

Request to re-open
and approve
DP3-01-2018
for
Re-designed Three Storeys

Staff recommendation 1:

That the application not be reopened as the file has been through the process from pre-consultation through to LPAT. The correct time for amendment would have been during the commenting period.

The application has indeed been thru the full process and as a result of all of that, including extensive comments from the community, staff and Council, the building has been re-designed to three storeys as was recommended and is supported.

There has been an extensive amount of work, time and cost that has gone into this development permit application and therefore should require a stronger argument than stated above to warrant a new application.

Staff recommendation 2a:

Given that staff recommends the submission of a new application, the Developer is requesting the waiving of fees. The fees for a new application would be \$3,500 for planning and \$2,000 for engineering. The Engineering Department believes that if the engineering plans are not changed, and it is anticipated that they won't be, then no new fees would be required to be charged again, as a review of plans would not be required.

We are not requesting a waiving or reduction of fees.

There are no new studies or reports to be reviewed.

There is no new information to process.

We are submitting the three storeys as was recommended and is supported.

A new application is not warranted.

As for the engineering plans, further explanation will follow but to sum up, the MOE application has already been submitted and approved. This step comes after plan approval by the engineering department.

Staff recommendation 2a continued:

With respect to the Planning fee of \$3,500, it is collected to account for staff time to review the studies and reports, to write a report for Committee's consideration and for the circulation to neighbouring properties and the posting of a sign notice on site.

Given that staff has reviewed the studies which are not anticipated to change significantly, a decrease in fees could be supported. However, the circulation and sign notice, as well as the time to prepare those notices should be taken into consideration for staff time.

The studies and reports would not contain any changes, would not include any new information, and therefore would not necessitate another review.

All of the studies and reports also supported three storeys.

There was substantial input from the community, staff and Council and based on all of that, three storeys were recommended and are supported.

There is nothing to indicate that the community will respond with any new information or viewpoints.

Staff recommendation 2a continued:

Consideration should be given to the fact that it is possible that other developers within the Town may also ask for fees to be waived and should be looked at on a case by case basis.

In this case, Staff recommends a fee of \$1,000 be charged to the applicant to cover the cost of postage, placement of a sign on the property and related collection and distribution of public comments as these costs should not be borne by the taxpayer.

We are not asking for a reduction nor to have fees waived. We are asking for our development permit application to be re-opened and the development permit granted.

The studies and reports submitted as part of the complete development permit application continue to be current, support three storeys, and have already been reviewed by the planning department making any further review redundant.

After the significant input from the community, both written and in person at the two public meetings, it is highly unlikely that there would be any new information or comments submitted. It seems like an unnecessary, time consuming, and costly, exercise to put this back out to the community for comments.

Significant Input:

25 individuals and agencies responded amounting to 16 pages of comments

Every comment and concern was responded to in detail

2 public meetings were held in the upper hall

There were 50+ in attendance each time

Many of those individuals voiced their concerns at those meetings

No new information would be brought forward thru another public consultation.

Current Studies:

Of all the studies and reports submitted, not one issue was identified.

There were no negatives. All of the studies and reports remain current.

All of the studies and reports support three storeys

There is no new information and therefore no review is necessary.

We do not believe that the justification given for requesting a new application is strong enough to warrant the time, cost, and involvement.

Staff recommendation 2b:

The Developer has asked that she not be requested to provide new studies for this development proposal. She noted that it comes at significant cost, even for minor amendments to wording such as making the change in a report from four (4) stories to three (3) stories.

The Planning Department agrees with this assessment and notes that the majority of studies should not change, particularly with respect to Environmental Impact Studies, Archaeological Studies, and Landscape Plans already provided.

None of the studies will change. They all supported three storeys and there is no new information to add or be reviewed.

Staff recommendation 2b continued:

In conversation with the Engineering Department, it is also possible to waive the requirements for new studies/plans for engineering related items. The Planning Department can support this request for the most part, provided that there are no significant revisions which will precipitate new studies as part of the planning application.

There seems to be some misunderstanding regarding the engineering plans and staff recommendations.

The plans as submitted to the engineering department for the development and surrounding streets up Allan beginning at Victoria and ending just past the development property on Charles St. are not only acceptable, they have already been submitted to and received MOE approval. This is a long and involved process.

As well, the engineering department has been in contact with Novatech, our engineering consultants, to obtain permission to use those engineering plans. To date, those plans have cost us in excess of \$100,000.

Also included in those plans is the installation of much needed sidewalks and curbs where none currently exist, enhancing the look of the area and the safety as well.

If our development does not go forward, the repair and replacement of the failing systems surrounding the development will be delayed as the Town has its own costly engineering studies done.

It should also be mentioned that a 50/50 cost sharing agreement is planned. The estimate for the work to be done is \$550,000-\$600,000. Our development would cover half of those costs.

Staff recommendation 2b continued:

A new Site Plan, Coloured Elevation Drawings, Planning Rationale Report and Urban Design Brief will be required as these items will experience the most significant changes.

A new site plan has been submitted.

Coloured elevation drawings will follow, but please note that the building remains the same save one middle floor being removed.

As for the Planning Rationale Report, there is no new information to be added and therefore, no review would be necessary or warranted. Changing the wording of four storeys to three does not justify the cost.

An Urban Design Brief is also called a 'Peer Review'. This has been voted on previously and defeated by Council as a four storey building. This is now a three storey building and does not have the level of complexity that a peer review is intended for.

Staff recommendation 2c:

The Developer has requested that the process for public notification be waived and has provided several reasons in her attached letter. Staff is unable to grant the waiving of public notification nor is it recommended that Council waive this requirement. While **it is acknowledged that the community and staff have had significant input and the Developer has had multiple meetings with staff, the public and other commenting agencies**, it is imperative that the process be followed, particularly for a new application. Ms. Batten has lowered the height to three (3) stories and is confident that she has made the changes requested. If all the Community's issues are indeed addressed by the applicant, the community may be more supportive of her new application.

*According to staff, there has been **significant** input. It is a result of all of that input, including 16 pages of written comments and two public meetings with 50+ in attendance, that resulted in the recommendation for three storeys.*

The community voiced their support of three storeys at those meetings.

The re-design to three storeys addresses the concerns of Town Council and the community.

Staff recommendation 2d:

The Developer has asked to waive the requirements of the Interim Control By-law for her property specifically. She argues that this land was sold to her by the Town with an understanding of what was to be built. As part of her last application, **staff supported three (3) stories and she has modified the plans as requested**, after being denied at LPAT for a four (4) storey building.

The developer notes that **more than 80% of the structure is below the required 28'** and in fact, the **top floor is stepped back at 21 feet to provide the illusion of less height.**

Interim Control By-law 51-2019 states: "Any complete application for Official Plan Amendment, Development Permit under the Planning Act within the Study area that exists on or before the date of passage of this By-law shall be exempt from the By-law and be eligible to apply for building permits in accordance with the approved Development Permit for the lands"

As noted above, a new application is required and given the proposed height of the building, the Interim Control By-law applies to this property and should not be waived. It is anticipated that the study will be completed by May 2020 at which time the Developer could make a new application if she chooses to.

This is not the forum to debate the terms of the land sale. Our focus today is granting a development permit based on the submission of three floors as per staff recommendation and supported by Council and staff. Its unclear as to why this would have been included in this recommendation. It doesn't apply here.

The ICB came into effect after the recommendation of three storeys. There are numerous homes in the area that are over 32' up to almost 40'.

The 28' ICB is an incredibly difficult limit to remain within. 3 floors with standard 8' ceilings, with minimum 1' of floor joists separation, minimum 1' roof trusses, leaves 1' or less for the foundation. This ICB greatly hampers, and comes close to eliminating, the option of building three storeys with standard 8' ceiling height and completely eliminates the option for 9' or higher ceilings in a three storey building.

This 3 story home at 19 Allan St., 3 homes away from our development, is estimated - at a minimum - to be 31-34' high and could be more because floor joists/roof trusses are generally more than 1' of thickness in older homes. There are numerous homes this height in the area, with at least 4 on Emily St. which backs onto our development.

1' min +
7-8' +
1' min +
9-10' +
1' min +
9-10' +
3' =
31' to 34'
est height
at a
minimum.



This Victorian home at 30 Allan St. is approx. 34' high and is two away from our development which is planned for the open space to the right of the picture.



Point Form Summary

- three storeys are a result of numerous public and private meetings
- repeating the public and private meetings will yield the same result
- Council and the planning department support three storeys
- the ICB came into effect after the three storey recommendation
- the top floor is stepped back at 21'
- 80% of the development meets the ICB
- all reports and studies submitted were without issue
- all studies and reports also apply to three storeys
- all studies and reports remain current
- all the sewer and water engineering plans have been reviewed and approved
- MOE application has been paid for and approved (a lengthy process)
- the 50/50 cost share of the engineering work amounts to \$275,000-\$300,000
- the application has been thru the full and complete approval process
- there is no new information to be added, no need for a further review