



CITY OF ORILLIA COUNCIL MINUTES

2004-10

MINUTES OF THE PUBLIC MEETING OF COUNCIL ON PLANNING MATTERS, MONDAY, JANUARY 19, 2004 AT 7:45 P.M. FOLLOWING THE REGULAR COUNCIL MEETING IN THE COUNCIL CHAMBER

Present: Mayor R. Stevens in the Chair
Councillors: R. Cipolla
D. Downey
W. Gardy
T. Lauer
G. Morano
F. Smith
P. Spears

Absent: Councillor J. Rolland

Also

Present: Terry Edwards, Director of Planning and Development
Laura S. Lee, Manager of Council Services/Clerk
Janet Nyhof, Assistant to the Manager of Council Services

7 members of the public
2 members of the media
Telecast on Cable 10

Disclosure of Interest

1. Councillor Cipolla - re Application by Emanuel Mendez - 76 Mississauga Street West.

Nature of Interest - Councillor Cipolla's spouse owns property adjacent to the subject property.

Councillor Cipolla declined to discuss the matter or to vote on its disposition.

Purpose of meeting - Mayor Stevens

Mayor Stevens explained that the purpose of the meeting was to present two proposed amendments to the Zoning By-law.

An advertisement giving notice of the meeting was placed in the Packet and Times on December 19, 2003. Notices were also mailed to all property owners within 120m of each site.

The Director of Planning and Development explained the procedures for the meeting and the manner and form of notice for the applications. He outlined the Planning Act provisions in respect of appeals and advised of the advertisement date and circulation notice process and date. He advised members of the public that unless they make an oral or written submission to the Council before Council makes a decision on the applications, that the Board may dismiss any subsequent appeal to the Ontario Municipal Board.

A. Application by Emanuel Mendez - 76 Mississauga Street West.

Correspondence

- a) Planning Advisory Committee - recommending the Zoning Amendment, with conditions.
- b) Staff Report PD-03-063 as considered by Planning Advisory Committee on December 10, 2003.

No written comments from any members of the public respecting the proposed amendment were received.

Terry Edwards, Director of Planning and Development, explained the nature of the proposed amendment.

The applicant, Mr. Emanuel Mendez and his designer were present to answer questions from Council.

The meeting was then opened to questions and comments from members of the public and Council.

Ms. Julie Emery owns the building across the street. Her concern is the size of the apartments, the type of people who will reside in this building and that they will be parking in her parking lot.

Mr. Mendez responded that the reason they do not have more parking is because it is already downtown, it is close to the bus station and most tenants will not own a car.

Ms. Emery would like to see the building improved and is concerned with 13 families living in such a small building and with vandalism.

Mr. Mendez responded that they would be one bedroom apartments suitable for couples.

Ms. Emery asked who would manage the building.

Mr. Mendez responded that he would manage the building and that he plans on moving to Orillia to do this.

Councillor Downey expressed concern that this is a proposal for six 300 square foot apartments. The City's minimum requirement for apartments is 600 square feet.

Councillor Morano stated that he is a member of the Planning Advisory Committee and the actual square footage is 310 sq. ft. The Planning Advisory Committee had concluded that although the building could not meet a number of requirements, it is an excellent use for the building and it is good for the City. It is a good example of Smart Growth. The building has been underutilized and this is an effective use of the land and the present infrastructure. It creates much needed apartments downtown and will also bring residential growth to the downtown area.

Councillor Smith asked Mr. Mendez if \$700,000 is going into this building, how can you get your money back at \$600/month for rent. It would make more sense to put commercial on the first floor and apartments above.

Mr. Mendez responded that it would be more useful for the City to have all apartments. He had noticed that there are already some empty commercial buildings downtown.

Councillor Smith expressed concern that we could be creating a slum.

Mr. Mendez responded that tenants would have to comply with certain conditions and that as a manager he would not want that either.

Councillor Spears asked what size is the normal motel room or bachelor apartment?

Mr. Edwards responded that these units have to meet building code minimums and a typical motel room unit is under 300 square feet.

Councillor Spears expressed concern about the lack of parking spaces and there is not enough for 13 families.

Mr. Edwards responded that changing to residential decreases the parking space requirements.

Councillor Lauer asked if this property falls within the Business Improvement Area and if so, was the Downtown Orillia Management Board consulted regarding the zoning by-law requirements. He knows the Parking Advisory Committee was not consulted. Was Housing Committee consulted?

Mr. Edwards responded that it does fall within the B.I.A. but it does not appear that any of them were consulted.

Councillor Lauer stated that we have nothing to guarantee that these would be defined as "affordable housing".

Mr. Edwards responded that there is no means within the zoning by-law to provide for that guarantee.

Councillor Downey asked if there was an ability to redo the floor plans to create less units with more square footage.

Mr. Mendez responded that he could change the floor plans but he would lose money creating less apartments. It would not be financially feasible at that point.

Councillor Spears asked if there is any building that we could compare this with in the City.

Mr. Edwards responded that he was not aware of anything this small currently but a close comparison would be hotel/apartments.

Councillor Spears asked if they could be made into hotel/apartments.

Mr. Edwards responded that a hotel was permitted but that only a certain percentage of the units could have kitchenettes to qualify as a hotel/apartment building.

Councillor Smith stated that a comparison could be made to the Silver Swan Villa rooms.

2004-1 Moved by Morano, seconded by Smith, that Council adopt the recommendation of the Planning Advisory Committee from its meeting held on December 10, 2003 for a Zoning By-law Amendment by Emanuel Mendez for 76 Mississauga Street West to rezone the land from General Commercial (C1) to Second Density Multiple Residential Exception (RM2-40) under Zoning By-law 1973-100, and if required, as a Second Density Multiple Residential Exception zone in the new Comprehensive Zoning By-law, subject to the applicant entering into an Encroachment Agreement with the municipality prior to the issuance of a building permit. **LOST**

B. Application by Larry and Connie Martin - 159 Victoria Crescent.

Correspondence

- a) Planning Advisory Committee - recommending the Zoning Amendment, with conditions.
- b) Staff Report PD-03-062 as considered by Planning Advisory Committee on December 10, 2003.

No written comments from any members of the public respecting the proposed amendment were received.

Terry Edwards, Director of Planning and Development, explained the nature of the proposed amendment.

Mr. Aubrey Ford, Barrister and Solicitor, presented the details of the application.

The meeting was then opened to questions and comments from members of the public and Council.

Councillor Downey asked if there were any capacity issue problems.

Mr. Edwards responded that he was not aware of any but staff are not recommending the lifting of the holding provision at this time. It is under the site plan control by-law and we require individual agreements with each property owner.

Councillor Spears asked if the wetlands, immediately to the east, are protected or privately owned?

Mr. Edwards responded that the land is still under examination and there had been a proposal in the past for development but the matter is currently before the courts. A small portion could be developed properly.

Councillor Smith stated that this is an excellent use of the land and the holding provision was put on before because of the water and sewer issues.

Mr. Edwards responded that there would be off-peak pumping on this property.

Councillor Cipolla stated that this was a great use of land and it gives us more of a tax base.

Councillor Spears asked for an explanation of why the Holding provision cannot be lifted.

Mr. Edwards responded that the lift of the "H" should only be done after certain conditions have been completed and it was not complicated but steps have to be taken. He explained that the deeming by-law would be coming forward later.

Councillor Spears asked about the conditions of the MNR.

Mr. Ford responded that they are moving the process along. It is a step by step process. The zoning by-law limits the property to two lots and the owner proposes three lots.

Councillor Downey asked if we put a hold on the property because of the sewage issues, are we recommending a hold because of the filled land.

Mr. Edwards responded that the original by-law required serving agreements and approval of MNR and that we need to have agreements for both reasons.

Mr. Ford responded that the building area is not adequate to create three lots and it is only with the filled land from the MNR that three lots will be available.

There were no questions or comments or oral submissions from members of the gallery.

2004-2 Moved by Smith, seconded by Morano, that Council adopt the recommendation of the Planning Advisory Committee from its meeting held on December 10, 2003 for a Zoning By-law Amendment by Larry and Connie Martin to Zoning By-law 2002-59 for 159 Victoria Crescent;

AND THAT a deeming by-law be enacted to merge the lots in accordance with the conditions for lifting of the Holding Provision;

AND THAT the requirements for lifting of the Holding Provision, be amended to require:

- ◆ merging the title of Lots 1 to 4 inclusive, Lots 5 and 6 and Lots 7 and 8 on Plan 619 to create no more than three lots
- ◆ finalizing the purchase of the filled area of the adjacent lakebed from the Province Carried.

2004-3 Moved by Smith, seconded by Downey, that By-law Number 2004-1, Amendment Number 428 to By-law Number 1973-100, the Zoning By-law for the City of Orillia (Larry and Connie Martin - 159 Victoria Crescent), be now introduced and read a first, second and third time today. Carried.

Terry Edwards, Director of Planning and Development, advised that anyone who wishes to be notified of Council's decision respecting the proposed zoning amendments must leave a written request with the Clerk. Forms are provided in the Council Chamber for this purpose.

MEETING ADJOURNED - 8:35 P.M.

MAYOR

CLERK