



**The Corporation of the City of Stratford  
Planning and Heritage Committee  
Open Session  
AGENDA**

**Date:** Monday, June 25, 2018

**Time:** 7:20 P.M.

**Location:** Council Chamber, City Hall

**Committee Present:** Councillor Ritsma - Chair Presiding, Councillor Ingram - Vice Chair, Mayor Mathieson, Councillor Beatty, Councillor Brown, Councillor Bunting, Councillor Clifford, Councillor Henderson, Councillor Mark, Councillor McManus, Councillor Vassilakos

**Staff Present:** Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, Ed Dujlovic - Director of Infrastructure and Development Services, Michael Humble - Director of Corporate Services, Carole Desmeules - Director of Social Services, David St. Louis - Director of Community Services, Jacqueline Mockler - Director of Human Resources, Jeff Leunissen - Manager of Development Services, John Paradis - Fire Chief, Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate Communications Lead

Pages

**1. Call to Order**

The Chair to call the Meeting to Order.

**2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

### 3. Delegations

None scheduled.

### 4. Report of the Manager of Development Services

#### 4.1 Planning Report Official Plan Amendment and Zone Change Application Z03-16, 97 Kelly's Lane (PLA18-014)

7 - 35

Barry Campbell, owner of 97 Kelly's Lane, has requested to address Committee following the staff report presentation.

Motion by \_\_\_\_\_

**THAT the presentation by Barry Campbell, owner of 97 Kelly's Lane, be heard.**

Motion by \_\_\_\_\_

**Staff Recommendation: THAT the application to rezone the lands, located off of Romeo Street North on the north side of Kelly's Lane, from a Future Residential (FR) Zone, Park (P) Zone and a Park-Flood Plain (P-FP) Zone in City of Stratford Zoning By-law 201-2000 and from an Agriculture (A) Zone and an Adjacent Land Overlay Area (AL) Zone in Township of Perth East Zoning By-law 30-1999 to a Residential First Density R1(2) Special Provision Zone to permit a new single detached dwelling on a separate lot on a private street, increase the minimum front yard setback from 7.5m to 30m and to establish a 6m setback from the Upper Thames River Conservation Authority Regulation Limit, a Residential First Density R1(2) Special Provision Zone to recognize the existing single detached dwelling having frontage on a private street, and to establish a 6m setback from the Upper Thames River Conservation Authority Regulation Limit and a Park- Flood Plain (P-FP) Zone in the City of Stratford Zoning By-law 201-2000 be refused for the following reasons:**

**The request is not consistent with the Provincial Policy Statement;**

**The request is not in keeping with the policies of the Official Plan as amended by Official Plan Amendment No.21;**

**The recommendation has regard for public input;**

**The request is not in the public interest;**

**The application would permit intensification that does not achieve an appropriate level of life safety; and**

The request is not appropriate for the lands.

AND THAT no action on the City of Stratford initiated Official Plan Amendment to amend the Residential Area policy (Section 4.5.3.1) and Schedule 'A' to add a Special Policy Area be taken for the following reasons:

The request is not consistent with the Provincial Policy Statement;

1. The request is not in keeping with the policies of the Official Plan as amended by Official Plan Amendment No.21;

The recommendation has regard for public input;

The request is not in the public interest;

The application would permit intensification that does not achieve an appropriate level of fire safety; and

The request is not appropriate for the lands.

**4.2 Planning Report Official Plan Amendment OPA01-18 and Zone Change Application Z05-18, 111 Lakeside Drive (48 Water Street), 68 and 72 Water Street (collectively referred to as the "Property") (PLA18-016)**

36 - 65

\*This item is also listed for consideration at the June 25, 2018 reconvene Council meeting.

Motion by \_\_\_\_\_

Staff Recommendation: THAT the City initiated Official Plan Amendment and the Zoning By-law Amendment be approved for the following reasons:

1. **THAT Official Plan Amendment No. 25 to the City of Stratford Official Plan for 111 Lakeside Drive (48 Water Street), 68 and 72 Water Street, north side of Water Street, south side of Lakeside Drive, east of Morenz Drive, and west of Waterloo Street (Tom Patterson Theatre) to identify the lands as a special policy area to have the following additional uses be permitted: Theatre; Special Event Space; Theatre Restaurant; Business and/or, Professional Offices; Theatre Retail Store; Studio and Theatre Classroom be approved because:**
  - The proposed development is consistent with the Provincial Policy Statement;
  - Satisfies the goals and objectives of the Official Plan;

- **Is an efficient use of existing infrastructure;**
- **Recognizes the existing uses on the Property and updates the City's planning documents to reflect the existing uses; and**
- **The public was consulted during the Official Plan circulation and comments that have been received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.**
- **THAT Council resolve in accordance with Section 34(17) of the Planning Act, that no further public notice is required to consider a change to the maximum building height requirement for the subject lands to raise it 0.5 metres to reflect the height of the mechanical room;**
- **AND THAT the application to rezone 111 Lakeside Drive (48 Water Street), 68 and 72 Water Street 173 Huron Street to a new Theatre TH section to the Comprehensive Zoning By-law No. 201-2000 to recognize Stratford Festival's theatre uses and to zone the lands Theatre TH to permit a theatre; special event space; theatre restaurant; business and/or, professional offices; theatre retail store; and theatre classroom be approved.**

The following special provisions are to be included in the proposed Theatre Special TH Zone to:

define the front lot line on Lakeside Drive, require a minimum lot area of 1.83 ha, allow for a minimum setback of 0m from Lakeside Drive, require minimum setbacks of 7.5m from Morenz Drive, Water Street and Waterloo Street South, allow parking spaces and parking aisles within the required setbacks, require a minimum landscape open space of 30%, require a maximum lot coverage of 30% and a maximum height of 11.5m.

The minimum number of on-site parking spaces provided at all times for theatre patrons and the general public shall be no less than 166.

Staff recommends that the City initiated Zoning By-law Amendment be approved for the following reasons:

- **The proposal permits development that is consistent with the Provincial Policy Statement and in conformity with the existing and Updated Official Plan;**
- **The recommended zone change permits the development that**

is appropriate for the lands and is considered to be sound land use planning and recognizes the use existing on the property for more than 46 years;

- The amendments are intended to update the City's planning documents and remove permissions under the current P zoning that are no longer needed (or suited) to the subject lands;
- Is an efficient use of existing infrastructure; and
- The public was consulted during the zone change circulation and comments received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.

#### 4.3 Removal of Holding Provision on 976 Erie Street and 70 Packham Avenue (PLA18-013)

66 - 75

\*This item is also listed for consideration at the June 25, 2018 reconvene Council meeting.

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT Zoning By-law No. 201-2000 be amended by removing the Holding Provision from the property known municipally as 976 Erie Street and 70 Packham Avenue, which is located on the north side of Packham Avenue between Dunn Road and Erie Street and legally described as Pt Lt 2 Con 3 in the City of Stratford, for the following reasons:

- The conditions outlined in the Holding Provision when the "H" can be removed have been satisfied;
- Removal of the Holding Provision will allow for development in conformity with the City of Stratford Official Plan; and
- Removal of the Holding Provision is consistent with the Provincial Policy Statement.

## 5. Report of the Chief Building Official

### 5.1 Acting Building Inspector (PLA18-012)

76 - 77

\*This item is also listed for consideration at the June 25, 2018 reconvene Council meeting.

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT Council amend By-law 8-2009, as amended, to appoint Gerald Moore, Paul Hillenaar, Mandy Harris, and Jon Crummer of RSM Building Consultants as Inspectors under the Building Code Act for The Corporation of the City of Stratford commencing July 3, 2018, until there is a permanent replacement for the retiring Municipal Building Official II.

## **5.2 AMANDA Software Consultant (PLA18-015)**

78 - 80

\*This item is also listed for consideration at the June 25, 2018 reconvene Council meeting

Motion by \_\_\_\_\_

**Staff Recommendation:** THAT Council authorize engaging DCG Software Consulting Inc. at a cost of approximately \$36,725 including HST, to be taken from the Building Permit Reserve account G-R07-BSUR-0000, to provide updates and implement best efficiencies in the Residential Permit folder and Database Analysis applications of AMANDA.

## **6. Adjournment**

Meeting Start Time:

Meeting End Time:

Motion by \_\_\_\_\_

**Committee Decision:** THAT the Planning and Heritage Committee meeting adjourn.



## MANAGEMENT REPORT

**Date:** June 25, 2018  
**To:** Planning and Heritage Committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA18-014  
**Attachments:** Stratford Fire Department Photos related to 97 Kelly's Lane Z03-16

**Title:** Planning Report Official Plan Amendment and Zone Change Application Z03-16, 97 Kelly's Lane

**Objective:** The purpose of this report is to provide staff's evaluation and recommendation on the Zone Change application submitted by GSP Group on September 2, 2016 to amend the zoning on 97 Kelly's Lane to recognize the existing residential use off of a private right-of-way and to allow a new single detached dwelling on a separate lot on a private right-of-way (our file Z03-16). The purpose of this report is also to provide staff's evaluation and recommendation on the City initiated amendment to the adopted Official Plan to permit development that does not have access onto a public road (our file OPA 03-16).

### Official Plan Amendment

The purpose of the City initiated Official Plan review was to consider amending the 'Residential Area' policies (Section 4.5.) of the current City of Stratford Official Plan by:

- (a) Adding Section 4.5.4.8 Special Policy Area to permit development in a Residential Area that has access from a private street, and
- (b) Amending 'Schedule A' to add a Special Policy Area.

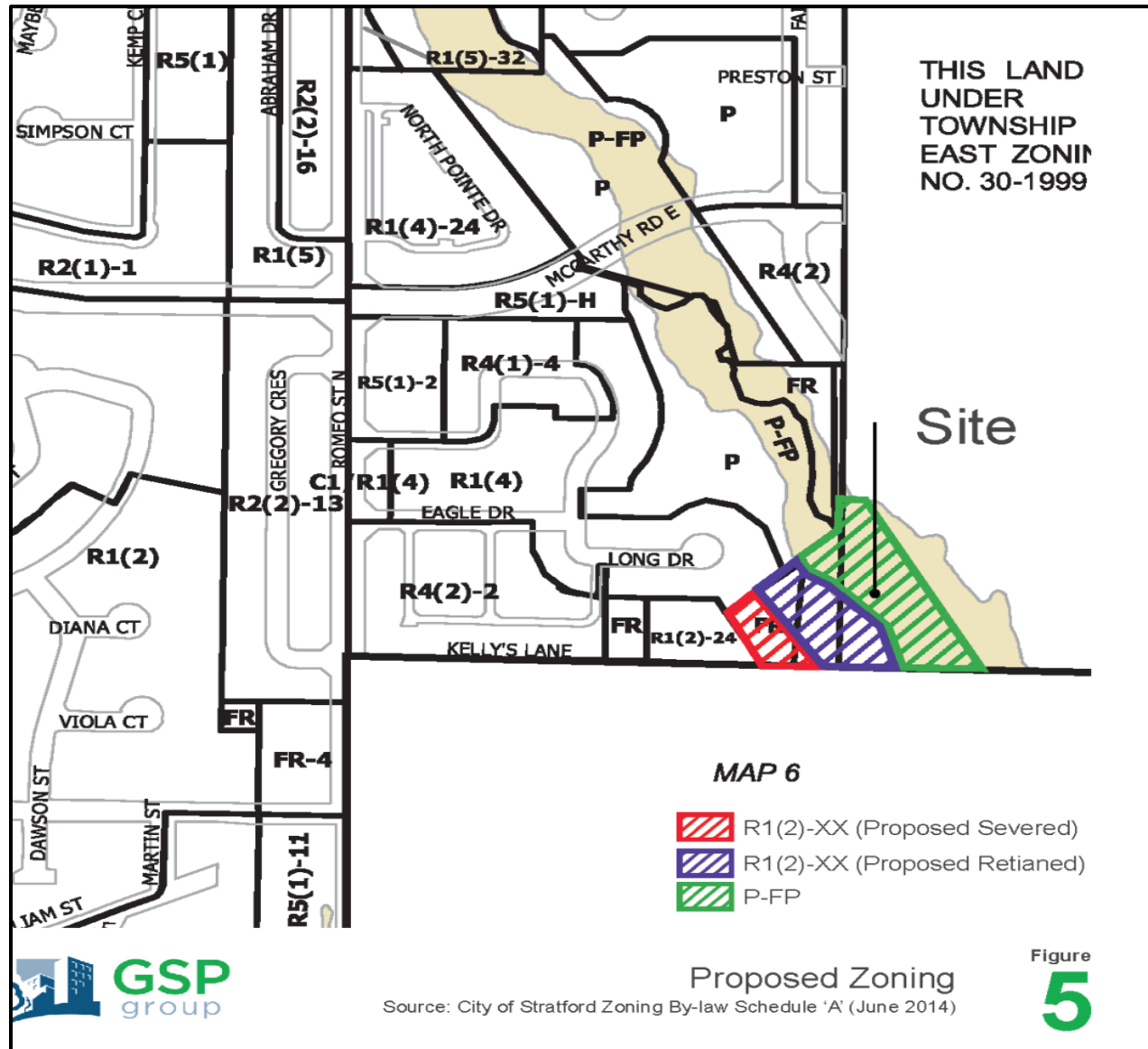
### Zoning By-law Amendment

The application is proposing to change the zoning on the subject lands from a Future Residential (FR) Zone, a Park (P) Zone and a Park – Flood Plain (P-FP) Zone in City of Stratford Zoning By-law 201-2000 and from an Agriculture (A) Zone and an Adjacent Land Overlay Area (AL) Zone in Township of Perth East Zoning By-law 30-1999 to a Residential First Density R1(2) Special Provision Zone to permit a new single detached dwelling on a separate lot on a private right-of-way, establish a minimum front yard setback of 30m and a 6m setback from the Upper Thames River Conservation Authority (UTRCA) regulation limit, a Residential First Density R1(2) Special Provision Zone to recognize the existing single detached dwelling having frontage on a private street, and to establish a 6m setback

from the Upper Thames River Conservation Authority Regulation Limit and a Park-Flood Plain (P-FP) Zone in the City of Stratford Zoning By-law 201-2000.

In support of the application, the applicant has submitted a planning justification report. The applicant has been circulated agency comments and attended the Public Meeting and has requested the application proceed to Council for a decision.

### Proposed Zoning Plan



**Background:** The application affects the lands known municipally as 97 Kelly's Lane, legally described as Part Lots 44 and 45, Concession 2, (Geographic Township of North Easthope) in the City of Stratford, Parts 3 & 4 44R-330 and Part 5 44R-3250 and Part 2 44R-3739.



Site Characteristics:

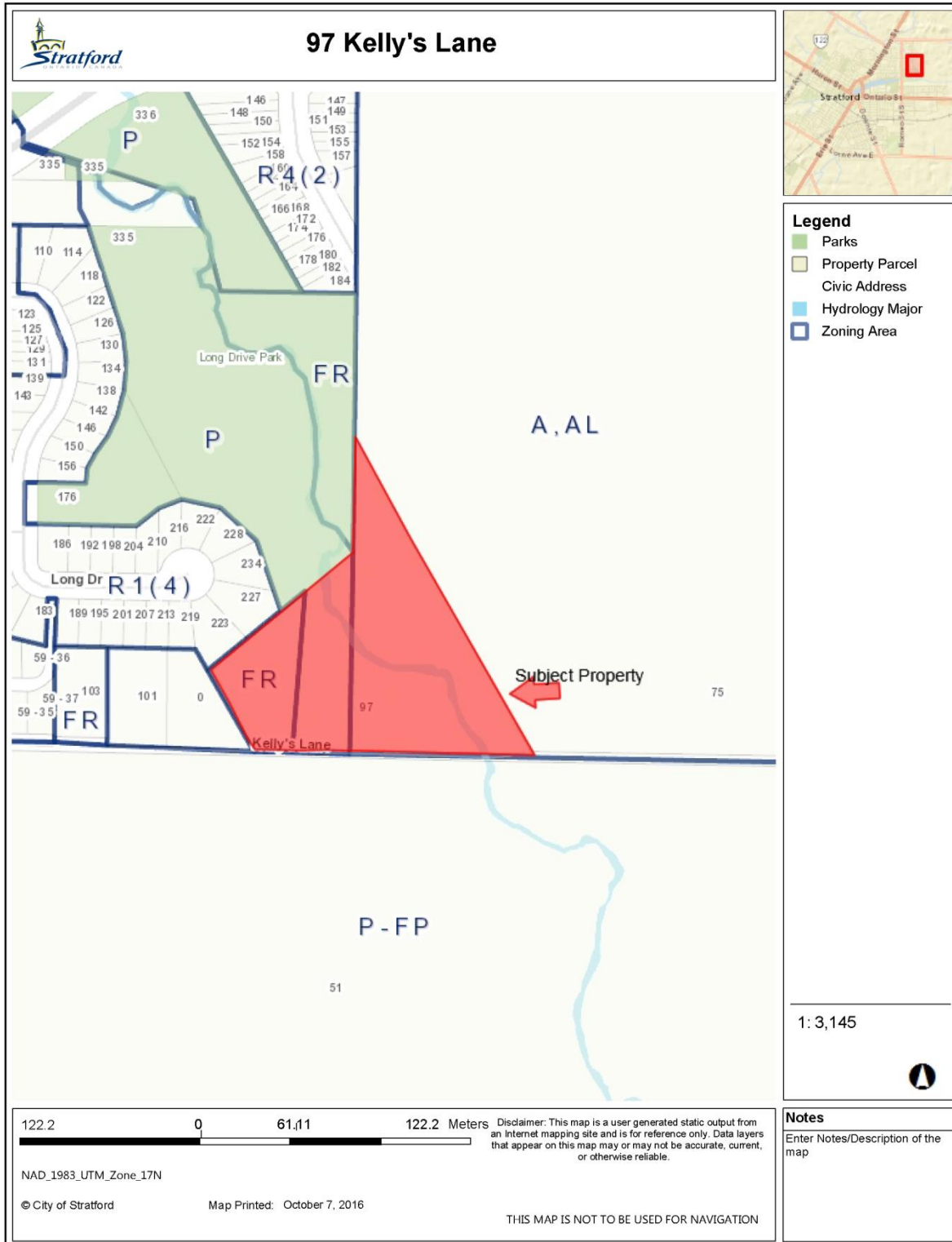
Existing Use:	Single detached dwelling, municipal drain (Court Drain)
"Frontage":	65.57m (215.13ft)
Access:	Private Right-of-way 5.029m (16.5ft) wide
Area:	2.05 ha (5.08 acres)
Shape:	Irregular

Surrounding Land Uses:

North:	Long Drive Park, Single Detached Dwelling and Agricultural Uses
East:	Agricultural Uses
West:	Vacant Lands (Residential)
South:	Stratford County Club (Golf Course)

97 Kelly's Lane

## Location and Zoning Map



### Agency Comments

Circulation of the application to various agencies produced the following comments to date (June 7, 2018):

#### City of Stratford Infrastructure and Development Services Department—Engineering Division

- The proposed new lot does not have frontage on a City street. Kelly's Lane is a private laneway not constructed to any standard used by the City of Stratford and is a narrow, low maintenance lane which, although plowed by the City in the winter, is not guaranteed to allow two-way traffic in the winter. It is unknown why or when the City began plowing Kelly's Lane.
- The applicant should be aware that there is an existing 75 mm sanitary PVC pressure line and a 25 mm water service available. These services currently reside on easements known as Parts 6 & 7, Plan 44R-3561. A sewage ejector pump will be required for the proposed building and the sanitary sewer may require insulation. Weeping tiles for the proposed building must be pumped to grade.

#### City of Stratford Infrastructure and Development Services Department—Building Division

- No objection.

#### City of Stratford Fire Department

- After consideration, the Stratford Fire Department has no applicable code violations as it pertains to this request.
- However, the Stratford Fire Department cannot support the application due to operational challenges and would like to highlight those challenges when responding to routine and emergency calls on Kelly's Lane.
- Due to the size of the lane there is increased risk of First Responders being blocked from responding onto Kelly's Lane by an exiting vehicle or other First Responders being blocked in due to the size of responding fire apparatus. Outside of winter months there are possibilities of driving on home owner properties to maneuver vehicles around each other but this is not possible during the winter due to snow accumulation.
- As the closest municipal hydrant is located at the intersection of Gregory Crescent and Romeo Street, approximately 379 metres (1243.44 ft.) from 97 Kelly's Lane, there is no readily available easily accessible additional source of municipal water. Depending on the situation, fire pumpers will carry approximately 4 minutes of water, at which point a secondary source will be required. Due to the length of hose required to reach the hydrant a second pumper may be required to tandem pump in order to boost the pressure to the pumper attacking the fire. Once a water supply hose is being utilized and stretched along Kelly's Lane the laneway becomes further reduced in size and Romeo Street is essentially blocked until fire operations cease.

- The City of Stratford has a Mutual Aid Agreement in place with surrounding municipal fire departments. This agreement permits calling for aid, for example, in the form of water tankers. A water tanker eliminates the need for utilizing a fire hydrant but there is an increase in risk by slowing down operations while awaiting their arrival from neighbouring municipalities.
- In order to improve the existing situation and reduce the current level of risk, regardless of this application, the Stratford Fire Department would ask Council to give separate future consideration to 1 or more of the following recommendations:
  1. an increase in lane width;
  2. construct a fire hydrant or underground reservoir centrally located along Kelly's Lane; and/or
  3. establish 1 or more turn arounds created along the laneway opposite driveways if widening is not a consideration.

#### City of Stratford Police

- It is my understanding that there is consideration being given to allow for additional homes on Kelly's Lane. This laneway is quite narrow which could impact emergency response to this area.
- A multi-agency response to the area, given the narrow laneway, could present challenges around prompt arrival of emergency responders. Large fire apparatus, paramedic vehicles, or even police vehicles that attend the area may, by virtue of the narrow laneway, block vital access. Further these same responders may not be able to quickly egress from the area for the same reasons. This scenario is worsened during winter months with snow and snow bank accumulation.
- While I've focused so far on a multi-agency response; I am also concerned that other, non-emergency vehicles may also inadvertently block first responders from access to this narrow laneway. With each home that is added the risk of reduced access to Kelly's Lane increases. Widening the laneway, if possible, would likely address many of these concerns.

#### Perth County Paramedic Service

- Perth County Paramedic Service shares similar concerns as the Fire and Police Departments. During the site visit (May 28, 2018) there was a current access issue due to contractor vehicles being parked on the side of the road as they worked on a new construction project to the west of the application land. An ambulance would not have had enough room to access the properties near the end of Kelly's lane. This road appears not to have been built with standard road dimensions and it does not support areas to maneuver around any obstacle. We do acknowledge that the narrow laneway presents less of an issue when a single agency is responding in the summer months if there are no vehicles parked on the side of the road. During the winter months with the addition of snowbanks this would contribute to the limited access for emergency vehicles. Continued development on this road without addressing the actual road itself is and could lead to a public safety issue for those who live on that road as emergency

services may struggle to provide timely response and access to those on that road.

#### Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject application with regard for policies contained within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

#### Conservation Authorities Act

As shown on the enclosed mapping, a significant portion of the subject property is affected by the Authority's Regulation Limit which includes the riverine flooding and riverine erosion hazards. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to undertaking any development or site alteration in the regulated area which includes filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

#### UTRCA Environmental Planning Policy Manual

The [UTRCA's Environmental Planning Policy Manual](http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/)<sup>1</sup> is available online.

The policies which are applicable to the subject lands include:

##### *3.2.2 General Natural Hazard Policies*

These policies direct new development, and site alteration, away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated.

##### *3.2.3 Riverine Flooding Hazard Policies*

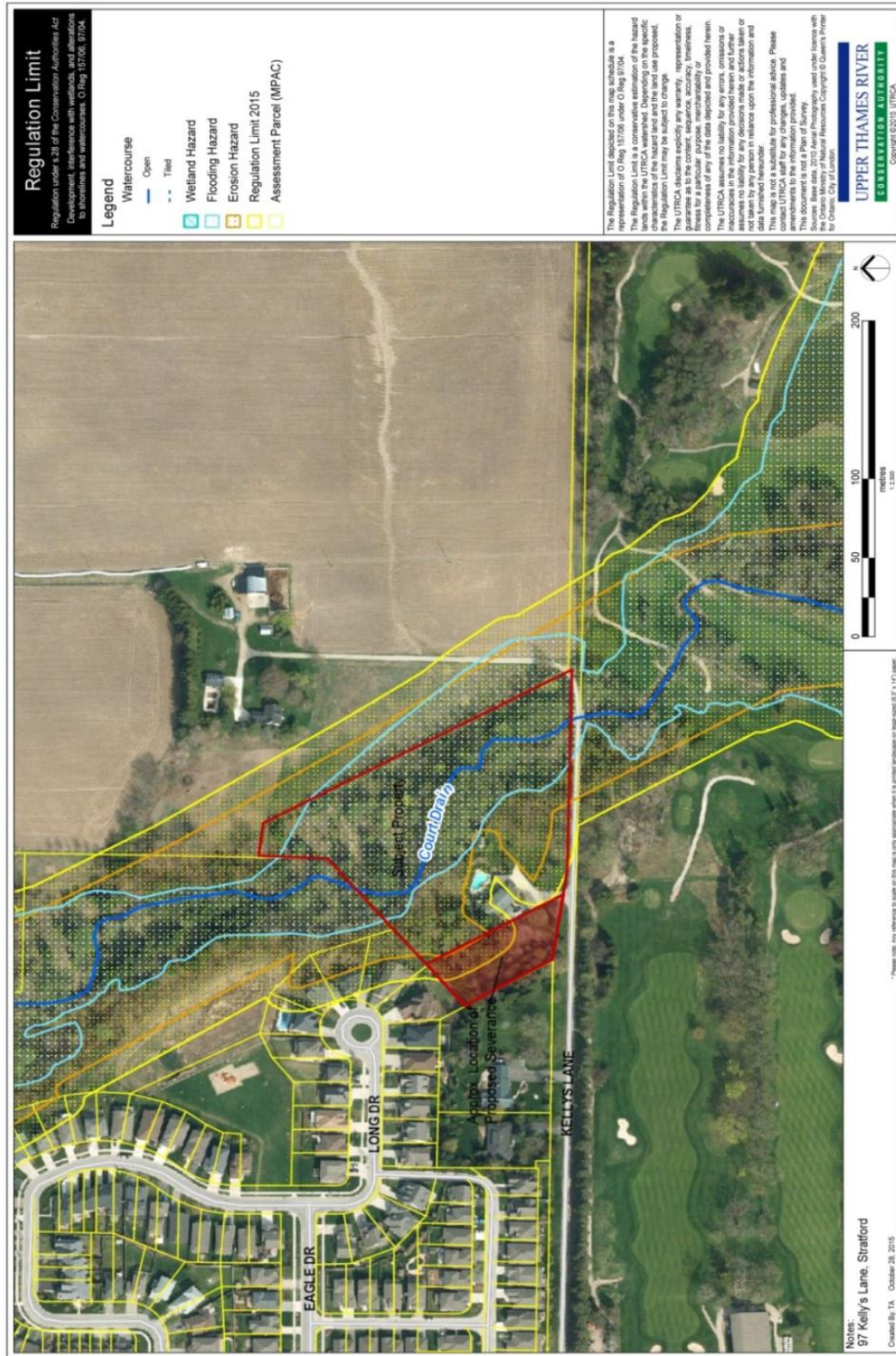
These policies address matters such as the provision of detailed flood plain mapping, uses that may be permitted in the flood plain, one and two zone flood plain policy areas as well as special policy areas.

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<sup>1</sup> <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>



# Upper Thames River Conservation Authority Mapping



### 3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

#### Permit Requirements

Please note that any work proposed within the Regulation Limit (as shown on the attached mapping) is subject to the permit/clearance letter requirements of the UTRCA. For more information on permit applications, please contact Karen Winfield, Regulations Officer, at ext. 237 or at [winfieldk@thamesriver.on.ca](mailto:winfieldk@thamesriver.on.ca).

#### Drinking Water Source Protection

##### *Clean Water Act*

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region. The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at [The Upper Thames River Conservation Authority Website](http://www.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)<sup>2</sup>

##### *Provincial Policy Statement (PPS, 2014):*

Section 2.2.1 requires that:

*"Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration to:*

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
- 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions*

Section 2.2.2 requires that:

*"Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored".* Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development. Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking

<sup>2</sup> [http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The [Approved Source Protection Plan](http://www.sourcewaterprotection.on.ca/source-protection-plan/approvedsource-protection-plan/)<sup>3</sup> is available online.

#### Recommendation

The UTRCA can advise that we have no objection to the applications for Official Plan Amendment and Zone Change. Once a site plan has been developed for the proposed development, it should be circulated to the UTRCA for review as any proposed development may require a permit. The foregoing comments are provided for the information of the applicant and Council.

#### Public Comments

Notice of the application was sent to 62 abutting property owners on September 26, 2016. Notice was also published in the Beacon Herald on September 17, 2016. Six (6) responses were received (two letters, two emails, one phone call and one at the public meeting). The following is a summary of the comments received:

- No concerns with the severance. With the increased front yard setback and the heavily treed space between lots there is no reason for opposition.
- Support for this proposal as it would provide another lot in the City that would further contribute to our tax base.
- Concerns that the cedar trees on the property between the lands on Long Drive will be removed or negatively impacted as a result of this application. Supportive of development but would like to ensure trees are retained.
- Since there are mature trees at the north and west boundaries of 97 Kelly's Lane which effectively provide privacy for the properties along Long Drive, are there any plans to remove them if approval is granted?
- Will the single detached building be in keeping with the other homes in the area?
- Would like to see some aspect of the Agricultural Zone still apply to the easterly portion of 97 Kelly's Lane east of the Court Drain (along with the flood plain). Lands have been historically used for agricultural purposes. Lands abutting are cropped and have also used it as pasture.
- Would like to know if a zone change on the easterly portion of the lands would impact the barn housing livestock, shed and the continued use of the lands for agricultural purposes on the lands immediately abutting to the east. Do not want to see a zone change on the easterly triangular piece that would affect the property to the east use of the lands and building for agricultural purposes.
- Owners of the lane are not supportive of an additional residential lot on Kelly's Lane and are concerned about the proposed zone change on the west portion of 97 Kelly's Lane (for a building lot) as it might impact the character and ownership of Kelly's Lane if there is an increase in residential users on the lane. Concerned about any mandated or required changes to the laneway. These

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<sup>3</sup> <http://www.sourcewaterprotection.on.ca/source-protection-plan/approvedsource-protection-plan/>



concerns would probably be more appropriately raised in a future severance application but at this point noting this concern.

- Owners of the lane question how the application can proceed without their consent to creating an additional right of way.
- Not agreeable to the severance of another residential lot on Kelly's Lane due to concerns that increasing the number of homes on Kelly's Lane will result in increased vehicle and pedestrian traffic. This additional traffic may lead to safety concerns.
- Will Kelly's Lane be assumed by the City because of increased development?
- In the past there has been flooding where the infill lot has proposed. Concerns that development in this location could add additional flooding and could cause properties to the rear to flood.
- Purchased property thinking that there would be no additional development on the proposed infill lot.
- Concerns that the proposed infill lot is located within the flood plain.

As no action on the application occurred for almost 2 years, staff provided notice of the planning report by publishing a notice of consideration in the 'Town Crier' in the Beacon Herald on June 2, 2018 and by sending notice to 62 surrounding property owners on May 29, 2018. To date the following comments below were received in response to the notice of consideration:

- Objection to the application because:
  - o Our property on Long Drive, backs onto Long Drive Park and conservation Area which includes the Thames Tributary and Floodplain. This is a subsidence area where water rises yearly from 4ft to 25ft wide to 4ft deep. Within this area water rises. Interference with the flood plain will impact properties further along the water (Thames tributary). Tree removal and wildlife habitat would be depleted. There are over 42 species of birds that visit each year and other small animals that live and breed in the area. Water cannot be diverted or built over.
  - o Kelly's Lane is a narrow private road with poor access for emergency services. With the nearest water hydrant positioned on Long Drive that would require access through other residential properties.
  - o The two properties on the application are being built for financial gain with no consideration of who would live there.
- Concerned about the application for the following reasons:
  - o There are a lot of mature trees at the north end of the subject property, which runs a diagonal direction backing onto 223 and 227 Long Drive. Which I do not back directly on this line of trees, they are very visible for the rear of my property and afford considerable privacy. Are there any plans to remove these? In my opinion they should not cut down the trees.

## Analysis:

### Existing Characteristics

The subject lands have a frontage of 65.57m and an area of 2.02 ha. The property has frontage on Kelly's Lane which is a 5.029m wide private right-of-way. Like many private lanes, no maintenance agreement is registered on title for the Lane.

The Kelly's Lane development is best described as rural estate residential with the lands to the north being a suburban residential. Land uses in the area include stable neighbourhood areas with a mix of existing residential, agricultural and recreational uses. The east portion of the property zoned Agriculture (A) and Adjacent Land Overlay (AL) was annexed into the City of Stratford in 2001 from the Township of Perth East. The property contains an existing single detached dwelling and associated accessory structures. The property also contains the Court Drain and mature natural features.

### 2014 Provincial Policy Statement

Every planning decision in the province of Ontario shall be consistent with the Provincial Policy Statement (PPS) which came into effect on April 30, 2014. The 2014 PPS provides policy direction on matters of provincial interest relating to Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

Building strong communities that are healthy, livable and safe is achieved by promoting efficient development and land use patterns that accommodate an appropriate range and mix of residential uses (including second units, affordable housing and housing for older persons) and by avoiding development patterns that cause environmental, public health or safety concerns (1.1.1.c). As outlined by section 1.1.3.4, intensification and redevelopment in a compact form that avoids or mitigates risks to public health and safety should be promoted.

The City of Stratford Fire Department has commented that they cannot support the application to permit a new dwelling on a 5.029m wide private right-of-way due to safety concerns. Life safety concerns were also raised by the Perth County Paramedic Service and City of Stratford Police Services. There are no plans to bring Kelly's Lane up to municipal standards and any improvements to the lane require the consent of the owner.

Wise use and management of resource policies include natural heritage, water, agriculture and cultural heritage and archaeology. The subject lands contain natural and naturalized woodlands. Section 2.1 of the PPS outlines that natural features and areas shall be protected for the long term. The application is proposing to increase the Park-Flood Plain zone on the property to provide additional protection to the existing natural features.

Protecting public health and safety policies relate to natural and human made hazards such as areas prone to flooding. Section 3.1 requires development to be directed outside of hazardous lands adjacent to streams which are impacted by flooding hazards and/or erosion hazards. This property contains an open watercourse (Court Drain), flooding hazards, and erosion hazards. The existing dwelling and proposed lot are outside of the flooding hazard and erosion hazard area. The UTRCA has no objections to the application and requires permits for any works on the property.

Based on the concerns from emergency services, the requested amendment cannot be considered to be consistent with the Building Strong Community policies in section 1.1.1.c of the Provincial Policy Statement.

#### Pre-Official Plan Amendment No. 21

The property was designated 'Residential Area' and 'Parks and Open Space' in the pre-Official Plan Amendment No. 21 Official Plan and a portion of the lands are located in the Flood and Erosion Prone Area. The application was submitted after City Council and the Ministry of Municipal Affairs approved Official Plan Amendment No.21, but before the policies were in effect. City Council and the Ministry provided clear direction through the OPA No. 21 policies that all developments are to have access from a public road or condominium road. The application is consistent with the pre-Official Plan Amendment No.21 policies.

#### Official Plan No. 21

The property is designated 'Residential Area' and 'Parks and Open Space' in the Official Plan, as amended by Official Plan Amendment No. 21. A portion of the lands are within a flood hazard, erosion hazard limits, natural and naturalized woodlands and falls within the Source Protection Plan (SPP) significant threat area.

The intensification policies within Section 3.2.2 outlines that the City shall promote efficient use of land and infrastructure. Further, the City shall support intensification and ensure that the new dwelling units are designed to meet occupancy, health and safety standards. The primary use of lands within the 'Residential Area' shall be for single, two and multiple unit dwellings. The Official Plan goals and objectives within 'Residential Areas' include maintaining the essential neighbourhood qualities or 'rights' of quiet enjoyment, privacy, upkeep, public health and safety and basic municipal services. Intensification must conform to the policies in sections 4.5.3.1 and 4.5.3.1 which speaks to scale, streetscapes, impacts, lotting patterns, environmental protection, site design, services, traffic, and access. Section 4.5.3.1.ix) requires developments to have access from a public or condominium road. This is to ensure new developments are on roads designed and maintained in accordance with municipal standards and to ensure the long term safety of the existing and future residence. The application to allow development on a private road is not in conformity with section 4.5.3.1 ix).

Section 7.12, Emergency Services, of the Official Plan, requires development proposals to be reviewed to ensure that they are designed to accommodate emergency vehicles

and other safety considerations. The Fire Departments has advised that the 5.029m wide right-of-way is not sufficient to provide access to the number of emergency vehicles that would be required to provide a suitable level of fire protection. Concerns were raised by all three emergency services that the width of the private right-of-way is expected to create operational challenges during a multi-agency response. The private right-of-way access limits access for emergency services and could prevent emergency services from being able to quickly egress the area. This scenario would be compounded in winter months with snow accumulation.

The Engineering Division has commented that Kelly's Lane is a private right-of-way that is not constructed to any standard used by the City of Stratford and is a narrow, low maintenance right-of-way. Based on the comments provided, the private right-of-way is not considered suitable to accommodate emergency vehicles and does not have the necessary infrastructure to support emergency services.

Section 7.3 of the Official Plan requires that all new urban development be connected to municipal water and sanitary services and shall only be permitted where the systems have adequate capacity to service such development and or redevelopment. Currently, the subject lands are serviced by a private septic and private well. When the lands on Long Drive were developed, an easement was established on Parts 6 & 7, Reference Plan 44R-3561 to allow the subject lands to be connected to municipal services. The new single detached dwelling would have the ability to connect to municipal services through easements and the existing single detached dwelling is proposed to remain on private septic and well. The intent when the easement was established was that eventually the existing dwelling would connect to municipal services. The easement is not sufficient to provide water for firefighting purposes.

When the Committee of Adjustment is considering a consent application it must have regard for the Official Plan. Section 9.5.1 iv) Consent Evaluation Criteria, requires the proposed lot to front on, and have direct access from, an improved public road which is maintained on a year round basis and which is of a reasonable standard of construction. This policy is intended to ensure the new lot is accessible for emergency services on a road that is maintained 365 days per year. The policy is also intended to protect the City from requests by future property owners for costly municipal services such as municipal water and sanitary sewers, road maintenance, snow plowing, and garbage collection. While existing property owners may say they do not want such services, experience has shown that future property owners will undoubtedly make such requests to the City.

Lands designated 'Parks and Open Space' are to be maintained primarily for passive recreational purposes, private amenity space, and natural areas or for purposes of conversion due to their susceptibility to flooding or erosion. The goals and objectives of the natural hazards policies include protecting life and property from the risks associated with natural hazard processes and ensuring that no new hazards are created and existing hazards are not aggravated. The application is proposing to expand the

lands zoned Park-Flood Plain to ensure the existing natural features are maintained and more appropriately zoned to reflect the woodlands, flood and erosion limits. The UTRCA has reviewed the request and has no objections to the application. UTRCA permits are required for any works on the property.

The application would facilitate intensification on partial municipal services and would be compatible in terms of scale, density and site design. However, allowing the proposed intensification without suitable access would result in public health and safety concerns. Accordingly, the application is not consistent with the policies within the Official Plan.

### Zoning By-Law

The subject lands are currently zoned Future Residential (FR), Park (P) Zone and Park-Flood Plain (P-FP) Overlay in the City of Stratford Zoning By-law 201-2000 and Agriculture (A) Zone and Adjacent Land Overlay Area (AL) in the Township of Perth East Zoning By-law 30-1999. The above-noted zones permit the following uses:

- Future Residential (FR) – an existing single detached dwelling, a group home, and home occupations;
- Park (P) – an auditorium, a cemetery, a golf course, a park, a private club, a public use, a recreational park and a theatre;
- Park-Flood Plain (P-FP) Overlay – subject to conservation authority requirements with respect to the erection of buildings and structures;
- Agriculture (A) – a farm, a secondary farm dwelling, a home occupation, a bed and breakfast, a kennel, an existing institutional use, an existing non-farm residential use and recreational trails; and
- Adjacent Land Overlay Area (AL) – uses permitted by the underlying zone (agriculture) subject to Section 11. 5 of the County of Perth Official Plan.

The application is proposing to rezone the property to:

- Residential First Density R1(2) Special Provision Zone to permit a new single detached dwelling on a separate lot on a private street, with a minimum front yard setback of 30m, and a 6m setback from the Upper Thames River Conservation Authority Regulation Limit;
- Residential R1(2) Special Provision Zone to recognize the existing single detached dwelling having frontage on a private street, and a 6m setback from the Upper Thames River Conservation Authority Regulation Limit; and
- Park-Flood Plain (P-FP) Zone.

An increased front yard setback from 7.5m to 30m is proposed for the lands proposed to be rezoned to permit a future single detached dwelling on a separate lot. This special provision was included to ensure that any future development would be consistent with the existing streetscape, maintain building setbacks along Kelly's Lane and would also protect the views of the existing dwelling unit at 97 Kelly's Lane, as well as, the view of the residential dwellings to the west of the property. The zoning by-law requires new

developments to abut a public street (section 3.2) and that buildings and structures be connected to municipal services (section 3.16). The proposed development does not abut a public street. Although the new development could tie into municipal services, it would prevent the existing dwelling from using the easements to connect to municipal services.

The application is requesting zoning that would recognize the existing dwelling that has frontage on a private right-of-way. The lot has been used for residential purposes for over 60 years and the requested zoning would allow a use in keeping with the surrounding area. The proposed Residential First Density R1(2) Zone- Special Provisions does not permit any additional permitted uses and would establish a 6m setback requirement from the UTRCA regulation limit to ensure existing natural features are protected.

The application is requesting to rezone the subject lands from the Agriculture (A) and Adjacent Land Overlay (AL) zone in the inherited Perth East Zoning By-law to Park-Flood Plain (P-FP). The effect of this part of the request would be to increase the lands zoned Park-Flood Plain (P-FP). The Agriculture (A) zone has a minimum lot area of 33ha (81.5 ac) and the portion of the property currently Agriculture does not meet this minimum. The proposed Park-Flood Plain (P-FP) Zone is more appropriate for this portion of the property and the P-FP Zone would provide protection to the woodland, Court Drain and other existing natural features.

#### Urban Design and Landscape Guidelines

Council approved Urban Design and Landscape Guidelines in May 2014. The guidelines Guiding Principles is to encourage appropriate intensification and infill. Where infill is proposed, it should be designed to respect the height, scale, massing and setbacks of existing developments. The proposed infill lot is not considered appropriate as health and safety concerns have not been addressed. Accordingly, the requested zone change does not meet the Urban Design and Landscape Guidelines. If such matters could be addressed, the proposed infill development with the proposed citing of any future building, would be compatible with area development and in accordance with the Urban Design and Landscape Guidelines.

#### Council Adopted Strategic Priorities

On January 27, 2014, Council adopted Strategic Priorities for the next three to five years. The three priority pillars are: Long Term Financial Planning, Affordable Living, and Active Healthy Lifestyle. The subject lands are located on a private right-of-way. Additional development on a private right-of-way has the potential to result in additional costs for the municipality should residents request municipal services, including roads, be extended to their properties. Based on the size of the lot, location and existing dwellings and costs associated with maintaining a private right-of-way, it is unlikely that this application will result in affordable housing or be in the long-term financial interests of the City.

### Public Comments

Staff received comments from neighbours, which included concerns that can be grouped into the following categories: retention of trees, rezoning of agricultural land, flooding and the private right-of-way. Each of these categories will be addressed below.

**Retention of Trees:** Neighbours expressed concerns that the existing mature cedar trees located along the north and west property line of 97 Kelly's Lane would be removed to facilitate the development of a new single detached dwelling. This would result in loss mature vegetation and loss of privacy for these lots. The applicant has indicated that the likelihood of the trees being removed along the west and north lot line is low, as it provides buffering and screening for the existing residential use and is outside the area of the proposed building envelope. The east portion of the lands are classified natural and naturalized woodlands in Schedule "B" of the Official Plan and are not planned to be disturbed by any development proposed in the requested zone change. Additional information would be required to determine if the Woodlands By-law 1-2006 is applicable to the property. If it is applicable, a municipal permit would be required to allow the removal of the trees.

**Rezoning of Agricultural Lands:** A concern was received that rezoning the lands from an agricultural zone would negatively impact the existing surrounding agricultural operations. Rezoning these lands to a Park-Flood Plain zone will not result in any negative impacts on the existing agricultural operation. Should the existing agricultural operation propose to expand, the proposed infill lot would not impose additional constraints on the expansion. The expansion would be limited by existing residential dwellings not the proposed new dwelling lot.

**Flooding:** A neighbour commented that the lands proposed for future infill area within the flood plain have historically flooded. There are concerns that using this land for infill would result in flooding on lots to the north. The proposed infill lands are outside of the flood plain, regulated area, and the flooding hazard limit as shown on the UTRCA map. The UTRCA has no objection to the proposed infill development. Any work on the subject lands requires a permit from UTRCA.

**Private Right-of-way:** Various comments and concerns were received regarding the ownership and future of the private right-of-way. A neighbour asked if Kelly's Lane will be assumed by the City because of increased development. The owners of the lane are concerned that additional development might impact the character, ownership of Kelly's Lane and concerned about any mandated or required changes to the laneway. Further, the owners of the lane do not support an additional dwelling off of Kelly's Lane and do not see how the application can proceed without their consent to creating an additional right-of-way. Lastly, a concern was raised that the width of the lane is not large enough to accommodate emergency vehicles and the lack of fire protection. There are no plans to assume Kelly's Lane and staff do not recommend changing the City's approach to this private lane. To do so would be uneconomical. Individuals purchasing property on

Kelly's Lane know or should have known Kelly's Lane was a private lane not maintained by the City.

#### Other

Should the Planning and Heritage Committee not approve the staff recommendation, the motion shall include a statement outlining how the recommendation of the Planning and Heritage Committee complies with the Provincial Policy Statement and the City of Stratford Official Plan and how public input was considered.

#### **Financial Impact:**

- No additional claims or expenses are expected as a result of this application.
- Development charges for one single detached dwelling would be applicable. The 2018 rate for development charges for a single detached dwelling is \$13,951.
- If a future severance application is approved, parkland dedication or cash-in-lieu of parkland dedication is expected to be a condition of the severance.
- Staff is concerned allowing additional development on a private right-of-way could result in a request for additional municipal services by all residents of Kelly's Lane and or requests for compensation should there be damages to private property. Staff has not prepared any cost projections on possible additional municipal services.

**Staff Recommendation: THAT the application to rezone the lands, located off of Romeo Street North on the north side of Kelly's Lane, from a Future Residential (FR) Zone, Park (P) Zone and a Park-Flood Plain (P-FP) Zone in City of Stratford Zoning By-law 201-2000 and from an Agriculture (A) Zone and an Adjacent Land Overlay Area (AL) Zone in Township of Perth East Zoning By-law 30-1999 to a Residential First Density R1(2) Special Provision Zone to permit a new single detached dwelling on a separate lot on a private street, increase the minimum front yard setback from 7.5m to 30m and to establish a 6m setback from the Upper Thames River Conservation Authority Regulation Limit, a Residential First Density R1(2) Special Provision Zone to recognize the existing single detached dwelling having frontage on a private street, and to establish a 6m setback from the Upper Thames River Conservation Authority Regulation Limit and a Park- Flood Plain (P-FP) Zone in the City of Stratford Zoning By-law 201-2000 be refused for the following reasons:**

- I. The request is not consistent with the Provincial Policy Statement;**
- II. The request is not in keeping with the policies of the Official Plan as amended by Official Plan Amendment No.21;**
- III. The recommendation has regard for public input;**
- IV. The request is not in the public interest;**
- V. The application would permit intensification that does not achieve an appropriate level of life safety; and**
- VI. The request is not appropriate for the lands.**



**AND THAT no action on the City of Stratford initiated Official Plan Amendment to amend the Residential Area policy (Section 4.5.3.1) and Schedule 'A' to add a Special Policy Area be taken for the following reasons:**

- I. The request is not consistent with the Provincial Policy Statement;**
- II. The request is not in keeping with the policies of the Official Plan as amended by Official Plan Amendment No.21;**
- III. The recommendation has regard for public input;**
- IV. The request is not in the public interest;**
- V. The application would permit intensification that does not achieve an appropriate level of fire safety; and**
- VI. The request is not appropriate for the lands.**

*R. Tucker*

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Prepared by: Rachel Tucker, Planner

*Jeff Leunissen*

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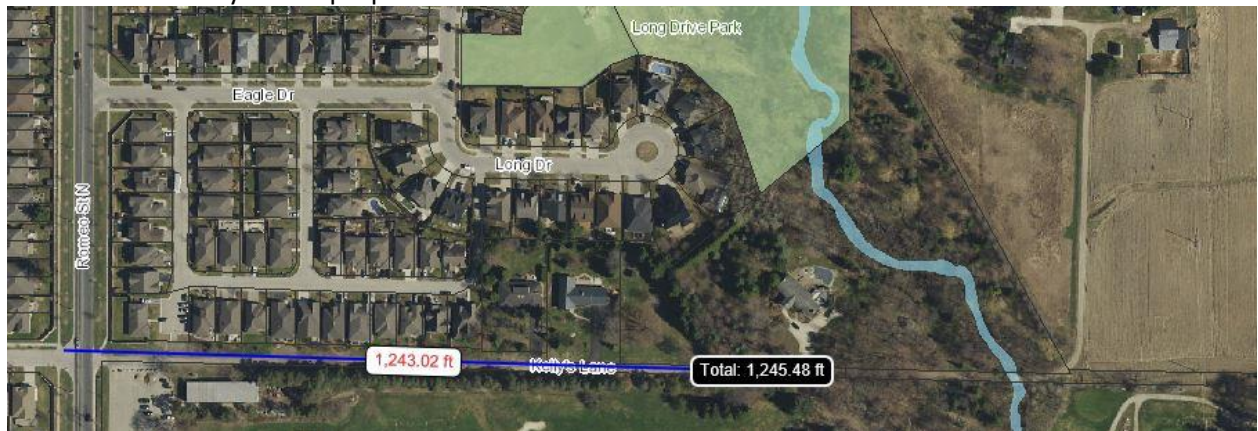
Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services

*Rob Horne*

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Rob Horne, Chief Administrative Officer

Distance to 97 Kelly's Lane proposed severance



Beginning of Kelly's Lane





Beginning of Kelly's Lane 4 feet either side of truck



4ft close up





Looking east further down Kelly's Lane



East edge of subdivision with opening beside house looking towards Kelly's Lane





Hydrant near end opening of subdivision north of Kelly's Lane



Hydrant at entrance to Stratford Country Club near Romeo Street Bridge





Hydrant opposite Kelly's Lane on Romeo



Private hydrant subdivision north of Kelly's Lane





## CITY OF STRATFORD PUBLIC MEETING MINUTES

A **PUBLIC MEETING** was held on Monday, October 24, 2016 at 7:50 p.m. in the Council Chamber, City Hall, Stratford to give the public and Council an opportunity to hear all interested persons with respect to Official Plan Amendment 003-16, to permit development that does not have access onto a public road and Zone Change Application Z03-16, to amend the zoning at 97 Kelly's Lane to allow a new single detached dwelling on a separate lot on a private road.

**COUNCIL PRESENT:** Mayor Dan Mathieson - Chair presiding, Councillors Brad Beatty, George Brown, Tom Clifford, Bonnie Henderson, Danielle Ingram, Frank Mark, Kerry McManus, Graham Bunting and Kathy Vassilakos.

**Councillor Ritsma declared a Pecuniary Interest under the Municipal Conflict of Interest Act due to the fact that he is the owner of Kelly's Lane, and excused himself from the meeting.**

**REGRETS:** none

**STAFF PRESENT:** Rob Horne – Chief Administrative Officer, Andre Morin – Director of Corporate Services, Carole Desmeules – Director of Social Services, Jeff Leunissen – Manager of Development Services, David St. Louis - Director of Community Services, John Paradis – Fire Chief, Joan Thomson – City Clerk, Victoria Trotter – Council Clerk Secretary, Rachel Tucker – City Planner, Nancy Bridges – Recording Secretary.

**ALSO PRESENT:** Members of the public, Media.

Mayor Mathieson called the meeting to order and stated that the purpose of the meeting is to give Council and the public an opportunity to hear all interested persons with respect to Official Plan Amendment 003-16 and Zone Change Application Z03-16, 97 Kelly's Lane.

Mayor Mathieson explained the order of procedure for the public meeting.

### **STAFF PRESENTATION:**

Rachel Tucker, City Planner, outlined the report, noting that the Zone Change application was submitted by GSP Group on September 2, 2016, to amend the zoning at 97 Kelly's Lane to recognize the existing residential use and to allow a new single detached dwelling on a separate lot on a private road. The report also describes the City initiated amendment to

the adopted Official Plan (OPA No.21) to permit development that does not have access onto a public road.

The Planner outlined the property in question and further reviewed the report, noting that the property is 5.08 acres and irregular shape. The applicant is proposing to sever the land, as per the map that was provided in the report, and rezone the proposed future severed lands to a Residential First Density Zone R1(2) special provisions that will allow a single detached home or group home, permit development off of a private road and a front yard setback of 30m when 7.5m is required and a setback of 6m from the Upper Thames River Conservation Authority Regulation Limit, and the remainder of the property Residential First Density R1(2) Zone special provisions to recognize an existing dwelling off of a private right of way and a 6m setback from the Upper Thames River Conservation Authority Regulation Limit and Park- Flood Plain (P-FP) Zone. She continued outlining the report, including the zones that are currently associated with the lands and the allowable uses.

The Planner reviewed the comments and concerns from the Infrastructure and Development Services Department, Stratford Fire Department, Upper Thames River Conservation Authority and the public. The main concerns are a lack of frontage onto a City street, servicing requirements, distance to closest municipal fire hydrant, and width of the laneway. She highlighted the public's main concerns, including the cedar hedge and mature trees on the property, whether a zone change would affect the agricultural purposes on the lands immediately abutting to the east, and whether the city will assume Kelly's Lane. She noted that, as per the report, the City of Stratford has no intention to assume Kelly's Lane.

### **APPLICANT PRESENTATION:**

Kristen Barisdale, senior planner with GSP Group, presented the application, highlighting the request to add special policy area to permit residential development on a private road, establish residential permission for existing and future dwelling units, establish increased yard setbacks for future severed lots, establish setbacks to Regulated Area and to receive permission for frontage on private road.

Ms. Barisdale outlined the criteria to consider when reviewing development proposals in the new official plan. These include:

- Financial impacts
- Compatibility with adjacent land uses
- Access to improved public road maintained year-round
- Traffic considerations
- Limit development potential of adjacent land
- Adequate services
- No development within Regulatory Floor Line
- No impact on heritage
- No impact on significant wetlands, woodlands and/or parks



Ms. Barisdale noted that if the zoning application is approved the future development would be compatible and consistent with surrounding single detached residential uses, the private road is maintained year-round and appropriate easements are in place securing rights of access, and the lot provides for appropriate intensification/infill opportunity within the built-up area in the City of Stratford. The existing lot will maintain its connections to private servicing, however she noted that it is recognized that any future applications for severance, the proposed lot will be required to connect to municipal services. The proposed setback of 6 metres is a natural heritage feature and provides further enhancement and maintains protection of natural features.

They have received concerns regarding the cedar hedge row and she indicated the likelihood that they will be removed is low, as it provides buffering and screening for the existing residential use and is outside the area of future building envelope. They also received comments regarding agricultural uses and how they will be affected. The zoning they have submitted as part of the application is to try to protect and identify the significant natural features. They are exploring having agricultural zoning on a portion of the lands, in order to maintain these features.

#### **QUESTIONS FROM COUNCIL:**

Councillor Ingram inquired why they are requesting an increase in the yard setbacks.

Ms. Barisdale stated that the existing streetscape along Kelly's Lane has similar setbacks to those requested and it will allow the future development to keep the character of the area. She clarified the setback requested is only for the front yard.

Councillor Brown requested clarification of the city services that are available on Kelly's Lane.

The Manager of Development Services noted that there are currently no City services available to Kelly's Lane. There are sanitary and water services available to the rear of the lot, through Long Drive. He noted that Festival Hydro does have a line down Kelly's Lane; however he is unaware if it can accommodate another development. The Planner stated that the services are 25mm water and 75mm sanitary sewer.

Councillor Henderson questioned the widths of other private roads in the City.

The Manager of Development Services stated that there is no City standard for a private road, as it does not belong to the City. Kelly's Lane is a right-of-way that has existed for a long period of time. The City's policy is to discourage private roads, and to in place use plans of condominium, which include information for maintenance and will have proper widths. There are currently no new private roads under consideration.

Councillor Henderson expressed concerns with fire suppression and the width of the private road.

Councillor Ingram asked whether the existing homes are on private services in that area and whether there are any requirements for new development to have frontage on a city street.

Ms. Barisdale indicated that yes, they are on private services. The Manager of Development Services stated that the current Official Plan does not require frontage, however the new Official Plan does require frontage.

Councillor Vassilakos requested clarification on the City's policy on providing fire services.

The Fire Chief clarified that the Fire Department provides full fire protection services to all residents of the City of Stratford, to the best of their ability. In the case of Kelly's Lane, the Fire Department has concerns with the width of the private road. The department cannot commit ALL fire resources because of the width of the road and the location of the closest hydrant. He explained that if all the trucks are down the laneway and the 100 mm hose is hooked up, it would inhibit any trucks from leaving the site. Adding more residential homes to that area would compound the problems.

Councillor Henderson inquired whether there was a fire hydrant on Long Drive that could be used, however the Fire Chief noted that was not feasible as they cannot gain access to it because of the surrounding properties. Councillor Henderson also asked if the City could add another hydrant on Kelly's Lane. The Manager of Development Services stated that the City has no permission to add a hydrant on Kelly's Lane as it is not municipal property.

Councillor Vassilakos requested confirmation that 99 Kelly's Lane is an empty lot. The Planner confirmed.

### **QUESTIONS FROM THE PUBLIC:**

Mr. Ron Beardon, from 234 Long Drive, expressed concerns with the flood plain and the potential for flooding of his property if wetlands are subject to infilling. He explained that the location and lack of development behind his house were key factors when he purchased his home.

The Planner outlined the flood plain area according to the Conservation Authority and Mayor Mathieson noted the citizen's concerns. The Planner will address Mr. Ron Beardon's comments in a future Planning and Heritage Report.

Councillor Henderson asked that staff indicate where the river is located on future maps/reports, as well as providing additional information regarding the infill area. She also requested clarification on the cedar hedges at the back of the property. Ms. Barisdale

stated the intent is to keep the cedar hedge, however they cannot guarantee what will happen with future sales/applications. A building permit that is received in the future will most likely require some of the current trees to be removed.

Mayor Mathieson thanked the presenters and stated that Council intends to consider this application at a future Planning and Heritage Committee meeting where members of Committee will have an opportunity for full discussion of the applications after reviewing comments received from the public at this time.

Mayor Mathieson adjourned the meeting at 8:20 p.m.

**Requests to receive further information, as indicated on the form at the public meeting on October 24, 2016 were received from the following:**

Ron Beardon	234 Long Drive	N5A 7Y7	519-508-8221
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## MANAGEMENT REPORT

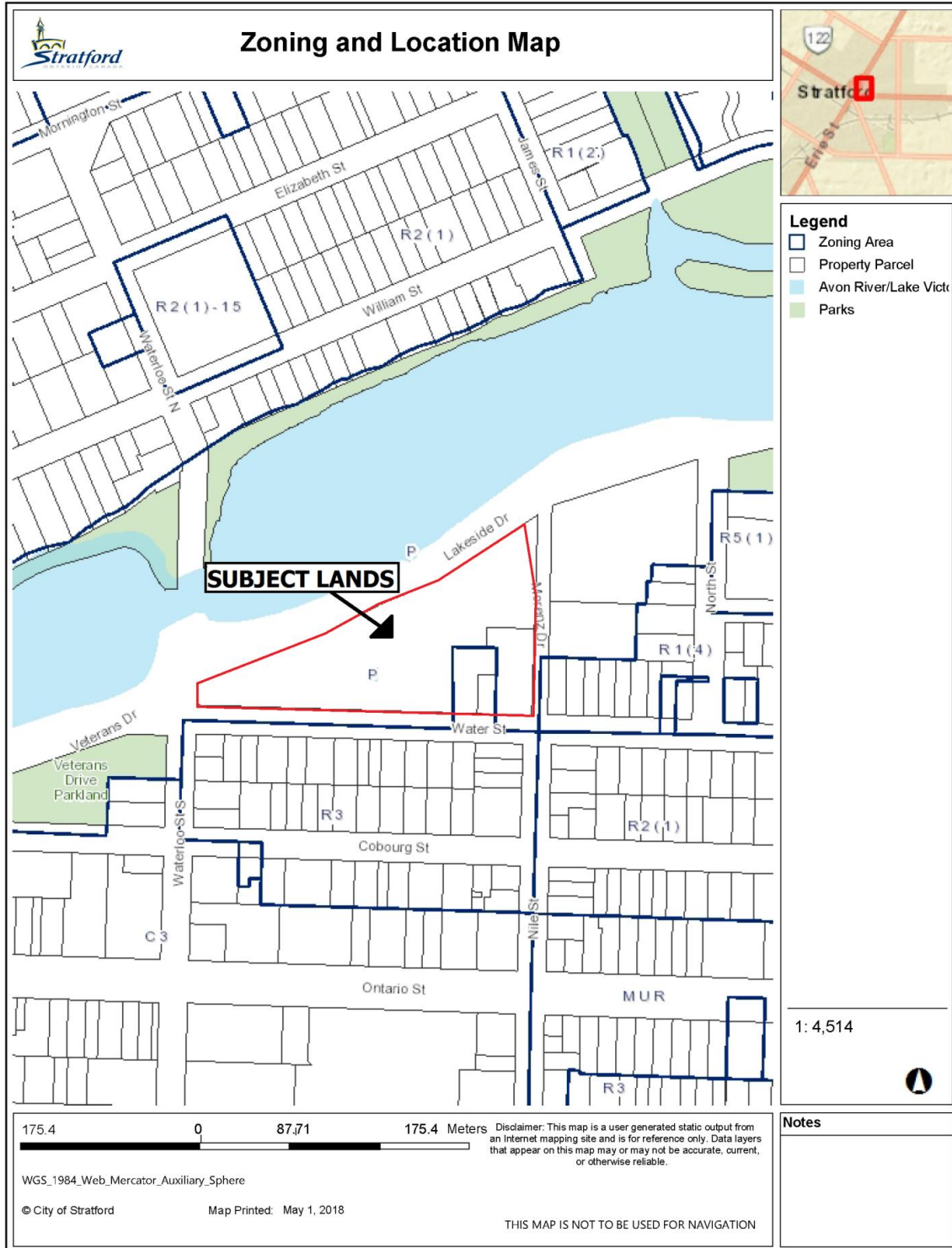
**Date:** June 25, 2018  
**To:** Planning and Heritage Committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA18-016  
**Attachments:** None

**Title:** Planning Report Official Plan Amendment OPA01-18 and Zone Change Application Z05-18, 111 Lakeside Drive (48 Water Street), 68 and 72 Water Street (collectively referred to as the "Property")

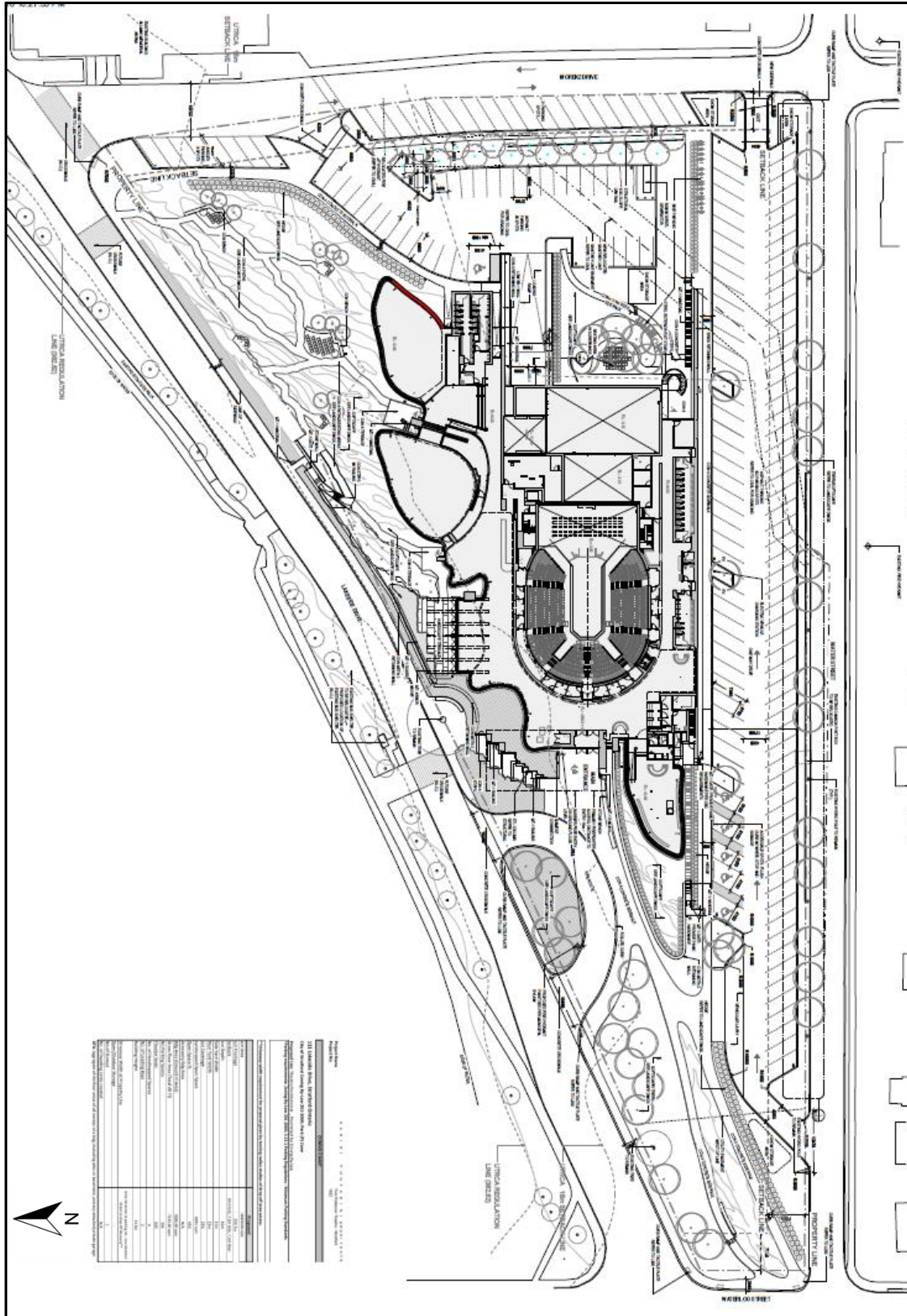
**Objective:** The purpose of this report is to provide staff's recommendation on Official Plan Amendment OPA01-18 and Zoning By-law review Z05-18 initiated by the City of Stratford on May 1, 2018 to:

- rezone two parcels recently acquired by Stratford Festival and enable these parcels to be included into the comprehensive development of the balance of the Property for the Tom Patterson Theatre Centre (See map on page 5);
- amend the Official Plan to identify the lands as a Specific Policy Area to recognize, in addition to the uses allowed in the Residential Area designation, the existing theatre use and the new Tom Patterson Theatre Centre;
- to add a new Theatre TH section to the Comprehensive Zoning By-law No. 201-2000 to recognize the theatre uses currently existing on the property and to accommodate the construction of the Tom Patterson Theatre Centre;
- to zone the lands Theatre TH to recognize the long-term use theatre use and facilitate the development of the Tom Patterson Theatre Centre and include Special Event Space, Theatre Restaurant, Business and/or Professional Offices, Theatre Retail Store, and Theatre Classroom; and
- follow the resolution of Stratford Council on February 1, 2018 to proceed with a City initiated official plan and zoning by-law amendment to recognize the existing uses

## Zoning and Location Map



# Full Build Site Plan



permitted on the lands and create a comprehensive planning framework for the entire Property.

The Property was historically used by Stratford Festival for the Tom Patterson Theatre (for more than forty years) in addition to housing a city-owned facility originally constructed as a curling rink. The Tom Patterson Theatre existed on the Property for over four decades and as a result, due to its age, had cramped and uncomfortable seating, poor accessibility and limited production capabilities.

Stratford Festival is currently undertaking a redevelopment of the Property for the Tom Patterson Theatre Centre and wishes to include the two smaller parcels recently acquired into the comprehensive development of the balance of the Property for the Tom Patterson Theatre Centre (see page 5). The purpose of the Official Plan and Zoning By-law amendments is for the City to create a unified planning framework governing the Property.

The Tom Patterson Theatre Centre ("Theatre Centre") is planned to be an iconic building on the Property offering a full range of theatre and associated uses. The redevelopment will also have publicly accessible gardens and parking spaces available for public use when the theatre is not operational.

Council believes that the application of a site specific policy will appropriately reflect the existing use of the Property for theatre purposes and accommodate the construction of a the new Theatre Centre creating a hub for the theatre activities in the City of Stratford.

The redevelopment of the site for the Theatre Centre is currently being undertaken by the Stratford Festival.

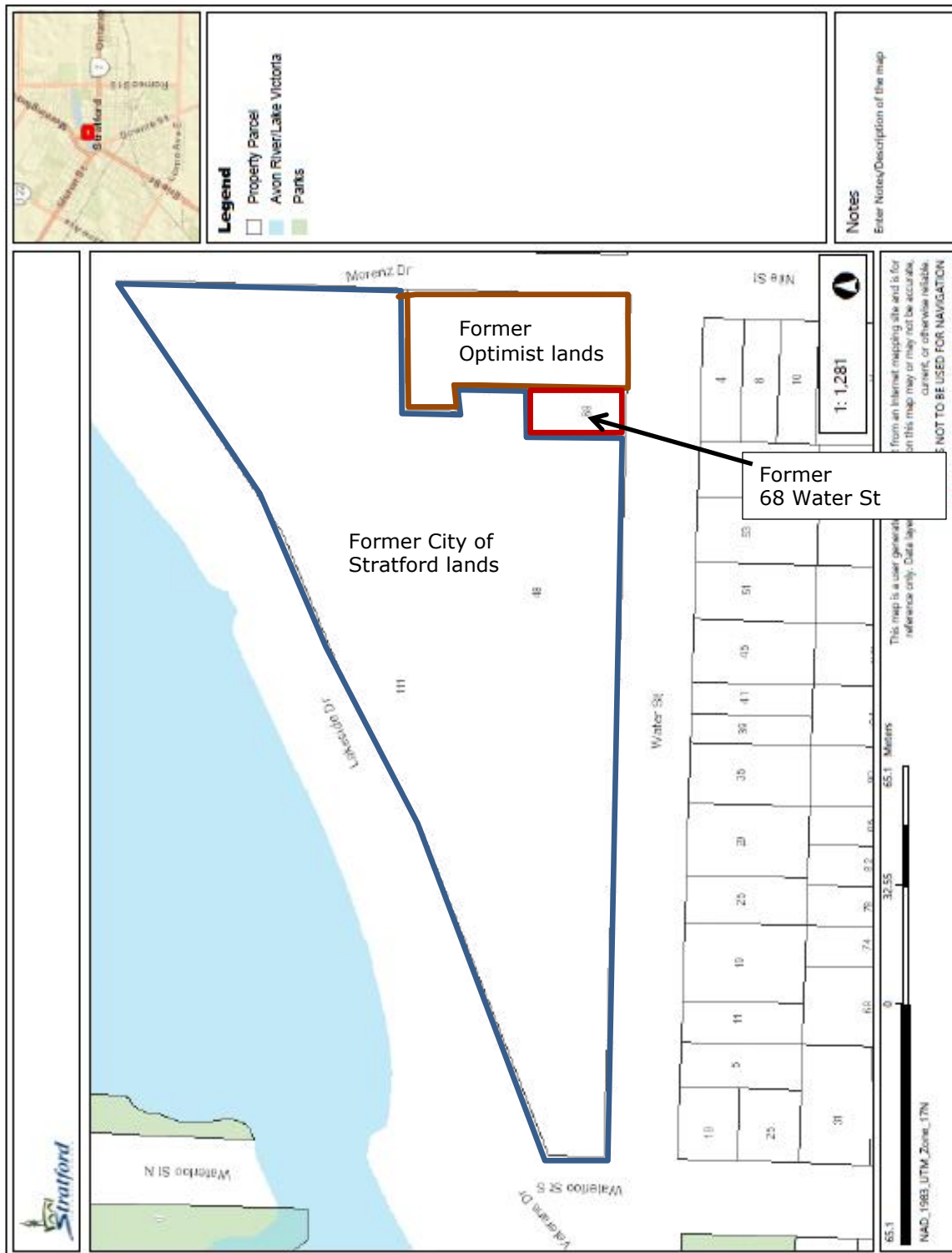
A theatre use is a permitted use under the under the existing Official Plan designation and the Zoning By-Law. The proposed City initiated Official Plan Amendment and Zone Change is intended to recognize the existing theatre use and the associated theatre uses and to update both the City's Official Plan and Zoning by-law.

Stratford Festival recently acquired the entire block that is intended for the construction of the Theatre Centre. The development of the Theatre Centre was presented to the community in a series of public meetings on the following dates: September 26, 2017 and January 15, 2018.

City Council held a public meeting relating to the development of the Theatre Centre on the Property and its impact on existing users, including but not limited to, Stratford Lakeside Active Adults Association ("SLAA") and the Lawn Bowling Association. The City approved the Theatre Centre and reached an acceptable resolution with Stratford Festival to



### Former Property Limits





accommodate the existing services – SLAA and the Lawn Bowling Association - in acceptable alternate locations.

Council determined that a site specific policy in the City's Official Plan will appropriately reflect the historical use of the Property for theatre purposes and accommodate the construction of the new Theatre Centre creating a hub for the Stratford Festival theatre activities in the City of Stratford.

The Theatre Centre includes dedicated parking areas with parking being accessible to the public, and delineated open space that will also be publically accessible. The proposed Official Plan amendment recognizes the existing theatre use that has existed on the property for more than four decades and the zoning amendment consolidates the zoning for the entire block in a manner that reflects Stratford Festival's intended uses as a hub for the Stratford Festival in the City of Stratford.

The purpose and intent of the City initiated Official Plan and Zoning By-law Amendments are to recognize the existing Theatre use and reflect the uses being proposed as part of the Theatre Centre that includes special event space, theatre restaurant, business and/or professional offices associated with the theatre use, theatre retail store and theatre classrooms.

The following special provisions are being considered for the proposed Theatre Special TH Zone to:

- define the front lot line on Lakeside Drive,
- require a minimum lot area of 1.83 ha,
- allow for a minimum setback of 0m from Lakeside Drive,
- require minimum setbacks of 7.5m from Morenz Drive, Water Street and Waterloo Street South,
- allow parking spaces and parking aisles within the required setback,
- require a minimum landscape open space of 30%,
- require a maximum lot coverage of 30%,
- require a maximum height of 11.5m, and
- require a minimum of 166 on-site parking spaces for theatre patrons and the general public.

### **Background:**

Subject Site: The subject lands are the entire the block bounded by Waterloo Street, Lakeside Drive, Morenz Drive and Water Street and are legally described as all of Lots 567, 568, 569 Plan 20 and Part of Lot 570 and Lot 571, Plan 20, designated as Parts 1 to 7, both inclusive and 11 to 20, both inclusive on Reference Plan 44R-5496, having an area of approximately 1.83 ha.

### Site Characteristics:

Existing Use:	Community Centre, Theatre, Private Club (previous uses)
Frontage:	273m (896 ft)
Depth:	65m (213 ft)
Area:	1.83 ha (4.52 ac)
Shape:	Irregular

### Surrounding Land Uses:

North:	Avon River (Park/Flood Plain)
East:	William Allman Memorial Arena, Community Services building and a single detached dwelling (Commercial)
West:	Avon River (Park/Flood Plain)
South:	Single Detached, semi-detached, triplex, duplex dwellings and a mixed use commercial/residential building (Residential)

### Agency Comments

The applications were circulated to the various agencies for review and comment. The following summary represents the comments received to date (June 17, 2018):

#### Infrastructure and Development Services – Engineering Division

- Engineering has no concerns with the applications, as all of our requirements have been met or agreed upon through the site plan process.

#### Fire Department

- No issues

#### Upper Thames River Conservation Authority

- No objection

#### Huron Perth Catholic District School Board

- No concerns

111 Lakeside Drive  
*Lakeside Drive frontage*



*Waterloo Street South frontage*





*Water Street frontage*



*Morenz Drive frontage*



### Public Comments

Notice of the application was sent to 88 abutting property owners on May 7, 2018 and published in the Beacon Herald on May 5, 2018.

The City received two enquires about how the building height would be measured. One other respondent mentioned verbally that additional parking should be provided for the staff of the Stratford Festival. The City received correspondence from a neighbour after the public meeting was held who expressed concerns with the change to the requested building height and with allowing a full scale restaurant use on the property. It should be noted that the increase in building height is negligible, essentially to accommodate the mechanical room, and the restaurant restricted to theatre purposes and use.

At the public meeting, three members of the public spoke expressing concerns and inquiring about height of the mechanical room, the loss of on-street parking (would the City consider parking permits), and whether the Stratford Festival would be paying taxes. There was also some concern expressed with the restaurant competing with the downtown businesses.

Concerns raised by the public have been addressed in the analysis section of this report.

### **Analysis:**

It is important to note that these are City-initiated Official Plan and Zoning By-law Amendments. The purpose of the amendments is not to permit “new” uses but instead to recognize the theatre use that has existed on the property for more than forty years.

### 2014 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest and is set out in three main areas: Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. All development applications shall be consistent with the Provincial Policy Statement (“PPS”).

Building strong communities is achieved by promoting efficient development and land use patterns and avoiding development patterns that cause environmental, public health or safety concerns.

Section 1.1.1 of the Provincial Policy Statement states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Section 1.1.3.2 of the Provincial Policy Statement states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and support active transportation.

The PPS states that new development should take place in designated growth areas that are adjacent to built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Property is situated within a designated growth area and has been used for a theatre for more than four decades. All of the infrastructure required for the Theatre Centre is already in place. The lands are located in close proximity to the downtown core which supports active transportation. The transportation infrastructure necessary to support the Theatre Centre already exists given use of the property by Stratford Festival for more than forty years.

The proposed Official Plan Amendment and Zone Change is considered to be consistent with the Building Strong Communities policies of the Provincial Policy Statement and recognizes the uses that have existed at the property for more than forty years.

Wise Use and Management of Resource policies include natural heritage, water, agriculture and cultural heritage and archaeology. There are no natural heritage, water, agriculture and cultural heritage or archeological characteristics associated with the Theatre Centre. Stratford Festival has been operating a theatre at this location for more than forty years. The amendments are consistent with the Wise Use and Management of Resources policies of the PPS.

Protecting public health and safety relate to natural and human made hazards such as areas prone to flooding, mine hazards, oil and gas hazards. The northern edge of the subject lands are located within the UTRCA regulation limit. Stratford Festival engaged MTE to prepare a floodplain mapping report as part of the site plan approval process. The MTE floodplain mapping report was accepted by the UTRCA. There are no other natural or human health issues associated with this property.

The development of the Theatre Centre is consistent with the MTE Floodplain Mapping Report that has been accepted by the UTRCA. The Official Plan and Zoning By-law amendments are consistent with the Protecting Public Health and Safety Policies of the PPS.

The request to develop the subject lands as proposed is appropriate for the subject lands, reflects the prior uses of the property, and consistent with the 2014 PPS.

#### Official Plan

The property is designated Residential Area and is located within the Heritage Area in the Official Plan. This designation existed despite the property being used by the Tom

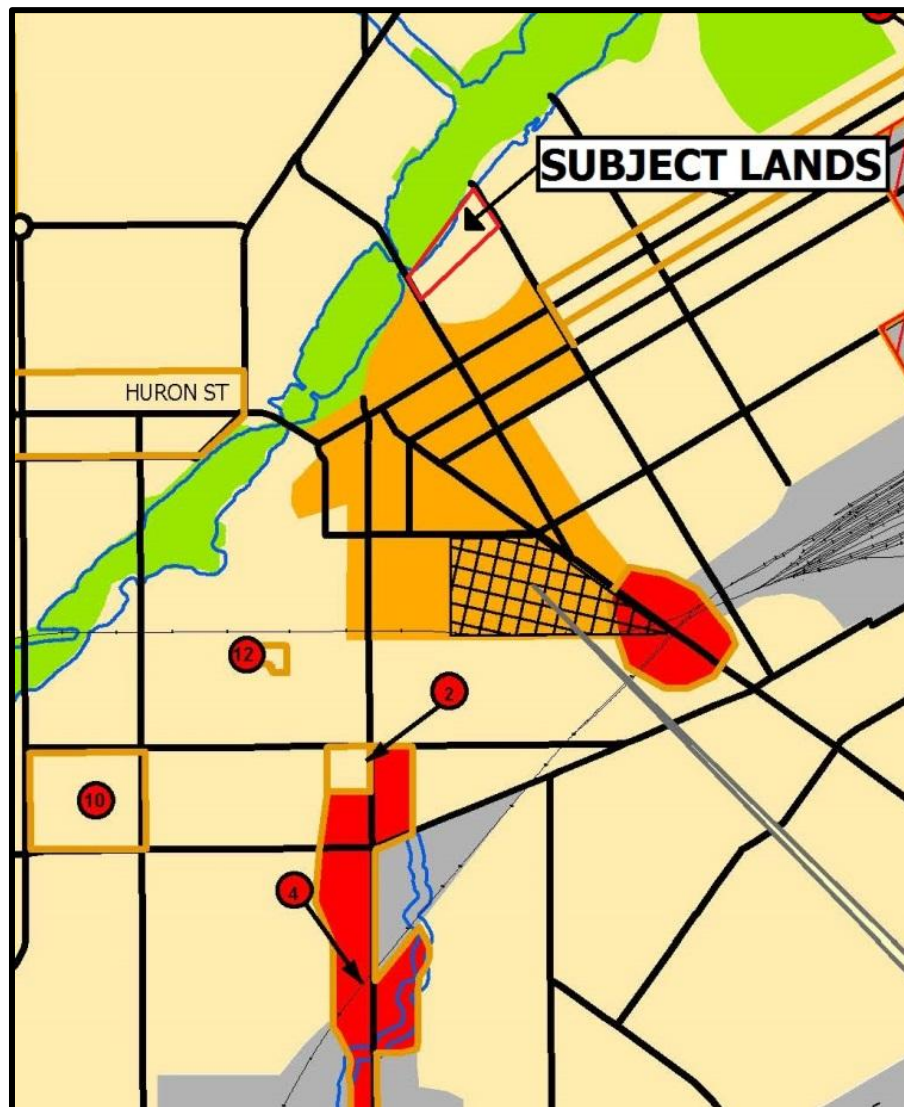
Patterson Theatre for the past 46 years. In addition to the historical theatre use, the property was used for community services including the Seniors Lakeside Active Adult Association and the Stratford Lawn Bowling Club.

The Residential Area policies allow for a range of dwellings types from single detached and semi-detached dwellings to townhouses and low-rise apartment buildings. Some secondary uses are also allowed in the Residential Area designation including convenience commercial uses, home occupations and public uses.

Lakeside Drive, Water Street and Morenz Drive are classified as local streets and Waterloo Street South is classified as an arterial street.

#### Excerpt of Schedule "A"

#### Land Use of the Official Plan



Section 9.2.3 Non-Conforming Uses, of the Official Plan states that *a use which does not conform to the Official Plan, but is recognized as a permitted use in the Zoning By-law, may be zoned to allow for expansion or enlargement or may be zoned to another more compatible use, without the need for an Official Plan amendment, provided the modifications to the use can meet certain criteria including that any expansion or enlargement which increases the lot area of the non-conforming use will be subject to a zone change application and review under the policies of this Plan.*

Section 9.2.3 of the Official Plan allows the subject lands to be zoned for the full theatre without the need for an Official Plan Amendment. The creation of a special policy area to recognize the Theatre Centre as permitted uses is appropriate as it reflects the historical use of the Property.

Section 3.3 Economic Development, of the Official Plan requires that the City *continue to actively promote Stratford as a cultural tourism destination with the Stratford Festival as its central focus and will endeavour to attract new tourism related activities and facilities which complement or do not conflict with its central tourism focus.* Further, the City is to *protect and enhance the river park system, the Downtown and other elements in view of the importance these elements have on the City's tourism image and their special interest to visitors, as well as in attracting new residents and businesses to the community.*

The proposal allows for the redevelopment of the existing theatre that is over forty years old into a more functional entertainment space that enhances the streetscape along the river park system. The development will support the Stratford Festival and will support the ongoing tourism initiatives in the City of Stratford.

The Theatre Centre is planned to be an iconic building on the property offering a full range of theatre and associated uses and include gardens accessible to the public and parking spaces available for public use when the theatre is not in use.

The application of a site specific policy to the property will appropriately reflect the current use of the property as a theatre and accommodate the construction of the Theatre Centre creating a hub for the theatre activities in the City of Stratford.

Section 4.5.3 Stable Residential Areas, of the Official Plan states that new development in Residential Areas must maintain certain elements of the structure and character of the immediate surrounding area. The development is expected to include the following elements:

- *scale of development respects the height, massing and density of adjacent buildings and is appropriate for the site;*
- *respects the nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to buildings;*



- *siting of buildings in relation to abutting properties ensures that there will be no significant negative impacts with respect to privacy and shadowing and appropriate buffering can be provided;*
- *alignment of any proposed streets with existing streets promotes acceptable traffic circulation.*

Again, it is important to note that the intent of the Official Plan and Zoning By-law Amendments is to recognize the historical and existing use of the property for theatre purposes.

The subject lands show a grade differential of two metres from the Water Street road allowance to the façade of the Theatre. In addition, the approved site plan includes screening between the theatre and residential dwellings in the form of trees and green space. The impact of the development on surrounding buildings is minimized by combination of the slope of the property and trees. The separation distance from the buildings on the south side of Water Street to the Theatre is in excess of 30 m (98.4 ft) and with this separation distance and grade difference, there are no privacy or shadowing impacts on existing buildings. The developer has also submitted a traffic report with the site plan approval that demonstrates how traffic will be routed and controlled during peak demand.

The proposed Official Plan amendment satisfies the goals and objectives of the Official plan and is considered appropriate.

#### Zoning By-Law

The lands are zoned Park (P) Zone which permits an auditorium, cemetery, golf course, park, private club, public use, recreational park and theatre and Residential Third Density R3 Zone that permits an existing single detached dwelling, converted, boarding house, triplex and quadruplex dwellings, day nursery, elementary school, group home, home occupation and religious institution.

The proposed Zoning By-Law will create a new Theatre Zone to recognize the use of the property by the Stratford Festival for theatre purposes. The Tom Patterson Theatre has been located on this property for 46 years. The Zoning By-law also identifies those uses associated with the operation of the Tom Patterson theatre including Special Event Space, Theatre Restaurant, Business and/or Professional Offices, Theatre Retail Store and Theatre Classroom. These uses are defined in the proposed Zoning By-Law amendment.

The proposed lot area, lot frontage and coverage, setbacks, landscape open space, building height and parking requirements are all intended to recognize and support the approved site plan development for the new Theatre Centre.

Amending the zoning for the lands currently zoned Residential Third Density (R3) will allow the full development of the lands for theatre uses as approved by Council and recognize the use of this property for theatre purposes for more than 46 years.

The Theatre Centre shall be required to provide a minimum of 166 parking spaces, 6 of which are accessible parking spaces. Twenty nine parking spaces are publically accessible from Morenz Drive, 102 parking spaces are accessible from the Water Street entrance and available to the public when there is not an event at the theatre. The thirty-five parking spaces off Morenz Drive are to be primarily used by staff.

The proposed Theatre Zone represents a development that is consistent with the approved site plan and is consistent with the goals and objectives of the Official Plan, and recognizes the Stratford Festival use that has existed on the Property for more than 46 years.

#### Maximum Height

While the Notice of Public Meeting indicated the height would be a maximum height of 11 m it has come to the attention of City Staff that the mechanical room is greater than 10% of the roof and therefore does not meet the standard Height Exemptions contained in the General Provisions of the City's Zoning By-law.

Planning staff is proposing a maximum building height of 11.5 m for the new Theatre TH Zone. The amendment to the maximum building height permitted was addressed by staff at the public meeting and staff are of the opinion that this change is considered minor.

The new Theatre Centre currently under construction meets the existing Zoning By-law.

#### Issues Raised By The Public

In response to the Notice and at the Public Meeting, members of the public raised the following issues: maximum height, how height is measured, on-street parking, taxes and ensuring the restaurant does not compete with downtown restaurants.

#### Height

The maximum height recommended by staff is 11.5 m to accommodate the mechanical room. No increase in height from the approved site plan drawings will result by including a maximum height regulation in the proposed Theatre TH Zone. The inclusion of a maximum height provision will ensure that the height of the building is not increased in the future.

No change is proposed on how building height is measured. Building height is measured from the average finished grade which is standard practice for the City.

### On-Street Parking

Currently, 15 on-street parking spaces exist on the south side of Water Street. One of the parking spaces has been temporarily removed during construction of the theatre. Parking on Water Street is restricted to 1 hour, between 8:00 am and 6:00 pm Monday through Saturday. One individual who attended the public meeting requested the City look into a parking permit system for this area.

The City has consistently indicated its intent to preserve as many parking spaces as possible on Water Street. The Traffic Report submitted in support of the site plan application indicates the new driveways and parking lots have been designed to accommodate the theatre related traffic activity. The parking lot abutting Water Street is to be managed by a parking attendant to ensure that traffic activity does not spill back into Water Street.

### Taxes

MPAC (Municipal Property Assessment Corporation) makes the decisions regarding taxes. MPAC will assess the property once the theatre is completed and Stratford Festival is required to pay the applicable taxes.

### Restaurant

One member of the public expressed a concern with allowing a full scale restaurant use on the Property. The individual wanted to make sure any restaurant does not impact restaurants in the downtown. The recommended by-law contains a site specific definition of "theatre restaurant". A "theatre restaurant" is defined as restaurant that operates exclusively during such periods as the theatre and/or its ancillary uses are in operation. The intention of the definition is to ensure that the restaurant is limited and does not compete with restaurants situated in the downtown core.

Issues/concerns raised during the public consultation have been addressed through the application of the recommended site specific zoning including mitigation measures incorporated into the site plan for the Theatre Centre and with monitoring by the City of area traffic patterns.

### Urban Design and Landscape Guidelines

Council approved the City's Urban Design and Landscape Guidelines in May 2014. The policies state that buildings should be located and designed to define the public realm and frame streets, internal drive aisles, sidewalks, parking areas and amenity spaces. The Tom Patterson Theatre Centre development has been reviewed against the Urban Design and Landscape Guidelines and a further site plan amendment is required to allow for the proposed parking lot expansion. The building location, parking and landscaping all conform to the landscape guidelines and are complementary to the streetscape in the area.

### Council Adopted Strategic Priorities

On January 27, 2014, Council adopted Strategic Priorities for the next three to five years. The three priority pillars are: Long Term Financial Planning, Affordable Living, and Active Healthy Lifestyle.

By Council resolution dated February 1, 2018, City Council resolved to sell the City owned lands that were previously leased to the Stratford Festival for the Tom Patterson Theatre to facilitate the construction of the Theatre Centre.

The City initiated the site specific Official Plan and Zoning By-law Amendment applications to facilitate the construction of the Theatre Centre. The purpose of these City initiated amendments is to permit the "limited use and form of development of a theatre and limited ancillary uses".

This Official Plan Amendment and Zoning By-law Amendment meet the requirements of the February 1, 2018 Council resolution, are consistent with the PPS, in keeping with the Official Plan provisions, reflect the existing uses permitted by the Zoning By-law, are considered to be consistent with the City's Strategic Priorities, and represent good planning.

**Financial Impact:** No additional claims or expenses are expected as a result of this application. Application fees and Development Charges were paid as part of the initial proposal. Revision fees for the site plan and building permit are applicable.

**Staff Recommendation:** **THAT the City initiated Official Plan Amendment and the Zoning By-law Amendment be approved for the following reasons:**

**1. THAT Official Plan Amendment No. 25 to the City of Stratford Official Plan for 111 Lakeside Drive (48 Water Street), 68 and 72 Water Street, north side of Water Street, south side of Lakeside Drive, east of Morenz Drive, and west of Waterloo Street (Tom Patterson Theatre) to identify the lands as a special policy area to have the following additional uses be permitted: Theatre; Special Event Space; Theatre Restaurant; Business and/or, Professional Offices; Theatre Retail Store; Studio and Theatre Classroom be approved because:**

- **The proposed development is consistent with the Provincial Policy Statement;**
- **Satisfies the goals and objectives of the Official Plan;**
- **Is an efficient use of existing infrastructure;**
- **Recognizes the existing uses on the Property and updates the City's planning documents to reflect the existing uses; and**
- **The public was consulted during the Official Plan circulation and comments that have been received in writing or at the public meeting**

have been reviewed, considered and analyzed within the Planning report.

2. **THAT Council resolve in accordance with Section 34(17) of the Planning Act, that no further public notice is required to consider a change to the maximum building height requirement for the subject lands to raise it 0.5 metres to reflect the height of the mechanical room;**
3. **AND THAT the application to rezone 111 Lakeside Drive (48 Water Street), 68 and 72 Water Street 173 Huron Street to a new Theatre TH section to the Comprehensive Zoning By-law No. 201-2000 to recognize Stratford Festival's theatre uses and to zone the lands Theatre TH to permit a theatre; special event space; theatre restaurant; business and/or, professional offices; theatre retail store; and theatre classroom be approved.**

**The following special provisions are to be included in the proposed Theatre Special TH Zone to:**

- **define the front lot line on Lakeside Drive, require a minimum lot area of 1.83 ha, allow for a minimum setback of 0m from Lakeside Drive, require minimum setbacks of 7.5m from Morenz Drive, Water Street and Waterloo Street South, allow parking spaces and parking aisles within the required setbacks, require a minimum landscape open space of 30%, require a maximum lot coverage of 30% and a maximum height of 11.5m.**
- **The minimum number of on-site parking spaces provided at all times for theatre patrons and the general public shall be no less than 166.**

**Staff recommends that the City initiated Zoning By-law Amendment be approved for the following reasons:**

- **The proposal permits development that is consistent with the Provincial Policy Statement and in conformity with the existing and Updated Official Plan;**
- **The recommended zone change permits the development that is appropriate for the lands and is considered to be sound land use planning and recognizes the use existing on the property for more than 46 years;**
- **The amendments are intended to update the City's planning documents and remove permissions under the current P zoning that are no longer needed (or suited) to the subject lands;**
- **Is an efficient use of existing infrastructure; and**

- **The public was consulted during the zone change circulation and comments received in writing or at the public meeting have been reviewed, considered and analyzed within the Planning report.**



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Prepared by: Jeff Bannon, MCIP, RPP – Planner



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Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services



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Rob Horne, Chief Administrative Officer

## **AMENDMENT NO. 25**

### **TO THE OFFICIAL PLAN OF THE CITY OF STRATFORD**

#### **Section 1 – Title and Components**

This City initiated Amendment, when approved by the City of Stratford, shall be known as Amendment No. 25 to the Official Plan for the City of Stratford. Sections 1 to 4 constitute background information and are not part of the formal amendment. Section 5 constitutes the formally adopted Amendment No. 25 to the Official Plan for the City of Stratford.

#### **Section 2 - Purpose of this Amendment**

The purpose of this Amendment is to create a special policy that recognizes the theatre and associated uses to reflect the theatre use currently permitted under the current zoning and the new Tom Patterson Theatre Centre under construction pursuant to the Park zoning that governs most of the lands.

The special policy amends the Residential designation for the lands municipally known as 111 Lakeside Drive, having an area of 1.83 ha, from Residential Area to Residential Area with a Special Policy to recognize the development of the Tom Patterson Theatre Centre and to provide for all of the uses associated with the Tom Patterson Theatre Centre.

#### **Section 3 - Location**

The subject lands are bounded by Lakeside Street to the north, Morenz Drive to the east and Water Street to the south, and Waterloo Street to the west and are municipally identified as 111 Lakeside Drive, in the City of Stratford. The lands subject to this official plan amendment are outlined in red on the attached Schedule 'A'.

#### **Section 4 - Basis of this Amendment**

The subject lands were historically used for the Tom Patterson Theatre and housed in a city-owned facility originally constructed as a curling rink. The Tom Patterson Theatre was more than four decades old and as a result had cramped and uncomfortable seating, poor accessibility and limited production capabilities.

The Tom Patterson Theatre Centre is planned to be an iconic building on the property offering a full range of theatre and associated uses and include gardens accessible to the public and parking spaces available for public use when the theatre is not in use.

Council believes that the application of a site specific policy will appropriately reflect the current use of the property as a theatre and accommodate the construction of a new Tom Patterson Theatre Centre creating a hub for the theatre activities in the City of Stratford.

## **Section 5 – The Amendment**

The Official Plan for the City of Stratford is amended as follows:

- (a) Schedule "A" to the Official Plan of the City of Stratford is amended identifying the lands outlined in red on the attached Schedule 'A', as Residential Area with a Special Policy; and,
- (b) Section 4.5, Residential Areas, of the Official Plan of the City of Stratford be amended by adding the following policy:

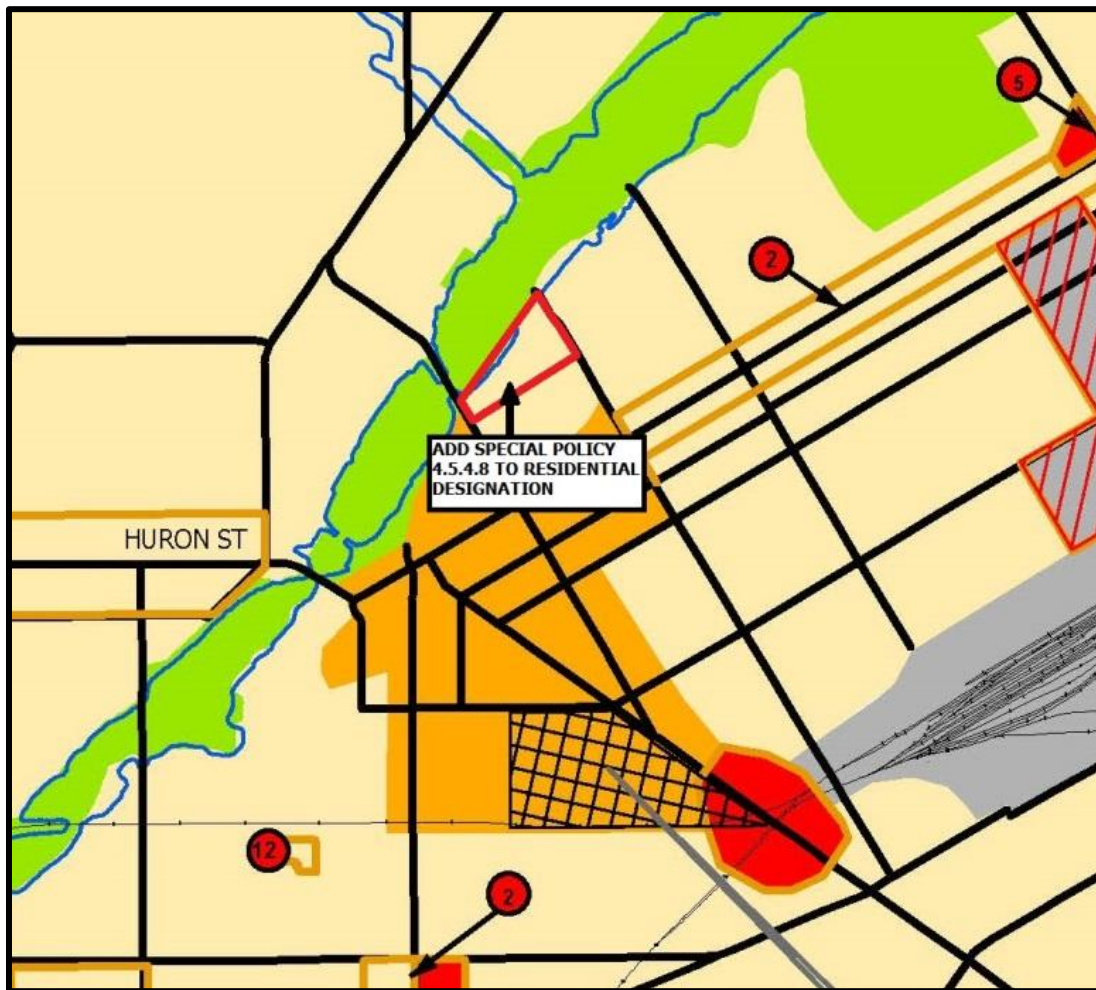
### **Section 4.5.4.8 – North side of Water Street, south side of Lakeside Drive, east of Morenz Drive, and west of Waterloo Street (Tom Patterson Theatre)**

On the lands identified on the attached Schedule 'A' the following additional uses shall be permitted: Theatre; Special Event Space; Theatre Restaurant; Business and/or, Professional Offices; Theatre Retail Store; and Theatre Classroom.



## Schedule "A"

To Official Plan Amendment No. 25



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BEING a By-law to amend Zoning By-law 201-2000 as amended, with respect to zone change Z05-18 to add a new Theatre (TH) Zone and apply that zone to 111 Lakeside Drive.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

**AND WHEREAS** the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be further amended.

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Map 5 to By-law 201-2000 as amended, is hereby amended:

by changing from a Park (P) Zone and Residential Third Density R3 Zone to a Theatre (TH) Zone those lands outlined in heavy solid lines on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as all of Lots 567, 568, 569 Plan 20 and Part of Lot 570 and Lot 571, Plan 20, designated as Parts 1 to 7, both inclusive and 11 to 20, both inclusive on Reference Plan 44R-5496 and known municipally as 111 Lakeside Drive, 48, 68 and 72 Water Street.

2. That By-law 201-2000 as amended, be further amended by adding the following section - Section 22 Theatre (TH) Zone:

## **SECTION 22 THEATRE (TH) ZONE**

No land shall be used, no buildings or structures shall be erected and no lot shall

be altered in the Theatre (TH) Zone except in accordance with the General Provisions of Section 3 and the following”

## **22.1 PERMITTED USES**

### **22.1.1 PERMITTED USES**

- Theatre
- Public park
- Public use
- Special Event space
- Business and/or Professional Office
- Theatre Classroom
- Theatre Restaurant
- Theatre Retail Store
- Studio

## **22.2 GENERAL USE REGULATIONS**

22.2.1	Lot area (minimum)	1.83 Ha
22.2.2	Lot Frontage – Lakeside Drive shall be deemed to be the front lot line.	
22.2.3	Front yard setback (minimum)	0.0m
22.3.4	Setback from Morenz (minimum)	7.5 m
22.3.5	Setback from Water (minimum)	7.5 m
22.3.6	Setback from Waterloo (minimum)	7.5 m
22.3.7	Coverage (maximum)	30%
22.3.8	Height (maximum) -	11.5m
22.3.9	Landscaped open space (minimum)	30%
22.3.10	Notwithstanding Section 3.13.3, parking spaces and drive aisles may be allowed in the setbacks.	
22.3.11	Minimum number of on-site parking spaces	166
22.3.12	When parking spaces are not accessory to a permitted use, they shall be made available to the public.	
22.3.13	<u>Definitions</u>	

For the purposes of the Defined Area, the following shall apply:

i) **Special Event Space**

means a portion of the building used for event programming for community, cultural and social purposes, including but not limited to, receptions,

conferences, meetings, weddings, festivals, and informational and/or instructional programs [or similar functions for which food and/or beverages may or may not be prepared and served].

ii) Business and/or Professional Office

means any part of the building in which one or more persons are employed in the management, direction or conducting of the theatre business or business associated with the theatre or where qualified persons and their staff service the business aspects of the theatre and may also include administrative offices associated with the theatre.

iii) Theatre Classroom

means a room or series of rooms in the theatre where groups of students are taught and/or educational sessions are held including but not limited to the business operations of the theatre, acting, and administration.

iv) Theatre Restaurant

means a restaurant that operates exclusively during such periods as the theatre and/or its ancillary uses are in operation.

v) Theatre Retail Store

means a building in which theatre products or products associated with the theatre including goods, wares, merchandise, substances, articles or things are stored, offered or kept for retail sale to the public.

3. This by-law shall come into effect upon Final Passage in accordance with the *Planning Act*.

Read a FIRST, SECOND AND THIRD TIME AND

FINALLY PASSED this the 25<sup>th</sup> day of June 2018.

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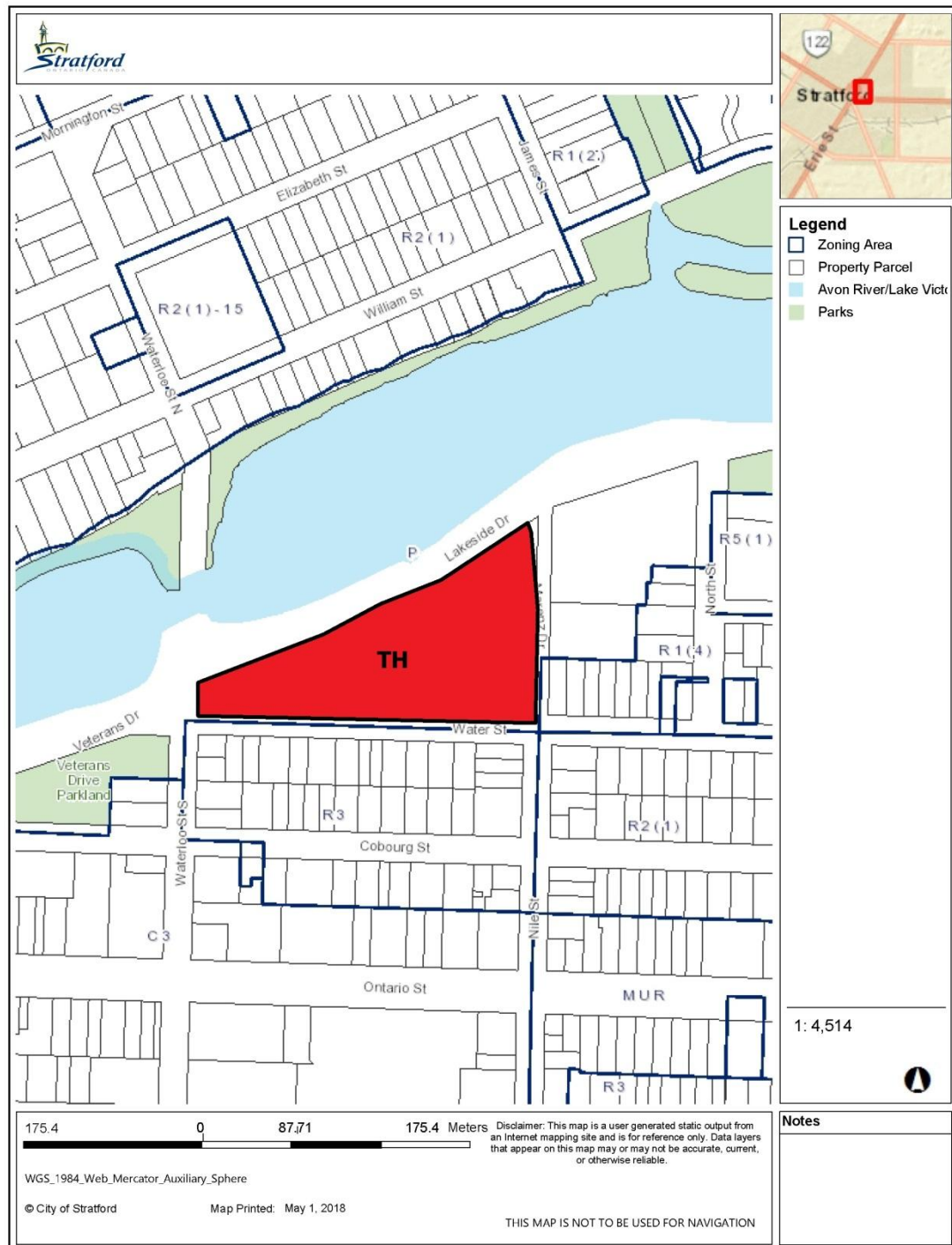
Mayor – Daniel B. Mathieson

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Clerk – Joan Thomson

### Schedule "A" to By-law ???-2018

Lots 567, 568, 569 Plan 20 and Part of Lot 570 and Lot 571, Plan 20, designated as Parts 1 to 7, both inclusive and 11 to 20, both inclusive on Reference Plan 44R-5496.





## CITY OF STRATFORD PUBLIC MEETING MINUTES

A **PUBLIC MEETING** was held on Tuesday, May 29, 2018 at 8:29pm in the Council Chamber, City Hall, Stratford to give the public and Council an opportunity to hear all interested persons with respect to Official Plan Amendment OPA01-18 and Zone Change Application Z05-18 that affects the properties municipally known as 111 Lakeside Drive (48 Water Street), 68 & 72 Water Street, City of Stratford.

**COUNCIL PRESENT:** Deputy Mayor Martin Ritsma - Chair presiding, Councillors Tom Clifford, Bonnie Henderson, Graham Bunting, Brad Beatty, George Brown, Danielle Ingram, Frank Mark, Kathy Vassilakos and Kerry McManus

**REGRETS:** Mayor Dan Mathieson, Carole Desmeules – Director of Social Services, Ed Dujlovic – Director of Infrastructure & Development Services

**STAFF PRESENT:** Rob Horne – CAO, Mike Humble – Director of Corporate Services, David St. Louis - Director of Community Services, John Paradis – Fire Chief, Tatiana Dafoe – Deputy Clerk, Joan Thomson – Clerk, Jeff Bannon – City Planner, Jeff Leunissen – Manager of Development Services, Alex Burgess – Supervisor of Social Services, Michael Mousley – Transit Manager and Nancy Bridges – Recording Secretary.

**ALSO PRESENT:** Members of the public, Media.

Deputy Mayor Ritsma called the meeting to order and stated that the purpose of the meeting is to give Council and the public an opportunity to hear all interested persons with respect to Official Plan Amendment OPA01-18 and Zone Change Application Z05-18 that affects the properties municipally known as 111 Lakeside Drive (48 Water Street), 68 & 72 Water Street, City of Stratford.

Deputy Mayor Ritsma explained the order of procedure for the public meeting.

### **STAFF PRESENTATION:**

Jeff Bannon, City Planner, described the application received and noted that the development of a theatre is already permitted under the existing Official Plan designation and the Zoning by-law. The zoning amendment consolidates the zoning for the entire block to recognize the full theatre development. He stated that site plan approval has been granted and a building permit issued. On May 1, 2018 amendments to the Zoning by-law were initiated to zone the lands Theatre TH-1 to permit a theatre and could include a café, cafeteria, restaurant complementary to the theatre use, etc. He noted there were no additional planning studies or reports submitted with the application.



The Planner clarified that since posting the initial Notice of Public meeting, staff have determined that the maximum height of the building needs to be 11.5m to accommodate the mechanical room.

The Planner described the on-site parking, which includes 166 parking spaces, 6 of which are accessible. He noted the previous uses of the site were community centre, theatre and private club and provided a brief description of the surrounding land uses. The addition of a special policy area to recognize the theatre and event space as permitted uses would recognize the existing land use by the Stratford Festival and the lands that were recently acquired by the Stratford Festival.

Staff have not received any agency comments, however the responses from the public questioned the height of the building and whether additional parking should be provided to the staff of the Stratford Festival. The Planner noted that City staff have altered their recommendation from a height of 11m to 11.5m and this will be addressed in a future report.

#### **QUESTIONS FROM COUNCIL:**

Councillor Ingram inquired whether staff are considering the site as a through lot.

The Planner indicated that staff are looking at street frontages so there is no confusion.

Councillor McManus asked for clarification whether the theatre intends to include a café, cafeteria and a restaurant.

The Planner did not provide a response and deferred the issue to the Festival Theatre.

#### **QUESTIONS FROM PUBLIC:**

Dan Graver, a resident of the area, expressed concern regarding the height of the mechanical room and inquired as to the exact location of the room. He also stated that he worries about the impact on the downtown if the theatre is allowed to operate a restaurant.

The planner noted the location of the mechanical room as being near the centre of the structure and pointed it out on a map. He clarified the grade changes on the site and noted that the maximum height will not be 11.5m above Water Street.

Stewart Hill understands the idea of short term pain for long term gain and is in support of the theatre. He is concerned whether there will be any loss of on-street parking and he would like the City to consider issuing parking permits for the area residents and increasing enforcement.

Staff noted there has been an increase in enforcement on Water Street and area. It was also noted that the City has no intentions of removing street parking in that area.

Councillor Vassilakos requested that staff include more information about the uses that are considered complimentary to the theatre in a future report.

Councillor Brown asked for additional details regarding the size of the restaurant.

Deputy Mayor Ritsma requested that staff include details in a future report.

Ken Wood inquired whether the Stratford Festival will be paying the appropriate taxes for the property and he expressed concern regarding the restaurant competing with the downtown businesses.

Councillor Henderson echoed the inquiry regarding taxes.

Staff noted that MPAC makes the decisions regarding taxes and it is unclear to the City at this point how they will calculate the taxes. MPAC will assess the property once the theatre is completed. He referenced information that was provided on a February 1, 2018 report on the City's website.

Deputy Mayor Ritsma adjourned the meeting at 8:51pm

**Requests to receive further information, as indicated on the form at the public meeting on May 29, 2018 were received from the following:**

Ken Wood



## MANAGEMENT REPORT

**Date:** June 25, 2018  
**To:** Planning and Heritage Committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA18-013  
**Attachments:** None

**Title:** Removal of Holding Provision on 976 Erie Street and 70 Packham Avenue

**Objective:** The purpose of this report is to provide staff's evaluation and recommendation on the zone change application submitted by Mr. Peter Hyde, on behalf of 1935362 Ontario Limited, on April 20, 2018, to remove the Holding Provision on a portion of the property known municipally as 976 Erie Street and 70 Packham Avenue, to allow for the full range of uses in the General Industrial I2-29 Zone.

### **Background:**

Subject Site: The application affects the property with the municipal addresses of 976 Erie Street and 70 Packham Avenue which are located on the north side of Packham Avenue between Dunn Road and Erie Street. The properties are legally described as Pt Lt 2 Con 3. The subject area with the existing holding provision has a frontage of 146m along Packham Avenue and an approximate area of 2.5ha.

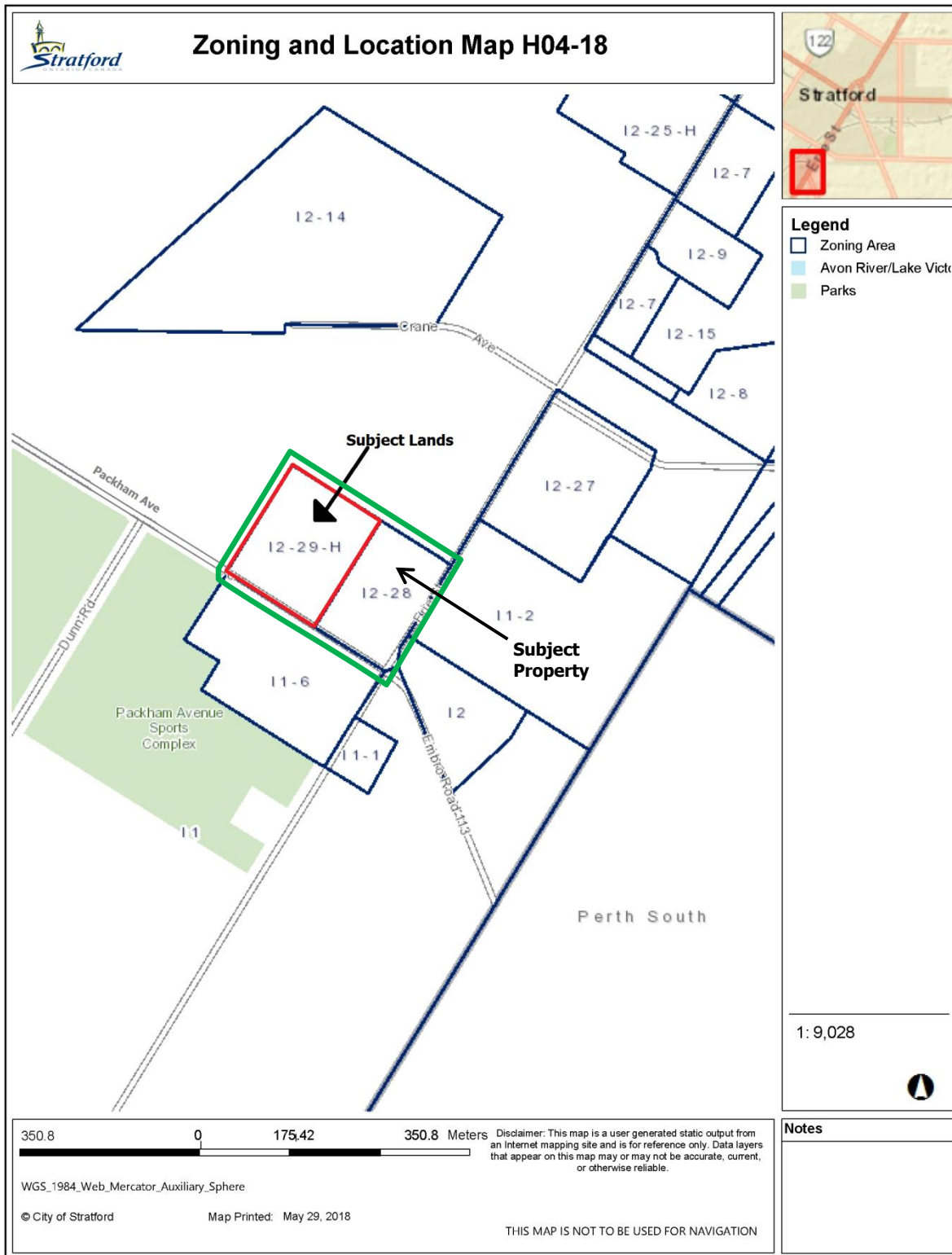
#### Site Characteristics:

Existing Use: Vacant industrial land  
 Frontage: 146m (479ft) on Packham Avenue  
 Depth: 171m (561ft)  
 Area: 2.5ha (6.17ac)  
 Shape: Rectangular

#### Surrounding Land Uses:

North: Canavac (industrial)  
 East: Car dealership-Stricklands (industrial)  
 West: Warehousing (industrial)  
 South: Warehousing (industrial)

## Location and Zoning Map



Official Plan Designation:

- Industrial Area on Schedule "A"
- Wetlands Hazards (UTRCA) on Schedule "B"
- Source Water Protection Significant Threat Area on Schedule "C"
- Packham Avenue is classified an Industrial Collector on Schedule "D"

Zoning By-law:

- Prime Industrial Holding I2-29-H

History:

On June 16, 2014, a rezoning application was submitted on the subject lands to rezone the lands from Prime Industrial I1 Zone to Prime Industrial I2 Zone with special provisions to limit the uses in the I2 zone, to require a minimum size of a planting strip, to require a minimum setback on Erie Street and to apply a Holding Provision on the lands. No information was submitted with the application on the nature of the natural heritage feature and as a result, a Holding Provision was put into place to ensure that the unevaluated environmental feature would be reviewed before further development could occur on a portion of the lands.

The applicant and staff from the UTRCA attended the site on March 21 and confirmed the subject lands did contain a small wetland pocket and a woodlot that was not in good health. Given the nature of the feature, the UTRCA did not object to the removal of the feature under certain conditions, provided a net environmental gain could be achieved.

The applicant retained the services of Ron Koudys Landscape Architects to evaluate the feature and recommend a compensation package. Mr. Koudys' Tree Removal Compensation Proposal estimated there were approximately 550 trees on 1.5 ha of land, that normal reforestation planting density requires 800 to 1,000 trees per 0.4 ha (acre) and that replacing the existing canopy coverage would require between 3,040 to 3,800 trees (averaged to 3,420 trees). The expected cost to replicate the feature elsewhere would cost approximately \$30,000, which includes monitoring and providing water for one year.

The applicant submitted the Tree Removal Compensation Proposal to the Upper Thames River Conservation Authority (UTRCA) and to the Community Services Department. The cash-in-lieu compensation for the removal of the woodlot was accepted by both. Some of the monies will be used to remove buckthorn and replant designated portions of the T.J. Dolan Natural Area and the remainder of the monies will be used to create new woodland in and along the McNamara Drain. Until such time as both of the noted projects proceed, the monies will be placed in the Perpetual Tree Fund.

Removal of the trees began late April and has since been completed.

A site plan application for a 2,885 m<sup>2</sup> industrial use was submitted on April 26, 2018 for the subject lands (our file SP12-18). Staff has agreed to review this application but final approval cannot be granted until the Holding Provision is removed.

**Notice:**

Notice of Intent to Remove the Holding Provision was sent to municipal departments and agencies on May 31, 2018 and advertised in the Town Crier on June 2, 2018. The Notice indicated that Council would not make a decision on the matter before June 25, 2018. No public input comments were received.

**Responses:****UTRCA**

The UTRCA advises that prior to the removal of the holding provision; the specific location for the agreed-upon compensation planting (per April 13, 2018 letter from Ron Koudys Landscape Architects) should be shown on a map and agreed upon by the City of Stratford and the UTRCA. The replacement of the natural feature/functions at a ratio of 6.2:1 was agreed upon; however, at this time, the specific location within the City has not yet been provided. We look forward to reviewing the area for replanting and would recommend the City require an appropriate survivability target for the area being replanted (i.e. monitored for 2-3 years with 70-80+% survivability rate). UTRCA staff have identified key areas throughout the City where a bulk planting would result in an overall environmental gain. Should the City wish to discuss these site specific locations, we can provide further details.

**Community Services**

Community Services has no concerns and agrees to the tree provision and arrangement.

**Analysis:****Provincial Policy Statement**

Every planning decision in the Province of Ontario shall be consistent with the Provincial Policy Statement which came into effect on April 30, 2014. Section 2.1.1 of the Policy Statement recognizes that natural features and areas shall be protected for the long term. This parcel of land has been reviewed by Community Services and the UTRCA. With the acceptance of the Tree Removal Compensation Package, the application is consistent with the 2014 Provincial Policy Statement.

**Official Plan**

The property is designated as Industrial Area in the Official Plan. The natural heritage feature located on the property is shown as 'Wetland Hazards (UTRCA)' and within the 'UTRCA regulation limit' on Schedule 'B – Natural Heritage and Natural Hazards' of the Updated Official Plan. Areas identified as having natural heritage features shall have the precise location of their features and boundaries established to the satisfaction of the City in consultation with the UTRCA.

The applicant has submitted a Tree Removal Compensation Proposal to the satisfaction of the City and UTRCA. The applicant will contribute \$30,000 to the Perpetual Tree Fund.



Some of the money will be spent removing Buckthorn and other invasive species in the T.J. Dolan Park and the remainder will be spent to establish a new natural heritage feature in the northwest part of the City on lands owned by the applicant. Attached to the email chain wherein this approach was accepted, was a map showing the general location of where the compensation planting would be located. By email dated April 26, 2018, the UTRCA confirmed it has no objection to this approach.

Section 9.2.4 Holding Provisions, of the Official Plan, sets out when Holding Provisions are to be applied and when they can be removed. The policy states the Holding symbol shall not be removed until after such time as the proposal has been approved by the City and all the provisions have been complied with.

The Community Services Department on June 18, 2018 indicated they have no objection to the removal of the holding symbol.

The UTRCA advised that prior to the removal of the holding provision; the specific location for the agreed-upon compensation planting should be shown on a map and agreed upon by the City of Stratford and the UTRCA. A map showing the general location of where the compensation tree planting will be located was attached to the email dated April 26, 2018 that was accepted by the UTRCA. It is not possible to provide a more detailed location for the agreed-upon compensation planting at this time because no application for draft plan of subdivision has been submitted for these lands. Identification and approval of the compensation planting area will be considered as part of the next phase of the Countryside plan of subdivision application.

The application is considered consistent with the Official Plan.

#### Zoning By-law

The lands are zoned General Industrial I2-29-H in By-law 201-2000. The General Industrial I2-29-H Zone permits a broad range of industrial uses such as animal kennel, animal shelter, auction sales establishment, building materials yard, business office of a consulting engineer or surveyor, car wash, contractor's yard or shop, data centre, equipment establishments, farm equipment sales or rental establishment, food processing establishment, garden centre, industrial use, motor vehicle uses, and warehousing. The zone also requires a planting strip width of 5m on Erie Street and a 14m setback on Erie Street. Until such time as the Holding Provision is removed, only existing legally established uses are permitted.

Subsection e) of the site specific zone, provides direction when the Holding Provision may be removed and that is only when the City of Stratford has been satisfied, in consultation with the UTRCA, that an appropriate analysis of the unevaluated environmental feature has been completed. By email dated June 18, 2018, the Community Services Department has confirmed that they have no objection to the removal of the holding symbol and by letter dated June 8, 2018 the UTRCA indicated that prior to removal of the holding provision, a map showing the compensation planting should be agreed upon. As indicated above, the

exact location of the compensation planting will be determined as part of a future plan of subdivision review process. It would be inappropriate to delay redevelopment of these lands pending approval of a draft plan of subdivision in another part of the City.

The applicant is deemed to have satisfied the requirements of the Holding Provision.

**Financial Impact:** None.

**Staff Recommendation:** THAT Zoning By-law No. 201-2000 be amended by removing the Holding Provision from the property known municipally as 976 Erie Street and 70 Packham Avenue, which is located on the north side of Packham Avenue between Dunn Road and Erie Street and legally described as Pt Lt 2 Con 3 in the City of Stratford, for the following reasons:

- The conditions outlined in the Holding Provision when the "H" can be removed have been satisfied;
- Removal of the Holding Provision will allow for development in conformity with the City of Stratford Official Plan; and
- Removal of the Holding Provision is consistent with the Provincial Policy Statement.




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Prepared by: Jeff Bannon, MCIP, RPP – Planner




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Recommended by: Jeff Leunissen, MCIP, RPP – Manager of Development Services




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Rob Horne, Chief Administrative Officer

## Draft By-law

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Being a By-law to amend By-law 201-2000 as amended, with respect to the removal of holding provision application H04-18 by 1935362 Ontario Limited to rezone the lands known municipally as 70 Packham Avenue and 976 Erie Street to allow for General Industrial I2-29 Zone land uses.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 36 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass holding provisions by-laws;

**AND WHEREAS** the said Council has provided Notice of Intent to Remove the Holding Provision to members of the public and applicable agencies in accordance with the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 201-2000, as amended, known as the Zoning By-law, be further amended.

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Map 7 to By-law 201-2000 as amended, is hereby amended:

by removing the Holding Provision from those lands zoned I2-29-H outlined in heavy solid lines on Schedule "A", attached hereto and forming part of this By-law, municipally described as 70 Packham Avenue and 976 Erie Street.

2. That By-law 201-2000 as amended, be further amended by replacing Section 18.4.29, being the Exceptions of the General Industrial I2 Zone with the following:

"18.4.29      a) Defined Area (70 Packham Avenue and 976 Erie Street)

I2-29 as shown on Schedule "A", Map 7

b) Permitted Uses

- amusement arcade establishment

- animal kennel
- animal shelter
- auction sales establishment
- building materials yard
- business office of a consulting engineer or surveyor
- car wash
- commercial school
- contractor's yard or shop
- data centre
- dwelling unit as an accessory use
- dry cleaning establishment
- equipment rental establishment
- equipment service establishment
- factory store
- farm equipment sales or rental establishment
- food processing establishment
- garden centre
- industrial use
- motor vehicle body shop
- motor vehicle repair shop
- motor vehicle sales or rental establishment
- motor vehicle service station
- private club
- public use
- scientific or medical laboratory
- recreational park
- recreational vehicle sales or rental establishment
- truck terminal
- veterinarian clinic
- warehouse

c) Minimum width of planting strip - Erie St 5m

d) Minimum setback - Erie St 14m

3. This by-law shall come into effect upon Final Passage in accordance with the *Planning Act*.

Read a FIRST, SECOND AND THIRD TIME AND

FINALLY PASSED this the 25<sup>th</sup> day of June 2018.

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Mayor – Daniel B. Mathieson

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Clerk – Joan Thomson

## Schedule "A" to By-law ???-2018

### 70 Packham Avenue & 976 Erie Street







## MANAGEMENT REPORT

**Date:** June 25, 2018  
**To:** Planning and Heritage Committee  
**From:** Jonathan DeWeerd, Chief Building Official  
**Report#:** PLA18-012  
**Attachments:** None

**Title:** Acting Building Inspector

**Objective:** To adopt the necessary By-law to officially appoint Gerald Moore, Paul Hillenaar, Mandy Harris, and Jon Crummer, employees of RSM Building Consultants, to act on an as-needed and temporary basis in the roll of Building Inspector for the City of Stratford.

**Background:** Section 3(2) of the Ontario Building Code Act requires that each municipality appoint a Chief Building Official and such Inspectors as necessary to enforce the Ontario Building Code in the area in which the municipality has jurisdiction. Inspectors must be appointed by By-Law to comply with the Ontario Building Code Act.

On May 14, 2018, Bernie Weber, Municipal Building Official II (MBO II) for the City of Stratford, indicated his intent to retire, effective June 30, 2018. Staff has initiated the process to hire a new MBO II.

Until a new, permanent MBO II is hired, staff is requesting the ability to engage the services of RSM Building Consultants on an as-needed and temporary basis. There is no one currently on staff who is able to fulfill this role on a temporary basis. Engaging the services of RSM would ensure that our current service level is maintained and legislated inspections are completed in a timely fashion.

**Analysis:** Until a replacement for Mr. Weber is found, individual(s) must be named by By-law to perform this role. Staff recommends engaging the services of RSM Building Consultants, to serve as Building Inspectors at the discretion of the Chief Building Official. Staff believes it is imperative to have temporary coverage of the MBO II position to maintain the service level for Building Permit inspections during this time of transition.

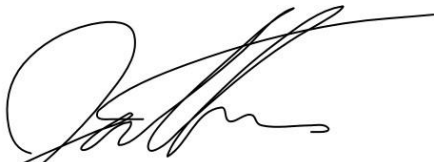
RSM Building Consultants is currently on retainer to assist in the review of building permits during peak periods, and RSM is, or has, provided inspector transition services for several municipalities including the Township of Puslinch, Town of Aylmer, and the Township of Perth East. Staff is confident RSM Building Consultants can fulfill the needs of the City until a new MBO II is hired.

When a new permanent Municipal Building Official II is hired, staff will submit a report requesting that individual be identified as an Inspector for the City of Stratford.

Staff would like to thank Mr. Weber for his 30 years of hard work and dedication to the City of Stratford and wishes him well in his retirement.

**Financial Impact:** \$125.00 per hour plus mileage. Monies to pay these expenses will come from Building Permit Fees revenue. It is expected the inspectors from RSM will work two to three days per week, but this will be dependent on workload requirements as determined by the CBO.

**Staff Recommendation: THAT Council amend By-law 8-2009, as amended, to appoint Gerald Moore, Paul Hillenaar, Mandy Harris, and Jon Crummer of RSM Building Consultants as Inspectors under the Building Code Act for The Corporation of the City of Stratford commencing July 3, 2018, until there is a permanent replacement for the retiring Municipal Building Official II.**



Jonathan DeWeerd, Chief Building Official



Ed, Dujlovic, Director of Infrastructure and Development Services



Rob Horne, Chief Administrative Officer



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## MANAGEMENT REPORT

**Date:** June 25, 2018  
**To:** Planning and Heritage Committee  
**From:** Jonathan DeWeerd, Chief Building Official  
**Report#:** PLA18-015  
**Attachments:** None

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**Title:** AMANDA Software Consultant

**Objective:** To authorize engaging the services of DCG Software Consulting Inc., a Software consultant specializing in AMANDA, to assist the Building Division in the updating of the Single Family Residential folder and Property Owner Data Analysis system in AMANDA, the City's building permit tracking software.

**Background:** In 2005, the City of Stratford purchased and implemented a version of AMANDA software to support the Building Division in digitally tracking the building permits from permit application through to project completion. Since the original implementation of AMANDA, only minimal upgrades have been completed to the system to ensure legislated reporting to agencies (i.e. Tarion, MPAC, StatsCAN, etc.) have been set up.

Building Division staff have noted that many of the processes and procedures utilized as part of the application process are using outdated legislated forms. Therefore, staff are required to manually use the approved forms, which are then not embedded in the software for easy retrieval. The upgrade of the Single Family Residential folder in AMANDA is the first step in upgrading and reorganizing our data into a more useable database which will save staff time in completing their tasks.

The second part of the project involves a Database Analysis. AMANDA is a very powerful tool for staff to process and track permits, log inspection reports, and issue orders. These processes require the roll and owner information to be accurate for obvious legislative reasons. Currently, this information is not being updated unless staff becomes aware of a change through an application. As a result, staff are unable to rely on the information in the database. AMANDA has the ability to complete a one-way sync from the Tax software on a regular basis to ensure the database is current.

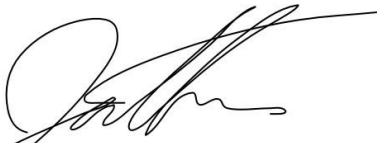
DCG Software Consulting Inc. has completed similar process review and implementations and has been providing support and upgrades of the AMANDA system to a number of municipalities including recently with the City of Cambridge and the City of Guelph. They have also previously completed a project for the City of Stratford to implement mandatory government reporting.

**Analysis:** The Building Division is currently unable to utilize AMANDA to its full potential including tracking of building, by-law, planning, and other processes. The Chief Building Official and Manager of IT are in consultation towards a longer term strategy to effectively utilize a system that will be useful internally, as well as externally. The goal is to achieve stability within the system by properly resourcing it so that it is managed in-house to bring the long term costs down. This will include a full analysis of current processes within the building division and have a plan that the City can take action on. This long term strategy will be discussed during the next budget process.

However, a short term approach would be helpful for the remainder of 2018. Staff believes that by engaging a consultant in the short term will achieve some quick results that would better suit the needs of the users and allow staff to concentrate on better customer service.

**Financial Impact:** The estimated cost of the Residential Permit folder upgrade is \$28,000 plus HST and the estimated cost of the Database Analysis is \$4,500 plus HST. Anticipated costs of this project would be funded from the Building Department Reserve account. No increase is required in building permit fees for fund this project.

**Staff Recommendation: THAT Council authorize engaging DCG Software Consulting Inc. at a cost of approximately \$36,725 including HST, to be taken from the Building Permit Reserve account G-R07-BSUR-0000, to provide updates and implement best efficiencies in the Residential Permit folder and Database Analysis applications of AMANDA.**



Jonathan DeWeerd, Chief Building Official



Ed Dujlovic, Director of Infrastructure and Development Services

A handwritten signature in black ink, reading "Rob Horne". The letters are cursive and fluid, with the first name "Rob" and last name "Horne" clearly distinguishable.

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Rob Horne, Chief Administrative Officer