

THE REGIONAL MUNICIPALITY

PLANNING SERVICES COMMITTEE

REPORT 3-2005

Minutes of a meeting of the Planning Services Committee held in the Council Chambers and Committee Room 4, at Regional Headquarters in Thorold, Ontario on Wednesday, February 9, 2005 commencing at 2:05 p.m.

ATTENDANCE

Committee: Councillors Smeaton, Chair; Regional Chair Partington, Baty, Bodner, Burroughs, Eke, Gabriel, Hildreth, Hodgson, Katzman, Timms, Trombetta, Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning & Development; Farley, Director, Planning Services; Ms. Pilon, Legislative Assistant.

Staff (Part-Time): Mr. Gummo, Senior Planner; Ms. Donia, Planner.

Others: Councillor Angelone.

DEVELOPMENT IMPLEMENTATION SERVICES

29. Official Plan Amendment No. 51 and Related Planning Applications
To Redesignate an Industrial Area for Residential Use
Fernwood Development Proposal
Garner Road
City of Niagara Falls
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Ms. Bernadette Secco, a resident of the City of Niagara Falls advised the Committee that the City of Niagara Falls recognized the specialness of the woodlots and reflected them in their Official Plan as open space.

Mr. Johnson a resident of the City of Niagara Falls read Mr. Fohr's submission (PD 8-2005) in his absence, which noted that the plan amendments presented by the Regional Planning Department are reasonable and requested that the Planning Services Committee support staff's recommendation as a compromise that protects woodlot #83 with an Environmental Protection Act (EPA) designation, while allowing a housing development of sufficient density and diversity to provide the developers with a reasonable return on their investment.

Mr. Johnson on his own behalf noted his concurrence with Mr. Fohr's comments and encouraged the Committee to preserve the woodlot.

Alderman Morocco advised the Committee that she does not support the Regional Planning staff's report or the decision made by the City of Niagara Falls Council, as the recommendations do not include the twelve acres of parkland in addition to the protection of the woodlots.

Mr. Danny Beaton of the Mohawk Nation advised the Committee of what the Mohawk Nation Elders have taught them, that all of creation has a duty and as human beings we have a duty to preserve forests for our children and animals and birds who live there.

Ms. Linda Tamburri advised the Committee that her property is in close proximity to the proposed residential development and that she supports the Fernwood Project.

Alderman Wing advised the Committee that she did not support the decision at the City of Niagara Falls Council meeting, as the City of Niagara Falls has lost so much of their woodlots in the past, that the city needs this woodlot. The Park in the City Committee that has been formed in the City of Niagara Falls, has been tasked with greening the City and they feel there is a need to preserve this woodlot and if it is not preserved; they would question their efforts when they are planting new trees, when the Region is removing this significant woodlot.

Alderman Wing noted that she has spoken to many residents and they feel that it is vital to the City of Niagara Falls to preserve this woodlot and that she is in support of the Planning Department's report with the modifications that have been proposed.

Mr. Muratori, solicitor for the proponents, as a point of clarification to Ms. Secco's comments provided the Committee with the land use map, which show the subject property all in blue, which designates the property industrial with no designation of open spaces.

Mr. Wilson, Planning Department, City of Niagara Falls advised the Committee that the appendix to the land use map, designates the woodlot as open space as well as a special policy provision for requiring further studies and two streams as environmental protection.

Mr. Muratori advised the Committee that his clients have requested fair and impartial treatment, based on the same rules and similar circumstances as the other two cases were given.

Mr. Muratori advised the Committee that he and his clients have sat down with the City of Niagara Falls' staff with a price of the table, in order for the City to buy the property back or propose a comparable piece of land as an exchange and the Committee has received the comprised plan following those meetings in this report.

The Committee was advised that Mr. Muratori's clients paid approximately \$400,000.00 for the one-hundred acre property.

The Committee noted that Mr. Muratori's clients have put their application up for review by requesting a change to the Official Plan designation on the property from industrial to residential.

Mr. Muratori noted that when the application was made to change the designation, the rules in place at the time of the application are to be used and that is what his clients have requested. The City permits development in the forest; the Regional Policy Plan and the Provincial Policy Statement, even if the woodlot is designated as significant woodlot, can still be developed.

Mr. Cambray noted that the report recommends the support of the development on a majority of the site with the protection of the woodlot.

Mr. Banks, solicitor for the Grandoni's, noted that the heart of this dispute is the almost eighteen acre extensive Carolinian Forest, composed of rare, exotic and endangered trees, vines and other plant species, which under existing legislation mandates consideration and study in the public interest for its appropriate protection and preservation.

Mr. Banks noted that the Planning Services Committee's role is to act in the Minister's capacity and that the Committee must consider all of the applicable principles, the Minister would reference, including all applicable law and policies of the Province, the Region and the City of Niagara Falls.

Mr. Banks requested that the Planning Services Committee accept the recommendations of the Planning Department's report.

Moved by Councillor Trombetta
Seconded by Councillor Hildreth

That Report DPD 2-2005, January 12, 2005, respecting the Official Plan Amendment No. 51 and Related Planning Applications to Redesignate an Industrial Area for Residential Use, Fernwood Development Proposal, Garner Road in the City of Niagara Falls, be received.

That Regional Council approve as modified Official Plan Amendment No. 51 to the City of Niagara Falls Official Plan as set out in Appendix I.

That Regional Planning staff meet with the applicants and City staff to develop a subdivision plan and zoning to meet the Official Plan Amendment recommended in this report.

That Regional Council withdraw the Ontario Municipal Board appeals with respect to the Fernwood Draft Plan of Subdivision (file: 26T-11-2004-03) and Zoning By-law No. 2004-157 when revisions to both these planning applications conform with the modified Official Plan Amendment No. 51.

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations.

That staff issue a declaration that Council's decision is final if no appeals are lodged within twenty (20) days of giving notice of Council's decision.

Carried.

POLICY PLANNING

30. Model Urban Design Guidelines

Mr. Cambray introduced Ms. Anne McIlroy of Brook McIlroy Planning + Urban Design and Mr. Gummo and Ms. Donia, Planning Department staff who have been involved in the preparation of the Model Urban Design Guidelines document.

Ms. Anne McIlroy provided the Committee with a presentation on the Model Urban Design Guidelines, which were prepared through consultation with the local municipalities public and industry stakeholders in order to provide a direction to the Consultation Team responsible for the preparation of the document.

The Team responsible for preparing the guidelines utilized the Region's Smart Growth Principles as structuring elements for the development of the Model Urban Design Guidelines.

Ms. McIlroy provided the Committee with an overview on how the document has been structured. The document has three key areas: Principles and Guidelines; Private Realm and Public Realm.

The document discusses Neighbourhood Structure; Roads; Sidewalks & Streetscaping; Parks & Open Space; Natural Heritage; Multi-Use Trails; Storm Water Management Facilities; Environmental Sustainability; Residential; Main Street & Street Commercial; Large Format Commercial; Industrial; Off Street Surface Parking.

The section on critical success factors discusses the oversupply of land; the coordination of transportation and land use based on a clear vision of urban form at the regional level with a regionally defined hierarchy of nodes; view of roads as an important part of community appearance and functionality; focus investment of public dollars to obtain Smart Growth (Important Performance Criteria; Consumption of Land; Design; Supportive Policies; Local Investment); Screen local by-laws for provisions that undermine Smart Growth; Adopt a fiscal system that supports Smart Growth and Secure broad support and leadership for Smart Growth.

The Team used three test sites (Former Welland High School; Port Colborne Mall and Hartzel Road, which included the Domtar site) suggested by the Steering Committee to assist in the identification of common issues and opportunities associated with urban development in the Region. The sites were also instrumental in encouraging community participation in the workshops that were held as part of this process.

31. Smart Growth Implementation -
Urban Design Principles and Model Guidelines

The Committee discussed the absence of dialogue on high-rises and how they fit in to the existing community, it was therefore:

Moved by Councillor Gabriel
Seconded by Councillor Eke

That Report DPD 22-2005, February 9, 2005, respecting the Smart Growth Implementation – Urban Design Principles and Model Guidelines, be received as **amended**.

That Staff present the Model Urban Design Guidelines prepared by Brook McIlroy Planning + Urban Design/ECD Environment Canada/Hynde Paul & Associates and dated February 2005 to the Development Charges Task Force for use in implementing the Development Charges Waiver/Exemption program.

That the Model Urban Design Guidelines **with the addition of a few illustrations and examples of high-rises with some dialogue on how high-rises fit in**, be used in the Region's planning program.

That the area municipalities be invited to use the Guidelines at their discretion in their planning programs.

That the area municipalities be invited to provide best practices that can be used from time-to-time to up-date the Guidelines to ensure their currency into the future.

That this report and the Model Urban Design Guidelines be forwarded to the Smarter Niagara Steering Committee for use in implementing the Smarter Niagara strategy.

Carried.

DEVELOPMENT IMPLEMENTATION SERVICES (Continued)

32. Refund of Planning Review Fee
Proposed Official Plan Amendment
The School of Restoration Arts at Willowbank
Town of Niagara-on-the-Lake

Moved by Councillor Eke
Seconded by Councillor Burroughs

That Report DPD 21-2005, February 9, 2005, respecting the Refund of Planning Review Fee, Proposed Official Plan Amendment, The School of Restoration Arts at Willowbank in the Town of Niagara-on-the-Lake, be received.

That the Regional fee of \$500.00 for the planning review of a local official plan amendment be refunded to the applicant. The School of Restoration Arts at Willowbank.

That the applicant and the Town of Niagara-on-the-Lake be advised of Council's decision.

Carried.

33. Consent Summary
From January 16, 2005 to January 31, 2005

Moved by Councillor Hildreth
Seconded by Councillor Eke

That Report DPD 19-2005, February 9, 2005, respecting the Consent Summary from January 16, 2005 to January 31, 2005, be received.

Carried.

34. Regional Comments on Development Proposals

Moved by Councillor Hildreth
Seconded by Councillor Eke

That Report DPD 20-2005, February 9, 2005, respecting the Regional Comments on Development Proposals, be received for information.

Carried.

ADMINISTRATION

35. Minutes of the Greater Niagara Circle Route Committee Meeting of Wednesday, January 26, 2005

Moved by Councillor Bodner
Seconded by Councillor Timms

That the Minutes of the Greater Niagara Circle Route Committee meeting of Wednesday, January 26, 2005, be received and the recommendations therein approved.

Carried.

36. Minutes of the Ecological and Environmental Advisory Committee Meeting of Thursday, January 27, 2005

Moved by Councillor Bodner
Seconded by Councillor Timms

That the Minutes of the Ecological and Environmental Advisory Committee meeting of Thursday, January 27, 2005, be received.

Carried.

CONFLICT OF INTEREST

Councillor Zimmerman declared an indirect pecuniary interest with respect to the matter of PD 7-2005 a letter on LeClos Jordanne Ltd. as she is C.E.O. of the Grape Growers of Ontario, and therefore took no part in the discussion of or voting on this matter.

CORRESPONDENCE

37. Moved by Councillor Hildreth
Seconded by Councillor Bodner

That Correspondence item PD 7-2005 respecting the Planning staff letter on LeClos Jordanne Ltd. Supporting the temporary use of an existing building as a winery for up to six years when the new winery will be available, be received and supported.

Carried.

38. Moved by Councillor Burroughs
Seconded by Councillor Zimmerman

That Correspondence item PD 8-2005, a submission from Mr. Frank Fohr commenting on the Fernwood Development Proposal in the City of Niagara Falls, be received and considered with DPD 2-2005.

Carried.

39. Moved by Councillor Eke
Seconded by Councillor Burroughs

That the following communications be received and dealt with as directed by this Committee at this time:

PD 9-2005 Letter and summary of Submissions by Victor Muratori, Solicitor on behalf of the applicants for Official Plan Amendment No. 51 and related applications.

-- Received and considered with DPD 2-2005.

PD 10-2005 Argument by George Banks, Solicitor on behalf of Jean and Peter Grandoni, setting out concerns with Official Plan Amendment No. 51 and related applications.

-- Received and considered with DPD 2-2005.

Carried.

STAFF DIRECTION

Staff was directed to:

- Review the population projections for the Town of Grimsby.

ADJOURNMENT

The Committee adjourned at 4:55 p.m., to meet again at 2:00 p.m. on February 23, 2005 in Committee Room 4, at Regional Headquarters.

Bill Smeaton
Chair

Janet Pilon
Legislative Assistant

Pam Gilroy
Regional Clerk/Associate
Director of Corporate Strategy