

COMMUNICATION 131048

Received from Joanna Bowes, Manager of Development Services
Addressed to Committee of the Whole
Date April 7, 2020
Topic 11 Beckwith Street - Saumure Construction - Re-submission of Approved Application DP3-01-2017, Now DP3-10-2019

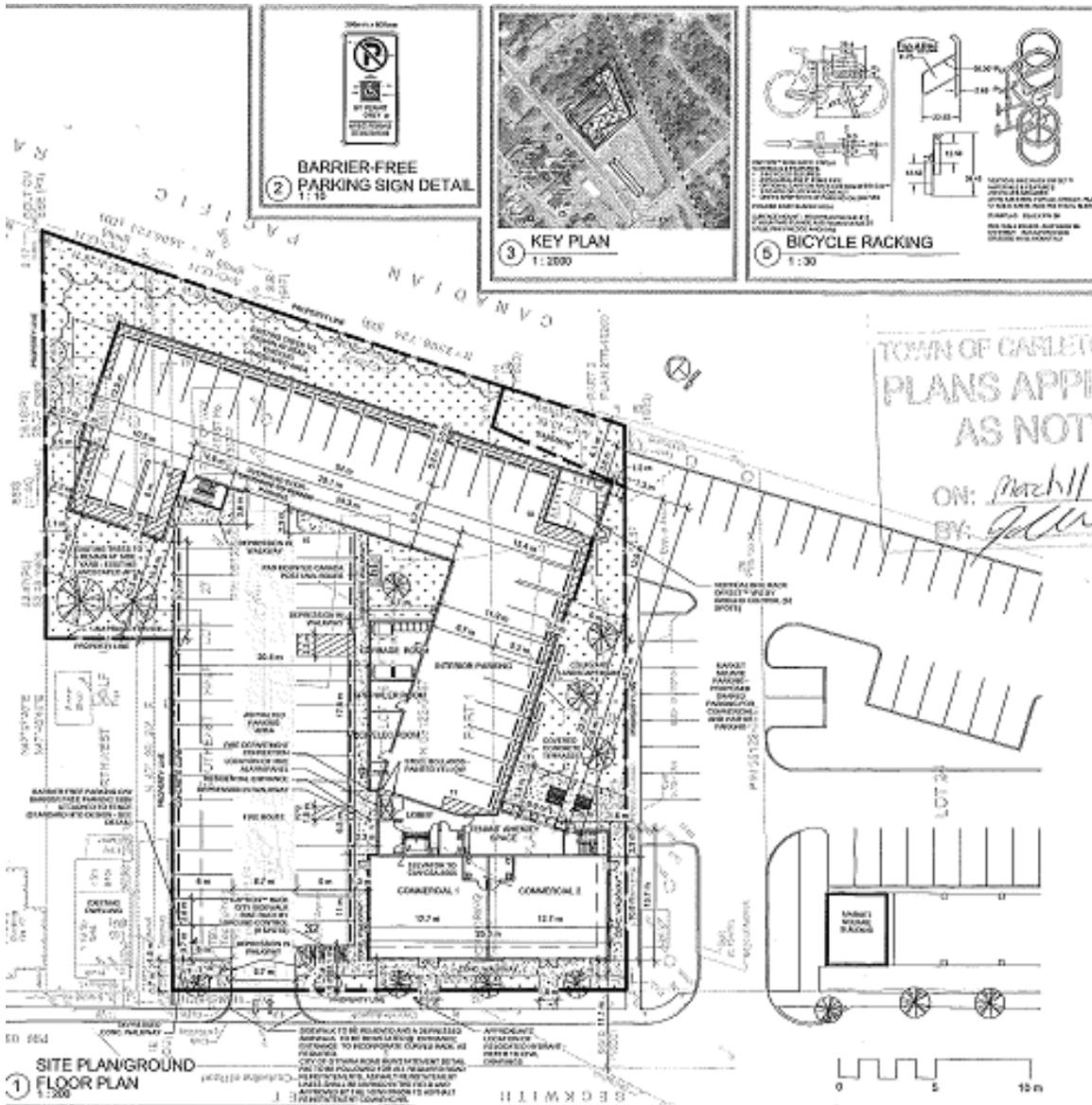
SUMMARY

An application has been re-submitted for a Class 3 Development Permit for the property locally known as 11 Beckwith Street, adjacent to the Farmer's Market, legally described as Part Lot 25, Lot 26, Lot 27, Part Lot 28, Section D, Plan 276. The property is currently under construction and nearing completion. The original Development Permit Agreement (DP3-01-2017) was signed on March 1, 2018.

The approved project was purchased by Saumure Group of Companies and at that time the developer determined that changes were required to the structure of the building impacting parking numbers and minor changes to outside appearance. The developer has now submitted this Class 3 application to deal with the variety of changes that have been made and to formally recognize the correct setbacks due to further information provided by an as-built survey. The Building Department noted the change while completing inspections based on the DP3-01-2017 approvals. Both the Planning and Building Departments have been working diligently with the developer since July 18, 2019 to provide a complete application after multiple meetings and pre-consultations with staff with respect to the project changes. An incomplete application was initially submitted on October 9, 2019 with the application being deemed complete on March 6, 2020.

The property is designated as Mississippi Residential Sector in both the Town of Carleton Place Official Plan and Development Permit By-Law 15-2015. The applicant has already been approved for a 5,632 square metre, 4-storey, 51-unit apartment building with two (2) commercial units (283 square metres) on the ground floor. Originally 70% of the units were to be barrier free while the remaining units were designed with accessibility in mind. Parking was to be located at grade and within the ground floor level of the building. A variance of 27 parking spaces was provided for the reasons outlined in Communication 128276 for DP3-01-2017.

An approved site plan from 2017 is below:

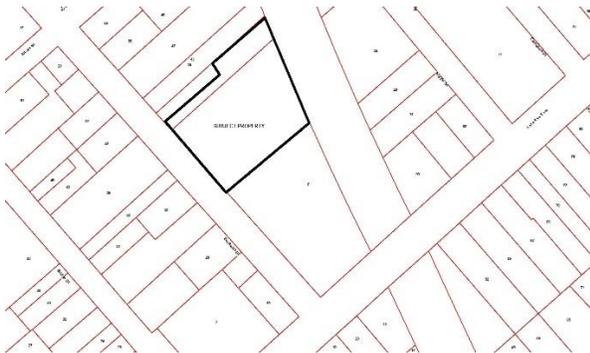


The original applicant, requested and was granted relief for the following in 2017:

1. A decrease in the front yard setback from 4.5m to 3m specifically for the first floor commercial portion only;
2. A decrease in the interior side yard which varies, but at its closest point would require a variance from 3m to 1.2m;
3. A decrease in the rear yard setback from 7.5m to 6.1m at its closest point;
4. A decrease in the number of parking spaces from 91 to 64 spaces;
5. A decrease in the size of parking space for those located in the interior of the building from 2.75m x 6m to 2.6m x 5.2m;
6. A decrease in the size of parking space for those located at the exterior of the building from 2.75m x 6m to 2.6m x 6m.

Currently, the following variances have been requested, many of which are now accurately based on the results of a building location survey and simply need to be recognized.

1.
 - a) A reduction in the number of parking spaces required from 91 to 64 (previously approved)
 - b) A reduction in the interior side yard setback from 3m (adjacent) to 1.18m (previously approved at 1.2m but correctly sited by as-built plan)
 - c) A rear yard setback of 7.5m to 6.38m (previously approved at 6.1m but correctly sited by as-built plan)
 - d) A front yard setback from 4.5m to 3.04m (previously approved at 3m but correctly sited by as-built plan)
 - e) Permission to vary the required parking space size from 2.75m x 6m to 3.26m x 5.50m (Interior only). All exterior parking meets the size requirements of the By-law (a significant improvement from the original approval for parking spaces)
2. To use the merged property at the rear of 47 Beckwith Street as an extended parking area and to recognize the following existing setbacks:
 - The existing non-complying single-family structure built 0.06m from the interior side lot line and 1.42m from the front lot line, within the no encroachment zone.
3. To recognize the two (2) main structures on the one, now merged, lot.



As mentioned previously, these variances are due to structural issues encountered by the developer that required posts to be installed in the parking area within the building and due to the addition of an elevator, which further decreased the parking spaces available on the site by nine (9) spaces. The developer was able to secure the lot at 47 Beckwith and has proposed an additional 15 spaces be added to make up for the losses due to the issues encountered while constructing.

Although nine (9) spaces were lost inside the building due to structural concerns and 15 spaces were gained on the new lot, six (6) spaces were lost in the original outdoor lot to accommodate a driveway access to the new lot. As such, the originally approved parking variances for number of spaces from 91 to 64 is still required.

COMMENT

Higher level documents, such as the Provincial Policy Statement (PPS), the County of Lanark Sustainable Communities Official Plan and the Town of Carleton Place Official

Plan include policies and directions to consider while evaluating any development proposal. This development generally meets the requirements of the documents.

NOTE: All of the below items have been addressed under Communication 128276 so only additional items as they relate to the change in the project will be addressed.

Provincial Policy Statement:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development Land Use Patterns.

Healthy, livable, and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well being of the Province and municipalities over the long term;
- b) Accommodating an appropriate range of housing and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space and other uses to meet long term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent to or close to settlement areas;
- e) Promoting cost effective development patterns and standards to minimize land consumption and servicing costs;
- f) Improving accessibility for persons with disabilities and older persons by identifying and removing land use barriers which restrict their full participation in society.

It should be noted that the original developers were intending to have 70% of the units be barrier free however, no final agreement was ever reached with the Town and thus no obligation is placed on the current owner to provide these units. The developer will be required to meet the requirements for barrier free units under the Ontario Building Code.

County of Lanark Sustainable Communities Official Plan (SCOP)

The County Official Plan delineates the Town of Carleton Place as a Settlement Area. Section 2.3, Settlement Area Policies, encourages efficient development patterns in Settlement Areas to optimize the use of land, resources, infrastructure and public service facilities. This project meets the intent of the SCOP.

Town of Carleton Place Official Plan

Section 2 Community Design Framework

Section 2.2 looks at the objectives relating to what is expected of developers to provide in their projects. These include things such as: ensuring a high quality of design,

incorporating pedestrian and cycling amenities, improving the esthetic appeal of the surrounding area in terms of massing, setbacks and orientation to the street. Minor changes have been made to the elevation plans, but the Planning Department has found them to be consistent with Section 2 of the Official Plan.

The original elevations proposed are below:



ROCKWITH STREET - LOOKING DOWN MARKET SQUARE



ROCKWITH STREET - FROM MARKET SQUARE



The new proposed look as below:



Section 3.2.2 Mississippi District Residential

All residential uses are permitted in this designation.

Section 4.3.5 Water, Wastewater and Stormwater Services

Section 4.3.5.1 General policies states that all development shall occur on the basis of full municipal water and wastewater services, and that the allocation of infrastructure capacity for infill and economic development purposes is encouraged. This project meets these requirements.

Section 4.4.1 Species at Risk

A scoped EIS was completed for the lot at 47 Beckwith Street which has been merged with the existing lot at 11 Beckwith. No species at risk were observed.

Section 6.12 Interim Control By-law

The Town of Carleton Place currently has an Interim Control By-law in place (51-2019), but this lot is not within the By-law area and is therefore exempt from the restrictions included within the By-law.

Town of Carleton Place Development Permit (DP) By-Law 15-2015

Found above in the report are the proposed elevations and site plan for the project. Below are the requests for variance from applications **DP3-01-2017** and **DP3-10-2019**

Site Provisions	Requirements	Provided 2017	Provided 2019
Lot Area	Nil	Yes	Yes
Lot Coverage (maximum)	60%	41%	31.9%
Lot Frontage	35m	47.03m	47.03m
Front Yard Build Within Area	4.5m-7.5m	3m at closest point	3.04m (improved)
Exterior Side Yard Build Within Area	4.5m-7.5m	Not applicable	Not applicable
Interior Side Yard (minimum)	3m	1.2m at closest point	1.18m (slightly less)
Rear Yard Depth (minimum)	7.5m	6.1 at closest point	6.38m (improved)
Usable Landscaped Open Space (rear yard, minimum)	20% of the lot area	35% open space (for entire lot)	35% of entire lot, 12% of rear yard.
Building Height (maximum)	14m (4 storeys)	4 storeys	4 storeys
No encroachment area (front and exterior)	2.5m	Does not encroach	Does not encroach
Parking	Residential: 1.25 per dwelling unit 0.25 visitors Total required: 77 Commercial: Retail store/personal business/office 1 space/20m ²	Request variance for all 13 visitor parking spaces. Request for 14 spaces to accommodate 279m ² of commercial space to be dealt with in a lease in the adjoining Town parking lot Total reduction of 13 parking spaces.	64 previously approved through DP3-01-2017

		<ul style="list-style-type: none"> Handicap accessible space provided as per by-law. 	
Section 3 Parking Space Size	2.75m x 6m	Interior parking Request 2.6m x 5.2m (with excess 0.7m from required aisle with parking length would be at 5.9m) Exterior parking: Request 2.6m x 6m	Interior parking space size 3.26 x 5.5 (improved) Exterior parking space size Now meets the By-law
Aisle Width	6m	6.7m- exceeds	6.39- exceeds
Bicycle Parking	Residential: Require 32 Commercial: Require 8	Residential: 32 Commercial: 8	8 spaces provided for the commercial use. A large interior area within the building has been provided for bicycle spaces

Additional requirements for DP3-10-2019

House at 47 Beckwith (now merged with 11 Beckwith)	Recognizing non-compliance of existing house	From 1.2 m to 0.06m from interior lot line From 4.5m (min) to 1.42m front yard setback, within no encroachment zone
Site specific	One dwelling per lot	Two dwellings on one lot

Variations:

1. The first variation to be requested is for the building to be located at 3.04m from the closest point of the front lot line. The DP By-law notes that it should be located a minimum of 4.5m from the front lot line. Permission was granted by the previous Committee to allow 3m. The builder has completed an as-built survey which indicates the building as it stands is further back than the permission originally granted.
2. The second variation to be requested is for the building to be located at 1.18m from the closest point of the interior lot line. The DP By-law notes that it should be located a minimum of 3m from the interior side lot line. Permission was

granted by the previous Committee to allow for 1.2m. The builder has completed an as-built survey which indicates the building as it stands is further setback than what they were originally granted.

3. The third variation is with respect to the number of parking spaces provided. Much of the planning rationale was discussed in Communication 128276 however, a variance of 27 parking spaces was granted by the previous Committee so that instead of the required 91 parking spaces, the developer at the time was permitted to vary this number to 64 spaces. The intent at the time was to have 13 commercial parking spaces be paid for as cash in lieu in the amount of \$1,000.00 each. This was never finalized or formally agreed upon outside of Committee. Saumure had noted in the Planning Rationale Report that they would be willing to pay cash-in-lieu for those spaces at the rate of \$1,000.00 each. The cash-in-lieu fees in 2020 have gone up to \$3,500.00 per parking space.

As previously mentioned, Saumure made what they deemed to be required structural changes to the building based on professional advice from an engineer which resulted in a loss of nine (9) interior parking spaces. The developer came in for a pre-consultation with the Planning Department. The developer has submitted this Class 3 application to deal with the variety of changes that have been made and to formally recognize the correct setbacks due to further information provided by the as-built survey.

Due to the tight lot setbacks and with loss of nine (9) interior parking spaces, the developer purchased the property located at 47 Beckwith Street and has proposed to add an additional 15 spaces. In the reconfiguration of the property, and particularly adding a drive aisle to access the new parking lot at 47 Beckwith (now merged with 11 Beckwith) additional parking spots were lost. As such, the requested variance granted by the former Committee stands for 64 parking spaces.

4. The fourth variation is with respect to parking space size. The original applicant was granted variation for parking space sizes for both the interior and exterior parking spaces. Due to the addition of the new parking lot, and reconfiguration of the site, both internally and externally, the parking spaces outside of the building will be able to meet the requirements of the Development Permit By-Law. The spaces within the building still require a variance but will be larger than originally proposed through DP3-01-2017.

A large room has been provided in the interior of the building to meet the required bicycle parking spaces.

5. The fifth variation is to recognize the existing setbacks of the house located at the front on 47 Beckwith Street, in front of the proposed new parking lot.

6. The final variance is with respect to allowing two (2) buildings on one (1) lot. This can be permitted through a request under the Development Permit By-Law.

Interim Control By-Law

The Town of Carleton Place currently has an Interim Control By-law in place (51-2019), but this lot is not within the area regulated by the By-law and is therefore exempt from the restrictions included within the By-law.

Studies and Drawings Submitted:

As part of this application, the following studies and reports have been submitted to staff for review:

- Planning Rationale Report;
- Scoped Environmental Impact Assessment (47 Beckwith St);
- Servicing Report;
- Site Plan;
- Landscape Plan;
- Coloured Elevations;
- Grading and Drainage Plan; and
- Stormwater Management Plan.

Comments Received:

The Building Department notes that all Ontario Building Code requirements must be adhered to for permit issuance and occupancy.

Mississippi Valley Conservation Authority, Ministry of Transportation and Rogers had no concerns.

Enbridge provided their standard comments.

Two (2) members of the public requested the construction of a privacy fence. Under the Property Standards By-law an 8-foot fence is the maximum height permitted. Additional height can be granted through a Development Permit By-Law.

Other concerns from the public include:

- the privacy of rear yards;
- the sight of vehicles;
- fumes/noise/light interference from the vehicles in the parking lot;
- a decrease in property values;
- destruction or removal of trees from the property; or damage to the root systems decreasing the lifespan of the trees which provided privacy;
- animals coming to the site for garbage and recycling left out.

As with any Development Permit Application, the Committee has the option of the following decisions:

- (a) Refuse the application;

- (b) Approve the application and issue a Development Permit with no conditions attached;
- (c) Approved the application and require that conditions be met before issuing a Development Permit;
- (d) Approved the application and issue a Development Permit with conditions attached; or
- (e) Approve the application, require that conditions be met before issuing a Development Permit and, when conditions have been met, issue a Development Permit with conditions attached.

STAFF RECOMMENDATION

THAT the Committee hereby authorizes application DP3-10-2019 for modifications to application DP3-01-2017, construction of a 51-unit apartment building and two (2) commercial units with interior and exterior at-grade parking at 11 (and 47) Beckwith Street – Saumure Construction and directs Staff to move forward with the drafting of the Development Permit Agreement with conditions below; and

THAT the Committee authorizes staff to issue a Development Permit upon receipt of all required information, fees and securities.

Conditions:

1. That garbage and recycling be stored inside the building and removed weekly;
2. That a 10-foot privacy fence be installed and trees and shrubs be planted along the lot line facing the rear of the properties along Albert Street;
3. Where possible, protect all root systems and branches of mature trees along the borders of the property;
4. Cash-in-lieu of parking to be provided as per the direction of Council for the 13 commercial parking spaces;
5. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost;
6. Meet all conditions from the previous signed Development Permit agreement which include:
 - a. That the Owner shall construct a 1.8m wooden privacy fence along the lot line between the subject property and the adjoining neighbour at 43 Beckwith Street;
 - b. All proposed work must adhere to Enbridge Gas Distributions minimum clearance guidelines;
 - c. The developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's Specifications;
 - d. Canada Post will be notified with the excavation date for the first foundation as well as the date the development work is scheduled to begin;
 - e. That snow be removed from the site after each significant snow fall.