne Hargrove

ADOPTION OF THE AGENDA - ADDITIONS AND DELETIONS:

That the Agenda be approved as presented.

Moved By: Denis Thibault, Councillor
Seconded By: André Rivette, Councillor

MOTION APPROVED

ADOPTION OF THE MINUTES:

That the Minutes of the Planning Advisory Committee Meeting (No.2012-08) dated December 17, 2012 be approved as presented.

Moved By: Denis Thibault, Councillor
Seconded By: André Rivette, Councillor

MOTION APPROVED

1 December 17, 2012 Planning Advisory and Hearing Committee Meeting
Click for detail --> 

DECLARATION OF CONFLICT OF INTEREST: None

BUSINESS ARISING FROM THE MINUTES: None

PRESENTATION(S): None

REVIEW OF PUBLIC NOTICE REQUIREMENTS BY PAC SECRETARY:

Ken Bedford advised there were two Public Meeting items for consideration by PAC. These two items were advertised in the Saturday, December 15, 2012 edition of the Standard Freeholder with an additional 400 ft. Notice mailed out on Monday, December 10, 2012 to land owners with respect to the MacEwen Petroleum Application. In addition, a special e-mail Notice of the Public Meeting was sent out on January 7, 2013 to over 22 Building Industry Representatives with respect to the Fees Study Results that will be presented this evening.

PUBLIC MEETING ITEM(S) - PUBLIC HEARING:

Ken Bedford read the nature/request of the hearing item that was prepared by Mary Joyce-Smith. He advised that the first item of business is an application by MacEwen Petroleum for an Official Plan Amendment and a Zoning By-law Amendment from Urban Residential (U.RES) designation to General Commercial (G.C.) and from Residential 20 (RES.20) zone to Highway Commercial (C.H.) respectively, at 1030 McConnell Avenue, in order to facilitate the comprehensive redevelopment of the site for full reconstruction of a gas bar and convenience store.

1 MacEwen Petroleum - Review of an application for an Official Plan Amendment and a Zoning By-law Amendment from Urban Residential (U. RES) designation to General Commercial (G.C.) and from Residential 20 (RES 20) zone to Highway Commercial (C.H.) on Part of the East Half of Lot 7, Con 2, being Lots 19 - 25 and Part of Lots 26, 27 and 30 on Registered Plan 119 City of Cornwall, to facilitate the comprehensive redevelopment of the subject lands for a fully reconstructed gas bar and convenience (C) store. (PAC File Z-11-12, OPA 27)

Click for detail --> 

Mary Joyce-Smith reviewed a Power Point Presentation on the proposed redevelopment of the site at 1030 McConnell Avenue.

She explained that the application is composed of two parts; an Official Plan Amendment and Rezoning. The site is going from a Legal Non conforming use and as mentioned in the Lloyd Phillips report prepared by Christine Cholette, the land use has been established since the 1960's. It is on a Residential 20 (RES 20) zoned site, so it is proposed to go to a Highway Commercial (C.H.) zone. The site is also designated Urban Residential (U.RES) in the Official Plan, so the proposal is to take it to a General Commercial (G.C.) designation in order that the redevelopment be more compliant with the land use policies under the General Commercial (G.C) section.

She explained that it is a very prominent site (corner of McConnell & Eleventh). There are two residential lots to the South side of the site and those said lots will also be part of this application and redevelopment. She further explained that between Christine Cholette and herself, they did an analysis in terms of the Provincial policies. The proponents are taking a very prominent business, building and area, and redeveloping it, which is something the province promotes very strongly under economic sustainability. On the Official Plan, the General Commercial (G.C.) policies support the functionality of this site. She pointed out that the Highway Commercial (C.H.) zone itself does have many uses. Planning Staff evaluated the appropriate uses associated with this site such as; convenience store, a small restaurant, garden center, and service station (proposed as a Gas Bar). They took out uses of a potentially conflicting nature such as motel/hotel, bars/taverns, new and used car sales and drive thru car wash, for example. Initially a car wash had been associated with this project, but the applicants realized that the potential for land use incompatibility was strong given the proximity of residential land uses to the site, so a decision was made to remove the car wash component of the redevelopment. With the introduction of the new "C" store, it was proposed that there would be no access into the residential street on Bousquet Avenue. This is very positive in terms of maintaining traffic off McConnell and Eleventh. She advised that this site will be subject to a site plan review

process, and that the Planning Division staff will be looking at buffering and making sure the functionality of the site is maintained. The Committee was also advised that the Traffic Engineer, Enrique Kamm is supportive of this revised proposal.

Chairman Grant asked if there was anything else the proponents wanted to add to Mary Joyce-Smith's presentation.

Christine Cholette, Planner for MacEwen, said that unless there were any questions put forward to them, she had nothing further to add.

Chairman Grant asked three (3) times if there were any questions/comments from the Audience and, hearing none, closed the public portion of the Meeting.

Questions from PAC Members:

Councillor David Murphy wanted clarification on whether the building ("C" store") would be moved over towards the South, and whether the plan is basically to ease traffic congestion in that parking lot on Bousquet.

Christine Cholette responded that yes the building would be moved back. She advised that there is presently a sanitary sewer easement that transcends a northern part of the property East to West. The building presently encroaches slightly upon that, so they are going to move the building back and essentially the building will act as a buffer between the residential area. The existing access on Bousquet Avenue will be eliminated and there will be landscaping introduced behind the building. By moving the building back, they are making efficient use of the space. The plan is to reflect and acknowledge what the community wants and to efficiently use the space.

Councillor Syd Gardiner asked for clarification as to whether the car wash was out of the redevelopment project.

Mary Joyce Smith replied that it was.

Councillor Samson wanted clarification in regards to the accesses to the site.

Christine Cholette said that there are presently two accesses on McConnell. There is one situated further to the North close to the intersection, that is currently an all movement access which will be changed to a right in only for southbound traffic coming off McConnell. The other McConnell access, which is situated further South, is an all movement access, and will remain and function as it currently is. In addition, accesses exist along Eleventh Street East and a less defined one along Bousquet Avenue.

Councillor Bernadette Clement asked whether there were any comments or concerns received from residents, as well as, the added fencing, and whether there were any problems with that.

Mary Joyce-Smith replied that there were no comments received and added that the area will be subject to a site plan review process. She further explained that when there is a residential and commercial area abutting each other. Staff try to mitigate any potential compliance issues that might arise. Mary mentioned that there are fences but they are staggered, and that it will be a feature that the Site Plan Control Committee might look at in terms of the need for

new/replacement fencing/landscapping. She reiterated that Staff will consider any reasonable solution to address any issues that might come forward.

Councillor Bernadette Clement stated that she was really happy to see that efforts were being made to reconfigure that space as it is a problematic area and believes this will resolve and ease the traffic flow off of McConnell. She added that she was also glad that some uses were taken out such as the drive-thru's and car wash, as those uses would be challenging in such a high traffic area and in proximity to residential.

Councillor Rivette asked about clarification concerning the existing entrance to the site located off of Eleventh Street, and questioned whether it would stay.

Brad Moore representing McEwen's Petroleum, confirmed that the Eleventh Street entrance is part of an active lease which they have with the former owner. The status of the subject entrance will be reviewed during the site plan process. He also explained that in an effort to reduce congestion on the site, they have reduced the size of the canopy and number of pumps. The plan is also to implement higher speed pumps, pay at the pumps, and pay passes to facilitate the customer. Brad Moore further explained that the proposed entrance ways were necessary for proper traffic/truck maneuvering.

Councillor Denis Thibault asked whether the old car wash situated on the West side of the site belonged to MacEwen's, as well as, how the City was going to arrange the traffic flow or signage.

Brad Moore replied that the old car wash was part of the Racine property and that the signs will be specific enough and designed in such a way as to properly help to more efficiently direct access to and from the site.

Councillor Dupelle stated he realized that the site would be subject to a site plan review, however, asked Mary if discussions regarding fences between properties would be reasonable. He stated that this project is a reinvestment in our community, and hoped that McEwen's would not be going through an expensive process to redevelop this site as it is basically just remodeling what is already there.

Staff acknowledged Councillor Dupelle's concerns and identified that a reasonable and negotiated process takes place for all development features during Site Plan Control review.

Councillor Syd Gardiner questioned if there would be a reduction in the number of pumps, and whether the tanks would remain, or will there be new tanks installed.

Brad Moore replied that the tanks are quite dated and they will be coming out of the ground, new and improved ones will be going into the ground in compliance with all TSSA requirements and other applicable Provincial Environmental standards.

Councillor David Murphy asked what was the zoning across the street to the northerly vacant lands.

Ken Bedford replied that the zoning in the whole area is Residential 20 (RES.20) and the Official Plan designation is Urban Residential (U.RES). There will likely be a proposal in front of PAC for new residential development North of the site in the next several months.

Chairman Grant thanked McEwen's for their interest in our community and continuation to improve it.

2 City of Cornwall Building and Planning Development Fees Review Study - Public Meeting Component

Click for detail --> 

Ken Bedford introduced the next Public Meeting item which is a presentation from Mr. Andrew Grunda from Watson and Associates in respect to Building and Planning Application fees. This statutory public meeting session is to represent one of the last steps before Staff consider recommendations from Mr. Grunda's work.

Andrew Grunda reviewed a Power Point Presentation with respect to Building and Planning Application fees.

He explained that the purpose of his presentation is to fulfill the statutory requirements of the Building Code Act to hold a Public Meeting, prior to considering any changes in fees, as well as, to advise the Committee of the results of the study. Watson & Associates Economists Ltd. were retained by the City to undertake a financial review of its development processing fees, which includes both planning applications and building permit fees. In doing so, Watson & Associates looked at what the full costs of those processes are to the City (direct costs such as Staff time, salary, and benefits), as well as indirect costs to fulfill those requirements. In measuring the costs against the existing fee schedule, they were able to originally propose full cost recovery structures. He concluded that their fee recommendations are based on average processing costs per application / permit, market comparators and phase-in over a two year period.

Chairman Grant thanked Mr. Andrew Grunda for his presentation and asked three (3) times if there were any questions from the Audience. There were none.

Questions from PAC Members:

Councillor David Murphy wanted clarification in regards to the Chart reflecting our fee increases, and whether it took into account any potential increases in other municipalities.

Andrew Grunda replied that the chart is just based on our current existing fee structure and does not take into account fee increases in other municipalities.

Councillor David Murphy wanted clarification on the difference between Development Fees and Development Charges.

Ken Bedford replied that these were two distinctive issues. Development Fees relate to cost of the application fees for matters such as Rezonings, Severances, Residential Subdivisions. Development Charges are a separate and distinct mechanism by which Municipalities establish reserve funds for building infrastructure that is being caused by additional new

construction/development taking place. He further explained that this evening's issue is with respect to the Application Fees and not Development Charges. Mr. Andrew Grunda was using those comparables to show some of those costs in those other municipalities.

Councillor Rivette wanted clarification in regards to the comparables.

Andrew Grunda replied that from a municipal fee comparison, if a municipality wants to do a better job at recovering those costs and not having them supported by tax payers funding, an increase is necessary. Many Ontario Municipalities have already addressed this issue by approaching a greater cost recovery model in their fees.

Councillor Gerald Samson asked whether the City's Planning and Building Divisions are processing applications/permits at an efficient enough level, compared to the volume of such files to staff ratio.

Andrew Grunda explained that in his study report they were not looking at process review or work review. What they looked for was how much of those processes take out Staff time and its' present costs to the City, and how effective it is in recovering those costs. He further explained that trying to measure service levels is somewhat a different issue because then its related more to how quickly those processes are being undertaken and properly completed.

Councillor Denis Thibault stated that the main reason behind this whole exercise is to move the charges from the general tax base, which is where the dollars are being taken presently, and have a system of user pay, where they pay up to 100% of the costs associated with the services being rendered. He then asked Mr. Grunda whether in his consultation process, there were extensive discussions with groups such as Seaway Construction & Trades Association, Real Estate Board, General Contractors, organizations of that nature etc.

Ken Bedford responded that there was a session held back in March 2012 where an extensive group of representatives from both the Real Estate and Building Industry attended. These groups were a very good cross representation of those that would be most impacted by this type of initiative.

Councillor Denis Thibault asked if those groups who attended the session received the package being presented at the meeting this evening.

Ken Bedford confirmed that they had in fact received it, not once but twice.

Denis Thibault remarked that the consultative work had to have been done at a professional level in the community, as there was no one in the audience to ask any questions. He stated he was supportive of the recommendations being made.

Councillor Bernadette Clement stated that despite the fact that these fee changes are significant, the municipality was not going to reach the original 100% cost recovery model. She added that it was very important that this report be seriously looked at, as it was her understanding that the current budget proposed is based on these changes to our fees.

Ken Bedford replied that she was correct. He added that Staff made the assumption that the First Phase Fee changes would be implemented sometime in April 2013. The recommendations that the Committee will consider tonight are structured in such a way that Mr. Andrew Grunda is 'passing the baton' back to Staff in order that they make final

recommendations to Council on his findings. Tonight's meeting is not to make a final decision but simply to have public input .

Councillor Syd Gardiner asked whether Mr. Grunda recommended there be a fee review done once a year.

Andrew Grunda responded that other municipalities typically have a review done every 3 to 5 years. Particularly as it pertains to Building Permits, there has to be a report on such activity anyway in order to have a good indication on how effective the cost recovery fees have been.

Mayor Bob Kilger welcomed and thanked Mr. Grunda for his presentation, and asked Mr. Grunda on how the City is to maintain and review, so as not to be back in the same situation after 10 years. He also added whether Mr. Grunda was satisfied with his report with the fees implementation, if anything had been left out in the report and if there were any recommendations that Mr. Grunda was not able to report back to us.

Mr. Andrew Grunda replied that he was pleased with the Study findings and that there was no primary components he was aware of that were left unexamined.

Mayor Bob Kilger stated that the fact there was no one present in the audience, spoke volumes.

Ken Bedford replied that the local Building Industry was not entirely happy with the initiative, but that there was a recognition that limited attention to this issue has existed for many years, which was partly reflected in Mr. Grunda's rethinking of having a phased fee. Each application, while being processed in a timely period, requires varying degrees of analysis based on individual circumstances.

Elaine MacDonald asked about the turn around times?

Ken Bedford indicated that his experience with Developers, is that the turn around period is very efficient and is also reflective of the pre-consultation service that takes place. He added that it is an effective service the City provides without charge to the proponent.

Councillor Samson asked how these fees were going to affect the smaller homeowners (taxpayers).

Ken Bedford replied that Staff would be coming back with recommendations to Council, and that there would be a sensitivity amongst Staff regarding the fact that there are a number of applications made by tax payers in our community who are on fixed income, for example. These are minor applications that Staff would have to focus on and be sympathetic to those situations. This will certainly be reflected in the Staff report coming back.

Chairman Grant asked about clarification on the phrase in the report which states "fees may be paid under protest". He wondered whether the applicant had a choice to pay the fees or not, or pay them and then appeal.

Andrew Grunda replied that applicants have to first pay their fees, and then they can protest.

Chairman Grant asked if there were any other questions regarding the recommendations, and there were none.

Ken Bedford thanked Mr. Andrew Grunda for his attendance at the meeting and completion of a comprehensive body of Fee Study work.

PAC DISCUSSION OF PUBLIC MEETING ITEM(S):

1 MacEwen Petroleum - Review of an application for an Official Plan Amendment and a Zoning By-law Amendment from Urban Residential (U. RES) designation to General Commercial (G.C.) and from Residential 20 (RES 20) zone to Highway Commercial (C.H.) on Part of the East Half of Lot 7, Con 2, being Lots 19 - 25 and Part of Lots 26, 27 and 30 on Registered Plan 119 City of Cornwall, to facilitate the comprehensive redevelopment of the subject lands for a fully reconstructed gas bar and convenience (C) store. (PAC File Z-11-12, OPA 27)

Click for detail --> 

Following a brief discussion, it was moved:

- i.) That the subject lands be redesignated and rezoned from Urban Residential (U.RES.) designation to General Commercial (G.C.) designation and from Residential 20 (RES 20) Zoning to a site specific Highway Commercial (C.H.) zone with exceptions to setbacks and certain permitted use exclusions (ie. drive-thru car wash, drive-in restaurants, bar/taverns, vehicle customizing shop, new and used car sales, hotel/motel, tourist court, farm implement dealer, drive-in theatre, commercial garage, storage garage, animal hospital), as identified herein this report;
- ii.) That the issues of ingress and egress as well as buffering, fencing, lighting and other such physical features of the commercial redevelopment be addressed through the site plan approval process that will apply to the site.

**MOVED BY: André Rivette, Councillor
SECONDED BY: David Murphy, Councillor**

MOTION APPROVED

2 City of Cornwall Building and Planning Development Fees Review Study - Public Meeting Component

Click for detail --> 

Following a brief discussion, it was moved:

- i.) THAT PAC Report to Council on the findings of the Subject Public Meeting including the findings as presented by Mr. Andrew Grunda of Watson and Associates, of Monday, January 21, 2013 through a subsequent Planning Staff Report;

ii.) THAT as Part of said Report to Council, identified in Recommendation #1, final recommendations by Staff on the level of Implementation of the Findings of the Fees Review Study be included;

iii.) THAT any final decision(s)/action(s) on the Fees issue, be implemented as per the instructions of Council, and subject to all applicable Provincial Regulatory requirements, including any due process of Appeal.

MOVED BY: Gerald E. Samson, Councillor
SECONDED BY: André Rivette, Councillor

MOTION APPROVED

OTHER / NEW BUSINESS:

1 CPPEC Recommendation January 10, 2012 HOTC#2012-19 Addendum 145 Pitt St

Click for detail --> 

Ken Bedford presented the following CPPEC application which was requested by Mr. Pierre Boucher of 145 Pitt St. (former Clark's Shoe Store), where he proposes to convert the store into two office space units. He is applying to HOTC, Program 2: Building Restoration & Improvement Program which covers **up to \$30,000** loan, and has a partial forgiveness component which he's accessing at this time. Mr. Boucher is proposing a stucco finish to the front facade, which he will be implementing in the Spring of 2013.

Chairman Grant asked if there were any questions.

After further discussion, a Motion to approve as presented was made.

That HOTC#2012-19 Addendum funding request by Pierre Boucher at 145 Pitt St., be approved as follows:

Program 2: Building Restoration & Improvement Program - \$12,5000

Program 5: Municipal Planning/Development Fees Grant - actual

Program 6: Discretionary Municipal Tipping Fees Grant - actual

Motion by: Denis Thibault, Councillor

Seconded by: David Murphy, Councillor

MOTION APPROVED

Councillor Gerald Samson asked if there was any way to eliminate the overhang on some of the new buildings development designs, since pigeons are roosting in these types of areas.

Ken Bedford replied that CPPEC can take his suggestion into consideration when talking to the applicants regarding design matters and the issue of pigeons, for example.

INFORMATION: None

NEXT SCHEDULED MEETING: Tuesday, February 19, 2013

ADJOURNMENT:

That the meeting be adjourned at 8:05 PM.

MOVED BY: André Rivette, Councillor
SECONDED BY: Maurice Dupelle, Councillor

CARRIED

Councillor Glen Grant, Chair