



THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE
COMMUNITY & DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES/REPORT

The members of the Community & Development Advisory Committee met on November 6, 2017 in the Council Chambers, at 6:00 p.m.

PRESENT:

Chair Councillor Martin Mazza, Lord Mayor Pat Darte, Councillors: Jim Collard, Betty Disero, Paolo Miele, Terry Flynn, Jamie King (6:20), John Wiens, Maria Bau-Coote (7:02).

REGRETS:

Councillor Jim Collard

STAFF:

Shirley Cater	Manager, Planning
Holly Dowd	Chief Administrative Officer/Director of Corporate Services
Sheldon Randall	Director of Operations
Jeff Vyse	Manager, Public Works
Kevin Turcotte	Manager, Parks and Recreation
Peter Todd	Town Clerk
Denise Horne	Planner I
Mark Iamarino	Planner II

OTHERS:

MEDIA:

Suzanne Mason Sun Media

Chair Councillor Martin Mazza called the meeting to order at 6:00 p.m.

CONFLICT OF INTEREST:

Councillor John Wiens declared a conflict of interest with Report CDS-17-06 - 5524 Regent Street & 535 King Street (Pillar & Post) - Application for Site Plan Approval as his business operates a similar use.

DELEGATIONS:

- (a) **Tom Richardson, Sullivan Mahoney**
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Mr. Richardson spoke on behalf of the applicant of the heritage permit for construction of a new hotel with underground parking facilities and landscaping at 114, 118, 122, 126 Queen Street, 219 Victoria Street, and 115, 117, 119 Johnson Street and 129 Johnson Street. Mr Richardson asked Council to consider receiving recommendation 1.9 and not to refuse the application at this time. Mr. Richardson stated that it was his belief that the recommendation was contradictory due to the previous request in the recommendations for the submission to be peer-reviewed.

Mr. Richardson answered questions in regard to the process and application. Chair Councillor Martin Mazza thanked Mr. Richardson for coming forward.

**(b) Joy Rogers, 10 Shaw's Lane
Curbs, Gutters and Parking Meters Byron Street**

Ms. Rogers spoke on behalf of the Corporation of St. Mark's Church in her capacity as the Peoples Warden. Ms. Rogers spoke about concerns raised by the Parishoners of St. Mark's concerning Byron Street Reconstruction. Ms. Rogers spoke to the following:

- Proper communication concerning the project
- Maintaining the aesthetics of the area
- Potential impact on heritage designations
- Potential impact of mature trees in the area
- Delineation of parking spaces

**(c) Gracia Janes, 261 King Street
Byron Street Road Reconstruction**

Ms. Janes spoke on behalf of the Niagara-on-the-Lake Conservancy in response to the November 2nd Information Report regarding Byron Street Road reconstruction. Ms. Janes was pleased to see that many of the concerns the group had raised were addressed in the report. However, the following concerns were not addressed:

- Threats to open space and natural heritage
- Potential impact on heritage designations
- Delineation of parking spaces

**(d) Len O'Connor, Niagara District Airport
2018 Operating and Working Capital Budget and
Transfer of Transport Canada Lands**

Len O' Connor, Niagara District Airport Commission CEO, and Councillor Terry Flynn provided a presentation to Committee regarding the 2018 Operating and

Working Capital Budget and Transfer of Transport Canada Lands to the Town.
Their presentation spoke to the following:

- Niagara District Airport Commission Vision & Mission
- Proposed 2018 Capital Budget
- 2019 -2040 Capital Forecast
- 2018 Operating Budget

PRESENTATION:

There were no presentations at this time.

CLOSED SESSION:

Moved by Lord Mayor Pat Darte that an additional item be included in the closed session agenda, specifically a property on King street as per section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

APPROVED.

Moved by Councillor Maria Bau Coote that Committee proceed to go into a closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section (d) Labour Relations or employee negotiations
- *Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, specifically a property on King Street.*

APPROVED, AS AMENDED.

Moved by Councillor that Committee rise from the closed meeting to consider matters that qualify under the Municipal Act 2001, as amended:

- Section (d) Labour Relations or employee negotiations. with no report; and
- Section 239.(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board, specifically a property on King Street, with no report.

APPROVED.

CONSENT AGENDA:

The consent agenda is a set of reports that could be approved in one motion of Council. The approval endorses all of the recommendations contained in each of the reports within the set.

At this time the Town Clerk advised Committee that CDS -17-064 1156 Concession 6 Road - Zoning By-law Amendment has been deferred to a future meeting, due to the

rescheduling of the Public Meeting under the Planning Act.

Prior to the motion being taken, a Councillor may request that one or more of the reports be lifted out of the consent agenda to be considered separately.

At the request of the Committee, all reports were lifted for discussion and voted on separately.

CDS-17-064

1156 Concession 6 Road - Zoning By-law Amendment

That the recommendation contained in Finance Report CDS-17-064 be adopted to include that:

- 1.1 The Zoning By-law Amendment for 1156 Concession 6 Road be approved and
- 1.2 The draft Zoning By-law Amendment and Schedule, attached as **Appendix B** and **Appendix B1**, respectively to this report, be forwarded to Council for adoption.

DEFERRED.

CDS-17-065

524 Regent Street & 535 King Street (Pillar & Post) - Application for Site Plan Approval

In response to questions raised by Committee, staff clarified the buffer and fence requirements included in the site plan approval.

Moved by Councillor Jamie King that the recommendation contained in Finance Report CDS-17-065 be adopted to include that:

- 1.1 The Site Plan Agreement with respect to lands known municipally as 524 Regent Street and 535 King Street (Pillar & Post), attached as Appendix B, together with the Site Plan, Landscape Plan, and Building Elevations attached as Appendix C, be approved.

APPROVED.

CDS-17-066

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Denise Horne, Panner I, provided information to Committee regarding the request from the delegation earlier in the night. Ms. Horne clarified that Council is required to provide a decision within 90 days. Deferring the decision could result in a lapse of the 90 day deadline and as a result, approve the application by default. Ms. Horne recommended that a decision be made tonight, and that the applicant submit an

additional application at a later date.

Moved by Councillor Paolo Miele that the recommendation contained in Finance Report CDS-17-066 be adopted to include that:

- 1.1 the October 10, 2017 Municipal Heritage Committee minutes (**Appendix A** to this report) be received and:
- 1.2 the following apply to the revised drawings for demolition of rear addition and construction of new rear addition at 421 Hunter Road (MHC-17-042A):
 - 1.2.1 the Heritage Committee provide comments on the revised concept proposal for demolition and construction of a new rear addition and that staff provide the applicant with such; and
 - 1.2.2 a Heritage Impact Assessment is provided to better understand the evolution of the structure and the cultural heritage value of the rear addition.
- 1.3 the following apply to the installation request of a red and white striped, retractable awning at 37-43 Queen Street (MHC-17-043):
 - 1.3.1 the Heritage Permit Application to install a red and white striped retractable awning not be approved.
- 1.4 the following apply to the installation request of replacement windows and doors as well as re-painting and repairing front façade where necessary at 83 Queen Street (MHC-17-044):
 - 1.4.1 the Heritage Permit Application to replace the wood front doors with replica wood doors of the same dimensions and design be approved; and
 - 1.4.2 re-painting in the existing colours and repairs to the pilasters, trim and marquee on the building be approved; and
 - 1.4.3 the window glazing on the building not be replaced with thermal pane glass but that the existing single-pane wood windows be maintained and repaired in order to be functional except for the side-facing in-set display windows in the front entrance which can be thermal pane and picture windows without the use of muntin bars.
- 1.5 the following apply to the replacement of cedar shingles with asphalt shingles at 209 Queen Street (MHC-17-045):
 - 1.5.1 the Heritage Permit Application to replace the cedar shingles with asphalt shingles not be approved.
- 1.6 the following apply to the restoration request of the existing wood windows at 178 Gate Street (MHC-17-046):

- 1.6.1 the Heritage Permit Application to restore the existing wood windows be approved.
- 1.7 the following apply to the restoration request at 65 Queen Street, formerly McCrae Hall (MHC-17-048):
 - 1.7.1 the original Heritage Permit H-15-020 for building designs at 65 Queen Street be amended and the approved drawings dated October 10, 2017 replace the previously approved drawings; and
 - 1.7.2 all Hardie Board on the building be installed smooth side out; and
 - 1.7.3 all Azek material (or similar material) be installed with a smooth, matte; and
 - 1.7.4 the pressure treated wood screening for the mechanicals be similar in colour to the asphalt shingles but more detail be provided for the proposed screening; and
 - 1.7.5 staff be enabled to approve minor design changes to the approved if they do not significantly impact the design of the building from the streetscape; and
 - 1.7.6 the applicant return to the Municipal Heritage Committee for a second heritage permit for details pertaining to doors and windows details, colours, lighting, signage, trim and any other details requested by staff; and
 - 1.7.7 wood clapboard be used on the front elevation with a minimum 5 inch exposure, where permitted under the Building Code Act, and that all cement board siding have the same exposure as the wood clapboard siding; and
 - 1.7.8 that there be period appropriate wood sashes and frames with simulated divided lights on the front façade of the building, where permitted under the Building Code Act.
- 1.8 the following apply to the request for comments regarding the proposed revision to the drawings for, which include the construction of two new buildings and the reconstruction of the historic structure at 135 Queen St (MHC-17-049):
 - 1.8.1 the Heritage Committee provides comments on the concept revised drawings for 135 Queen Street.
 - 1.8.2 Planning staff will provide the applicant with a summary of comments.
- 1.9 the following apply to the request for review of the proposed hotel with underground parking facilities and landscaping impacting 114, 118, 122, 126 Queen Street, 219 Victoria Street, and 115, 117, 119 Johnson Street and 129 Johnson Street and the Official Plan and Zoning By-law Amendments respectively as well as future applications for site plan approval and consent existing attached garage:
 - 1.9.1 the Heritage Impact Assessment submitted be peer-reviewed at the applicant's cost and that the Heritage Permit Application to facilitate construction of a new hotel with underground parking

facilities and landscaping at 114, 118, 122, 126 Queen Street, 219 Victoria Street, and 115, 117, 119 Johnson Street and 129 Johnson Street be refused.

1.10 Staff recommend the following recommendation be received that:

1.10.1 Committee turn down the current staff recommendation and request that the fence be rebuilt to conform to the Fence and Drainage By-laws and that a Heritage Permit be applied for, before construction begins.

1.11 Staff recommend the following staff recommendation be approved that:

1.11.1 the Heritage Permit Application to demolish the attached garage at 222 Gate Street be refused.

APPROVED.

CDS-17-067

Municipal Tree Protection Policy

Council discussed the need for an expedient process for consultation with the builder/ developer community. Direction was provided to staff to carry out this process through mail, e-mail, survey's and/or online engagement immediately following Council approval.

Moved by Councillor Jamie King that the recommendation contained in Report CDS-17-066 be adopted to include that:

- 1.1 this report outlining considerations for a Municipal Tree Protection Policy be received; and
- 1.2 Council direct Staff to consult with the builder/developer community to determine the impact of implementing a Municipal Tree Protection Policy.

APPROVED.

NEW BUSINESS

a) Notice of Motion - Curb and Gutter in the Heritage District

Councillor John Wiens put forth a notice of motion regarding curb and gutters in the Heritage District.

b) Notice of Motion - Paxton Lane

Councillor Betty Disero put forth a notice of motion regarding Paxton Lane.

c) Notice of Motion - Parliament Oak Site

Councillor Betty Disero put forth a notice of motion regarding the Parliament Oak property.

d) Notice of Motion - Byron Street Reconstruction

Councillor Betty Disero put forth a notice of motion regarding reconstruction of Byron Street.

ADJOURNMENT: 8:53 p.m.

Lord Mayor, this concludes the Minutes/Report of the Community & Development Advisory Committee I Councillor _____ move, seconded by Councillor _____ that the Minutes/Report of the November 6, 2017 Community & Development Advisory Committee Meeting be adopted.

LORD MAYOR PAT DARTE