

Minutes

Planning Advisory and Hearing Committee

Meeting ID: 2013-04
Meeting Date: Tue May 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
David Murphy, Councillor
Denis Carr, Councillor
Denis Thibault, Councillor
Elaine MacDonald, Councillor
Maurice Dupelle, Councillor
Gerald E. Samson, Councillor

Attendance Staff:

Christopher Rogers, Chief Building Official
Dana McLean, Programs Coordinator Planning
Division
James Fawthrop, Design and Construction Engineer
Karl Doyle, Zoning and Site Plan Coordinator
Ken Bedford, Supervisor, Planning Division
Mark A. Boileau, Manager Economic Dev.
Mary Joyce-Smith, Senior Planner
Thérèse Guay, Recording Secretary

Regrets:

Syd Gardiner, Councillor

Attendance Media: None

Attendance Public:

Sandy Cameron, Agent for Golden Estates Ltd. (Tony Orsi)
Murray Frankel, Murray Frankel Architects
Terry Landon, Re/Max
Michel Leonard, President, BTB Real Estate Investment Trust
Wayne Hargrove, 526 14th Street West, Cornwall

WELCOME AND CALL MEETING TO ORDER BY CHAIRMAN:

Chairman Glen Grant called the meeting to order at 7:00 p.m.

ADOPTION OF THE AGENDA - ADDITIONS AND DELETIONS:

That the agenda be approved as presented.

Moved By: Gerald E. Samson, Councillor
Seconded By: Maurice Dupelle, Councillor

MOTION APPROVED

ADOPTION OF THE MINUTES:

That the Minutes of the Planning Advisory Committee Meeting (No. 2013-03) dated April 15, 2013 be approved as presented.

Moved By: Bernadette Clément, Councillor
Seconded By: André Rivette, Councillor

MOTION APPROVED

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 that there are three public meeting items for consideration by PAC. These items were advertised in the Standard-Freeholder on Saturday, April 27, 2013. In addition, a 120m (400 ft.) Notice was mailed out to land owners for PAC File Z-04-13 on April 23, 2013.

PUBLIC MEETING ITEM(S) - PUBLIC HEARING:

1 BTB Real Estate Investment Trust (Agent - Terry Landon (Remax)) - Review of an application for a Site Specific rezoning from Manufacturing 40 (Mfr40) to a new hybrid Manufacturing 40 (Mfr40) zoning to facilitate a comprehensive Redevelopment of the approximately 17 acre parcel on Part of Lot D, Concession 1, having Municipal address of 805 Boundary Road, Cornwall (PAC File #Z-04-13).

Click for detail --> 

Ken Bedford reviewed his PowerPoint Presentation on this matter.



BTB Real Estate Investment Trust.ppt

Ken Bedford presented Michel Leonard, President of BTB Real Estate Investment Trust, Murray Frankel, Murray Frankel Architects and Terry Landon, Re/Max, their agent, who are the proponent team for the subject Rezoning request at 805 Boundary Road.

Terry Landon advised that BTB is a major land owner in Canada and own other properties in Cornwall besides 805 Boundary Road which was previously held by Cornwall Warehousing Ltd. He also advised that Murray Frankel created a design for the proposed project. He further advised that there were some uses that they would like to add such as a fitness centre with 15,000 to 17,000 square feet, service shops, ATV and Bicycle sales. He informed the committee that they would like to see a similar range of uses as is permitted on the property across the street, which is located in South Glengarry Township.

The Chairman Glen Grant asked the public if there were any comments.

Mr. Wayne Hargrove asked the proponents if they had a schedule for all their phases.

Mr. Michel Leonard advised that they would like to have the first phase completed as soon as possible. He advised that it is difficult to attract tenants when you don't have a finished product to show them. He advised that they own 67 properties with 4.5 million square feet with 800 or so tenants. He further advised that they felt that this corner was very prominent and is the gateway to the east end of the city, they are taking a leap of faith. He said that he felt that they had to build it first and then the tenants would come. He added that the other phases would depend on the demand.

Mr. Hargrove asked if they intended on having a restaurant. Michel Leonard advised that this could be a possibility.

Chairman Glen Grant asked another two times if there were any other comments. There were no other comments from the public.

Chairman Glen Grant then asked the Committee members if they had any questions:

Councillor Elaine MacDonald thanked the proponents for having faith in Cornwall and asked if there would be any green space on the property.

Murray Frankel advised that there was green space and referred to the slide on page 6 of the PowerPoint.

Councillor Gerald E. Samson also thanked the proponents for investing in our city. He asked if there would be an overpass to avoid the train at the Boundary Road Crossing.

Ken Bedford advised that there is no time schedule for an overpass. The Traffic Engineer for the city reviewed the application and had no comments regarding an overpass.

Councillor David Murphy asked if there would be a second entrance on Boundary Road and asked if any of the current tenants will be displaced.

Michel Leonard advised that Cornwall Warehousing Ltd. and Ultra Mar are tenants at present and are planning to stay.

Councillor André Rivette advised that he felt it was a good concept and it is encouraging to hear that BTB has confidence in Cornwall.

Mayor Bob Kilger advised that the CN mainline is a subject that has been broached with CN and the City will continue to speak with them regarding an overpass on Boundary Road.

Councillor Denis Carr questioned their request to add certain uses. He advised that he had concerns that the new uses they were requesting is in conflict with the uses in the Downtowns and also had concerns on how it would affect the Downtowns.

Michel Leonard advised that they had been trying to lease the property with the present uses and they are having difficulties, so this is why they want to broaden the uses. The project is meant to be distinguishable from other properties but it would also lend itself to bigger uses, so he did not feel they would be competing with the Downtowns. Michel Leonard advised that a business such as hairdressing would probably not locate as the building would not be have the requirements they would want.

Councillor Denis Carr advised that he felt that a hairdressing business might not relocate to their building, but he still had reservations about the added uses, particularly office space.

Terry Landon advised that all the uses they are requesting are consistent with the Business Park and are also permitted in the Industrial zone, except for limitations for ATV and bicycles.

Councillor Elaine MacDonald asked Mr. Bedford to elaborate on the Industrial Park that is being mentioned.

Ken Bedford advised that the uses in these zones are aged and not keeping up with employment lands. It is not meant to compete with the two BIAs or Brookdale Avenue, as it has limitations. This project proposal will give an opportunity to move forward and see if these activities fit in that area.

Councillor Elaine MacDonald asked if anyone knew what the Township's intents were.

Ken Bedford advised that they have a Highway Commercial zoning on their property across Boundary Road, but it is not the original intent to compare ourselves with them vis-a-vis zoning mix.

Councillor Bernadette Clément advised that she is in agreement with Councillor Denis Carr's comments about Downtowns and office space. She advised that we should be careful with the way we develop our Downtowns and plan well. We should also look at trends on these types of development. She asked if the proponents had similar type buildings in other areas of the country.

Mr. Leonard advised that they had two hybrid buildings in Quebec City. He went on to say that because Quebec City had increased their parking fees in the downtown, their project is in competition with the downtown because they do not charge parking fees. He further advised that he did not think their project is in competition with the downtowns. He reiterated that their buildings were for bigger users.

Councillor Bernadette Clément asked what the building would look like.

Murray Frankel advised that there are no other similar buildings in Cornwall. The buildings are elegant and materials are more attractive.

Councillor Denis Thibault advised that he is supportive, and is in favour of getting rid of the spurline. He also advised that he understands what Councillors Carr and Clément are saying but he felt that this would be a good fit for that area.

Councillor Gerald E. Samson thanked Councillors Carr and Clement for protecting the downtowns, but he felt we had to compete with the township. He also felt that this would compliment the City.

Councillor André Rivette advised that he was also concerned about the downtowns but he did not think this project would be in competition as it is for bigger rentals.

Mayor Bob Kilger advised that both the Planning Division and Economic Development Department are in favour of this project, but he asked Mark Boileau to comment.

Mark Boileau advised that the Economic Development Department met with the proponents and the Planning Division staff and have realized that there is great potential. Industrial is a better reflection of what should be included in the Business Park. He further advised that would not discourage Manufacturing, but at that corner does not lend itself to that type of use.

Ken Bedford advised that the zoning has to be reviewed. He gave an example that you don't want Manufacturing with Residential in proximity to it.

Mayor Bob Kilger advised that he sees this project as a next step and welcomes the concept and thanked BTB for their confidence in the City.

Councillor Glen Grant also thanked them for their confidence in the City and advised that the City would help them as much as they can in this process.

Michel Leonard thanked everyone at Administration for their collaboration and help in getting

them where they are now. He advised that he felt this project would change that corner.

Ken Bedford advised that this will be monitored by Staff to determine impact on various areas of the City, as previously mentioned. Dependent upon the results of such Monitoring, it may be determined that such a hybrid zone be applied more extensively into the City's Business Park, for example.

2 Proposed Modifications to the Comprehensive Zoning By-law No.751, 1969, as amended (P.A.C. File Z-03-13- Housekeeping No.18)

Click for detail --> 

Mary Joyce-Smith reviewed her PowerPoint Presentation on this matter.



Housekeeping Presentation #18.pptx

Chairman Glen Grant asked three times if there were questions from the public. There were none.

Councillor Gerald E. Samson, in referring to one of the proposed Housekeeping items, asked if this meant that if someone wanted to rebuild a veranda that was destroyed, they had to do it within one year.

Mary Joyce-Smith advised that since the owner would have to get a demolition permit first and then rebuild, it was felt that this was appropriate.

Councillor Maurice Dupelle asked if the one year timeline was reasonable.

Mary Joyce-Smith advised that this timeline came about after discussions with Building and Permits staff and trying to be compassionate (i.e. people not having money right away). They would have to start with the demolition and that is when the clock would start.

3 CPPEC recommendation for Proposed Amendments to the City of Cornwall's Heart of the City Community Improvement Plan and Brownfield Community Improvement Plan

Click for detail --> 

Dana McLean advised that CPPEC committee was asking approval for textual changes under the HOTC Program 1 - Heart of the City Rehabilitation and Redevelopment Grant and the Brownfield Program 1 - City of Cornwall Brownfield Rehabilitation Grant and the introduction of a new program in the HOTC CIP - Le Village Residential Facade Improvement Program. She reviewed the changes: i.e. special tax class, 10 year maximum period in both HOTC and Brownfield programs. She reviewed the new program in HOTC - Le Village Residential Facade Improvement. This program addresses those residential properties, in specified geographic locations, not included under the Renaissance program. She explained that under this program that for the first six months the applicants on the waiting list for Renaissance will be contacted and if they do not take up the funding (all or partial), then the applicants from the noted areas in the new program will be contacted for potential take-up of funding.

Councillor Elaine MacDonald asked why we should contact these property owners under this new program when there is already a waiting list for the Renaissance program.

Dana McLean advised that sometimes she goes through 15 applications before she gets one applicant who has their share of the funding in order to qualify for the funding. Dana McLean also advised that she will now start contacting the applicants in January instead of June.

Mayor Bob Kilger asked if this was the first program for residential facade in that area.

Dana McLean advised that it was under the CPPEC for a pure residential facade.

PAC DISCUSSION OF PUBLIC MEETING ITEM(S):

1 BTB Real Estate Investment Trust (Agent - Terry Landon (Remax)) - Review of an application for a Site Specific rezoning from Manufacturing 40 (Mfr40) to a new hybrid Manufacturing 40 (Mfr40) zoning to facilitate a comprehensive Redevelopment of the approximately 17 acre parcel on Part of Lot D, Concession 1, having Municipal address of 805 Boundary Road, Cornwall, (PAC File #Z-04-13).

Click for detail --> 

Following a further brief discussion, it was moved, that the recommendation be approved as amended:

1. That the subject lands be rezoned from Manufacturing 40 (Mfr40) to a new hybrid Manufacturing 40 (Mfr40) zone, as described in Section E) 4.) of this report;
2. That the redevelopment of the 805 Boundary Road lands/buildings shall be subject to a comprehensive Site Plan Control Approval process as per various Staff's comments, and shall include the requirement of removal of the rail spurline crossing Marleau Avenue and the subject Boulevard reinstatement in the event the line is removed from the subject development parcel;
3. That new hybrid Mfr40 zone be considered as a pilot or model zone for future use on other sites, subject to monitoring based, in part, on the level of positive impact to the Business (Ind.) Park and beyond and its overall effectiveness, for example; and as newly amended/added:
4. That the draft By-law be amended to additionally read:
 - iv) Place of Assembly and Recreation, including but not limited to, Athletic and Fitness Facilities such as gym facilities, handball, racquetball, bowling, tennis. The maximum GLA size restriction of **1,580 sq. metres (+/- 17,006 sq. ft.)** on the total site exists for all cumulative use types.

xxxvi) Other Commercial uses restricted to those related to the industrial uses, industrial supplies or uses that involve repair services (such as, but not necessarily limited to: Motorcycle and ATV sales and service, Bicycle sales and service, Fitness Equipment sales and service).

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

MOTION APPROVED

2 Proposed Modifications to the Comprehensive Zoning By-law No. 751, 1969, as amended (P.A.C. File Z-03-13- Housekeeping No. 18)

Click for detail --> 

Following a further brief discussion, it was moved:

1) That the Housekeeping items included in the Housekeeping 18 report, as shown on the attached document, be approved as presented.

Moved By: Bernadette Clément, Councillor
Seconded By: Elaine MacDonald, Councillor

MOTION APPROVED



Housekeeping 18 modifications.doc

3 CPPEC recommendation for Proposed Amendments to the City of Cornwall's Heart of the City Community Improvement Plan and Brownfield Community Improvement Plan

Click for detail --> 

Following a further brief discussion, it was moved:

i.) THAT the proposed Amendments to the City's Heart of the City CIP and Brownfield CIP as identified in Section C of this report be approved in full;

ii.) THAT Council pass a Resolution of Support and Endorsement , as proposed in the Attachment of the report, demonstrating its commitment to updating of the Heart of the City CIP and Brownfield CIP;

iii.) THAT based on Council's passing of an Amending Bylaw, under Sections 17 and 28 of the Ontario Planning Act and Bill 130 Provisions staff send a copy of the Bylaw with supporting cover letter to the Ministry of Municipal Affairs and Housing (MMAH Kingston Office) for information; and

iv.) THAT Planning staff subsequently consolidate the Heart of the City CIP and Brownfield CIP based on the amendments, once the final Notice of Decision of the Municipality passes its Appeal period and it comes into force.

Moved By: André Rivette, Councillor
Seconded By: David Murphy, Councillor

MOTION APPROVED

OTHER / NEW BUSINESS:

1 GOLDEN ESTATES LTD. (TONY ORSI - AGENT SANDY CAMERON) REVIEW OF A REQUEST FOR AN EXTENSION TO DRAFT PLAN APPROVAL OF SUBDIVISION BEING PART OF LOT NO. 2, CONCESSION 1, SITUATED SOUTH OF HOLY CROSS BOULEVARD, DIRECTLY ACROSS FROM FRANK COURT (FOLDER 256–O4T-2007-02).

Click for detail --> 

Mary Joyce-Smith reviewed her PowerPoint Presentation on this matter.

Councillor Bernadette Clément asked if the addition of an expanded Draft Plan Condition was to correct the storm water management issue.

James Fawthrop advised that when the original plan was on in 2001 there was no storm water management for Phase 1, but since then the standards have changed and since the developer was coming back with some changes, it was felt that it was the opportunity to include the revised standards.

Councillor André Rivette asked with respect to Storm Water Management, if it could be a retention pond to meet present standards.

James Fawthrop advised that it could be one of the options or it could also be underground tankage. The reasons to include the new standards is to ensure to protect the areas downstream. He advised that there are no problems at present, but when the developer decided to go forward with the project, it could increase the potential for flooding downstream.

Sandy Cameron advised that the reason the developer is asking for another extension is because he is busy with projects in Toronto and Mrs. Orsi had passed away. He advised that the developer has spent money on the reconstruction of Holy Cross Boulevard. They are requesting some latitude on condition 7 as this might be an impediment to them going forward with the project.

Mayor Bob Kilger asked Sandy Cameron if the developer could start the project before the deadline of July 26, 2013. Sandy Cameron advised that they could not.

Councillor Denis Carr asked who is responsible for storm water management.

James Fawthrop advised that if the old conditions were not revised and flooding were to occur

the City would be responsible for damages caused by such flooding.

Councillor Denis Carr asked if the City could split the cost with the developer.

James Fawthrop advised that it could be done that way, but other developers would be asking for the same thing.

Councillor André Rivette said that we would not be talking about this if the project had been built prior, but asked who would be responsible if the old condition applied and there was flooding.

James Fawthrop reiterated that the City may likely be responsible.

Councillor André Rivette advised that he was in favour of leaving the conditions as they were before.

Ken Bedford advised that other developers have this new condition for stormwater management. He advised that if PAC wants to approve with the former conditions, he would suggest they seek legal advice regarding the City's liability. He advised that they could use the parking lot area of the apartment blocks to implement the stormwater management requested.

Councillor Gerald E. Samson asked what administration is recommending.

Ken Bedford advised that Administration is recommending that the new condition be applied.

Councillor Elaine MacDonald asked when the standards had changed.

James Fawthrop advised that they were changed in the last 4 to 5 years.

Mayor Bob Kilger advised that he could not support Mr. Orsi's request given the advise received from our Engineering Development, therefore, it is incumbent that we protect our residents.

Councillor Denis Thibault advised that if he understood correctly, this was the third extension they are requesting. There was language in the previous conditions. The present recommendation is that there would be time spent on language with developer that would take care of storm water management.

James Fawthrop advised that he does not believe Mr. Orsi wants to sacrifice any of his land to implement storm water management. He advised that if we use the former language, there could be issues. This new condition gives us three additional years to look at the project and to deal with today's standards.

Councillor Bernadette Clément asked how much more would it cost Mr. Orsi to implement the newly revised condition and how much in cost of land.

Sandy Cameron advised that he did not know where Mr. Orsi came up with the numbers he quoted or how many lots he would lose.

Councillor Bernadette Clément advised that she was in support of staff's recommendation as she felt that within the three years the City and the developer could agree to common grounds.

Councillor Elaine MacDonald also asked how many times the developer has come to PAC for

an extension. Mary Joyce-Smith advised that this was their third extension. Councillor Elaine MacDonald said she therefore felt that she would support Administration's recommendation.

That based on the proceeding discussion, it is conditionally recommended:

- i) That the request to extend the Draft Plan Approval for the south half of the Golden Estates (Orsi) Subdivision to June 30th, 2016, be approved;
- ii) That Condition 8 in the July 12, 2010, Appendix "A" document, be amended to include the comments from the Engineering Division.
- iii) That Condition 6 in the July 12, 2010, Appendix "A" document, be eliminated.

Moved By: Denis Thibault, Councillor
Seconded By: Gerald E. Samson, Councillor

MOTION APPROVED

Dana McLean reviewed her PowerPoint Presentation on the following two matters:



HOTC- May 2013.pptx

2 CPPEC Recommendation May 7, 2013 HOTC#2013-04 40 First St W

Click for detail --> 

Following a further brief discussion, it was moved:

That HOTC#2013-04 funding request by Robert Prowse at 40 First St W, be approved as follows:

Program 3: Project Design Grant- \$2,000
Program 4: Facade Improvement and Sign Grant-\$2,000
Program 5: Municipal Planning/Development Fees Grant - actual

Moved By: Elaine MacDonald, Councillor
Seconded By: André Rivette, Councillor

MOTION APPROVED

3 CPPEC Recommendation May 7, 2013 HOTC#2013-05 135 Pitt St

Click for detail --> 

Mayor Bob Kilger asked if there were going to be issues as were encountered with the building next door.

Dana McLean advised that the property is currently not handicapped accessible.

Chris Rogers advised that depending on the size and use and if the floor is eight inches higher than the sidewalk, then they would be mandated to follow the new regulations.

Mayor Bob Kilger asked if they had raised the issue of accessibility.

Dana McLean advised that they had not, but that they were using the same designer used by the previous owner. She advised that she would contact them regarding this matter.

Following a brief discussion, it was moved:

That HOTC#2013-05 funding request by 2308880 Ontario Inc at 135 Pitt St, be approved as follows:

Program 2: Building Restoration and Improvement Program - \$30,000

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

Program 4: Facade Improvement and Sign Grant-\$2,500

Program 5: Municipal Planning/Development Fees Grant - actual

Program 6: Discretionary Municipal Tipping Fees Grant - actual

Moved By: Elaine MacDonald, Councillor

Seconded By: André Rivette, Councillor

MOTION APPROVED

INFORMATION: None.

NEXT SCHEDULED MEETING: Monday, June 17, 2013

ADJOURNMENT:

That the meeting be adjourned at 9:17 p.m.

Moved By: Denis Thibault, Councillor

Seconded By: André Rivette, Councillor

MOTION APPROVED

Councillor Glen Grant, Chair

