

Committee of the Whole Meeting

Minutes

Meeting #: PCOW-01/2020 - Public Meeting Under Planning Act
Date: Monday, January 18, 2021
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore,
Wayne Olson, Marianne Stewart, John Wink

Staff Present: Holly Willford, Barbara Wiens, Shannon Larocque, Jason
Marr and Sarah Leach

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

Ms. Holly Willford, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

Moved By Councillor Bob Hildebrandt

THAT the agenda for the January 18th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Bob Hildebrandt

THAT the agenda be amended to include the addendum item number(s) 4.3.1, 4.3.1.1, 4.3.2 and 4.3.2.1.

For (5): Marvin Junkin, Bob Hildebrandt, Ron Kore, Wayne Olson, and John Wink

Carried (5 to 0)

Main Motion as Amended:

Moved By Councillor Bob Hildebrandt

THAT the agenda for the January 18th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (5): Marvin Junkin, Bob Hildebrandt, Ron Kore, Wayne Olson, and John Wink

Carried (5 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application: 1522 Pelham Street Zoning Amendment - AM-10-20

The Deputy Clerk read into the record the Notice Requirements regarding this application.

4.1 Planning Report

Ms. Shannon Larocque, Senior Town Planner provided an overview of the application before Council. A copy is available through the Clerk.

Councillor Haun and Councillor Stewart entered the electronic meeting and confirm neither had any pecuniary interest to declare with respect to any items on the agenda.

4.1.1 Information Report - Application for Zoning By-law Amendment - 1522 Pelham Street, 2021-0017-Planning

4.2 Applicant's Presentation

Mr. Craig Rohe, Agent for the applicant provided Council with a presentation providing an overview of the application. A copy of said documents are available through the Clerk.

Mr. Rohe indicated the proposal is located on the west side of Pelham Street and is flanked by two three-storey buildings, other commercial development and Marlene Stewart Streit Park. He stated the subject lands are located within the downtown and is within the municipal intensification corridor.

Mr. Rohe indicated his client is proposing a 4 storey mixed use building with 21 apartments (floors 2, 3 and 4) and 1 ground floor commercial unit. He stated parking would be located mostly at grade underneath the structure and some outside. He stated access to the development would be from a single driveway from Pelham Street. Mr. Rohe indicated at the rear of the property there will be a landscaped area to buffer and protect an American Chestnut tree found on the Town's property, as it is considered an endangered species.

Mr. Rohe stated with regards to the zoning by-law provisions, many of the requests could have been requested to the Committee of Adjustment through the minor variance process, however because of the official plan test and requesting a fourth storey, the proposal is required to come to Town Council. He reviewed each zoning by-law amendment request. Mr. Rohe also indicated with respect to parking requirements they are requesting 26 spaces whereas 31 spaces would be required based on the Town's Zoning By-Law equations. He stated the proposal is about 1.2 spaces per unit. He indicated apartment

buildings in the City of Welland require 1 space per unit the City of St. Catharines require 1.25 per unit.

With respect to required supporting studies, Mr. Rohe indicated a tree protection plan has been completed and they are awaiting clearance, a functional servicing report was completed and geotechnical report was done.

Mr. Rohe stated he will reserve response to public written comments until he has heard the verbal presentations by members of the public. He further indicated he would be happy to answer questions from Council.

4.3 Public Input

Ms. Willford indicated Ms. Rashpal Garcha indicated she no longer wished to speak to Council as she indicated her written comments speak for themselves.

Mr. James Cook stated he is a current resident at 1522 Pelham Street. He stated he has had many good memories at the home and hopes to not lose this place.

Ms. Donna Fuller indicated she is a currently resident of 1522 Pelham Street. She stated she has done research on the home and surrounding area and stated it would be a shame to let the home go. She indicated she believes the height of the proposal would be a discouragement to the area. She stated she believes it would be too much.

Ms. Bonnie Jean Cook indicated as well as her husband, she has had a lot of memories at the home. She stated she believes the proposed building would be tacky.

Ms. Willford indicated she has checked the clerks@pelham.ca email address at 6:09pm and there are two emails received. Ms. Willford read each email into the record.

Carlo Micheli emailed that he believes the existing infrastructure would not support a building of this size. He indicated the variances requested are far too unreasonable in a tight space and suggested underground parking and to reduce the building to 3 floors.

Rush G emailed and asked why the builders needs cannot be met with a 3 storey building and asked what the justification is for the 4 storey building when adjacent buildings are 3 storey.

Mr. Rohe indicated he would respond to public comments in reverse order. He stated from his client's perspective, the site works for a 4-storey building and can appropriately accommodate the amount of units. He further indicated that as this is along the intensification corridor this is an appropriate location for the development.

Mr. Rohe advise a significant amount of time and finances have been spent with the associated archeological assessment, stating

a stage 4 assessment was completed. He indicated historically in the 1800's the original owners tended to pile their items behind a barn or house. He indicated 130,000 individual artifacts were discovered. He stated it was very expensive to have the site ready for a redevelopment application.

With regards to infrastructure, Mr. Rohe stated his firm has reviewed the design from the recent public works that were done at Pelham Street and they feel the building can be appropriately serviced with no negative impacts. He further stated underground parking is very expensive and is normally, seen with 7 storey buildings to be financially viable. Mr. Rohe stated underground parking is not viable for this proposal.

Mr. Rohe indicated he sympathized with the attachments the tenants, being the Cook's, have with the property however had no planning comments to add.

Mr. Rohe stated he did not think the building would be a discouragement. He indicated he believes the building of this scale is appropriate, especially given the policy context.

Mr. Rohe stated the comments provided by Rashpal Garcha are concerning to his client. He stated in particular, there is a concern with respect to the last statement of the letter threatening appeal if Council approves the application. He stated his client does not take threats of appeal lightly nor should this Council. Mr. Rohe indicated he is not sure what property these comments are tied to as the comments were provided on behalf of a numbered corporation. He indicated it would be helpful to find out if the comments were made with respect to an adjacent property and if so, where is it and how is it affected. He stated he would be happy to have a conversation with that property owner.

Mr. Rohe stated some of the amendments being requested are certainly not out of the question and that a property next-door went to the Committee of Adjustment and proceeded with a variety of technical variances which were approved by the committee. He stated the difference in this situation is they are asking for the additional storey.

The public portion of the meeting was closed at 6:14pm.

4.3.1 Written Public Comments

4.3.1.1 Bill and Michele Schwenger

4.3.2 Pre-registered Members of the Public

4.3.2.1 Rashpal Garcha

4.3.2.2 James Cook

4.3.2.3 Donna Fuller

4.3.2.4 Bonnie Jean Cook

4.4 Committee Input

A Councillor asked if there is an elevator. In response, Mr. Rohe indicated there will be an elevator. The Councillor then asked if there would be an additional storey on top. In response, Mr. Rohe indicated the building would be a 4 storey with a mechanical penthouse on the top. He stated the mechanical penthouse is not considered a storey within the Town's zoning by-law. Mr. Rohe also indicated it would not be the full extent of the building.

A Councillor asked how many units are the general commercial space and asked if they are part of the 26 parking spots. In response, Mr. Rohe indicated there is a commercial unit at grade, being 104 square metres and there are 21 units for residential use, being floors 2, 3 and 4. Mr. Rohe stated of the 26 spaces provided 21 of those are for residential. He stated each unit will have a dedicated space with a surplus of 5 spaces. He indicated 2 spaces are allotted to the commercial unit. Mr. Rohe further indicated there is on street parking in the area.

A Councillor asked how many visitor parking stalls are proposed. In response, Mr. Rohe indicated there is an excess of 3 parking spaces for visitors and stated there is also on street parking. Mr. Rohe indicated the area is served by public transit and he believes the parking is reasonable.

A Councillor asked how many accessible parking spots there are within the proposal. In response, Mr. Rohe indicated there is 1 accessible parking space. The Councillor asked what if there is more than one person needing the spot or someone who lives there needs the spot. In response, Mr. Rohe indicated parking can be managed later on and that he can look to add some additional flexibility.

A Councillor indicated she feels the height is excessive and is concerned about parking. She stated she is not concerned about what other municipalities do for parking and she believes the parking is not enough.

A Councillor asked who the builder would be. In response, Mr. Rohe indicated the project is owned by his client JMT Developments, however is not sure if they will be constructing the building or if it will be a joint venture with a contractor. The Councillor asked if JMT Developments is a local builder. In response, Mr. Rohe indicated yes, it is a partnership of local developers that are local to Niagara.

A Councillor asked if the residential units would be for purchase or rentals. In response, Mr. Rohe indicated that is to be determined. He stated even if they are condominium, they could be rented. The Councillor asked if any of the units would be dedicated as affordable housing. In response, Mr. Rohe

indicated that he believed no, but would ask his client. He stated these units would be relatively more affordable.

A Councillor indicated parking is at a premium and is very limited in the downtown area. He stated what other municipalities do with parking does not concern him; rather he is concerned about Pelham. He stated the requirement is 1.5 spaces and he has concerns about reducing to 1.2 spaces. In response, Mr. Rohe indicated he understood the point and stated it is his opinion the site works and has adequate parking. He stated if an adjustment needs to be done, he would make efforts to provide as much parking as reasonably possible.

A Councillor asked how would the fire department equipment get into the back of the building with the building so close to the lot line. In response, Ms. Larocque indicated the fire department would not require access to the rear, rather would access hydrants from Pelham Street. The Councillor further questioned how the fire trucks would get ladders and equipment to the back. In response, Ms. Larocque stated she understands the fire department does not need to drive the vehicle into the back and that the hoses are long enough to get to the back of the building. In addition, Mr. Rohe indicated the building will have a sprinkler system.

A Councillor asked if the parking space in front of the existing building will remain. In response, Mr. Rohe indicated, provided the space does not conflict with the driveway it will remain. The Councillor asked if the number of parking spaces will vary based on the landscape area at the back of the property. He asked if there is potential for more spaces. In response, Mr. Rohe indicated originally there were 2 parking spaces, however this has been revised for a landscaped area to protect the endangered tree species identified.

A Councillor asked if there are unit lockers included within the apartments. In response, Mr. Rohe indicated the plan right now is preliminary in nature, however he understands there are is no common locker area.

A Councillor indicated he was surprised to learn an elevator shaft would be going on the top of the building. He stated there are other elevators that do not have to go on top. He stated it is essentially a 5-storey building. The Councillor indicated, even with a 4 storey the parking requirements cannot be met. The Councillor stated comparing parking requirements to other municipalities does not work. The Councillor stated he believes the building should be 3 storeys. He further stated with regards to intensification he is waiting for a report regarding intensification targets within the Town. The Councillor stated the proposal being justified by intensification would not be something he would approve until he has seen the said report. In response, Mr. Rohe indicated he respects the opinion of the Councillor however with regards to the elevator stated it

would be a small mechanical penthouse and does not constitute a storey.

A Councillor asked how old the building is. In response, Mr. Rohe indicated he did not know. Ms. Larocque indicated she is not aware of the building's age however can include a summary of the history in the Council report.

4.5 Presentation of Resolutions

Moved By Councillor Wayne Olson

THAT Committee receives Report #2021-17 for information as it pertains to File No. AM-10-20;

AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration once all comments have been received.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor Lisa Haun

THAT Committee Receive the applicants presentation for information.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor John Wink

THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda, including verbal presentations made by James Cook, Donna Fuller and Bonnie Jean Cook;

AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the clerks@pelham.ca e-mail address.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

5. Adjournment

Moved By Councillor Ron Kore

**THAT this Special Committee of the Whole, Public Meeting
Under the Planning Act, be adjourned.**

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Holly Willford