

**SPECIAL COUNCIL MEETING
February 10, 2022
Approved Minutes**

DATE: February 10, 2022
TIME: 9:00 a.m. 9:30 a.m.
PLACE: Council Chambers – Public via Social Media

ATTENDANCE: Deputy Mayor Gary Clow; Councillors Derek Smith; Jill Burridge; Steve Gallant; Gail MacDonald; Jeremy Crosby, CAO, Blaine Yatabe, Town Planner; Wendy Watts, Community and Business Engagement Manager; and Mary McAskill, Recording Clerk

REGRETS: Councillor Darren MacDougall

CHAIR: Mayor Steve Ogden

1. Call to Order

Mayor Steve Ogden called the Regular Monthly Council Meeting to order at 9:00 a.m. and welcomed those who were viewing via social media.

Mayor Ogden took a moment to acknowledge the land upon which we gather is the unceded territory of the Mi'Kmaq people, and we pay our respects to the Indigenous Mi'Kmaq people of this territory past, present, and future.

2. Approval of the Agenda

It was moved, seconded, and carried that the agenda be approved as circulated.

3. Resolution PH008-2022 – RZ007-21- 10660477 Canada Inc. Irving Avenue PID 739003 and 790246 MRC to MRMU – 2nd Reading

**Moved by Councillor Jill Burridge
Seconded by Deputy Mayor Gary Clow**

WHEREAS an application has been received from 10660477 Canada Inc. to rezone parcel 790246 and a portion of parcel 739003, (Approx. 4.55 ac) from the Mason Road Commercial (MRC) zone to the Mason Road Mixed Use (MRMU) zone; and

WHEREAS the proposed rezoning is to allow for a Mixed Use development prepared by Tim Phalen of ARCHwork Studio dated December 15, 2021, that would contain two

60 unit, 5 storey apartment buildings with 20,000 SF of commercial space on the ground floor, and one 10 unit, 2 storey apartment building with 8,000 SF of commercial space on the ground floor; and

WHEREAS a revision to the Land Use Map in the Official Plan was required to redesignate both parcels from Residential Serviced Land Use to Mixed Use Land Use and such a revision was approved by resolution of Council on February 9, 2022; and

WHEREAS Thirty-Seven (37) notification letters were sent out to property owners whose parcels were within 150 meters of the subject property (s), two advertisements were placed in the Guardian on January 17 and 22, 2022, and the proposed zoning amendment was advertised on social media to solicit input and to notify residents of the public meeting; and

WHEREAS a public meeting was held on January 26, 2022, at 7:00 p.m., and due to COVID-19 gathering restrictions, viewing was limited to a live stream over Town social media where no residents registered to participate, and residents were given until January 31, 2022, to submit their comments; and

WHEREAS Comments on the Facebook livestream were in support of the rezoning application and were read into the record and recorded in the minutes, and four written letters of support for the rezoning application were received by the deadline.

BE IT RESOLVED that Bylaw # 45-I, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, be hereby read and approved a second time.

Discussion: This resolution bears the recommendation of the Planning, Development and Heritage Committee.

Councillor Burridge noted that although no residents registered to participate there were residents who were viewing the meeting via social media.

For clarification, the CAO noted that in the resolution it states that no residents registered with the planning department which was required to participate while the meeting was taking place.

Mayor Ogden noted that although no residents registered there was still an opportunity for residents to respond by submitting comments submit comments by January 31, 2022.

Councillor MacDonald asked why second reading and adoption were being done so soon after the first reading at the regular Council meeting on February 9, 2022, and Councillor Burrige replied that this is not unprecedented. She added that there was only support for this project, and we didn't want to hold up the developer for another month. Mayor Ogden agreed that we have done this in the past so as not to hold up a developer for an additional month. The Town planner Blaine Yatabe added that in the past whenever there has been text amendments and a rezoning, a special meeting has been held the day following a Council meeting and this is considered normal.

Councillor MacDonald asked if going forward any developer who wishes to have us fast track a development and have it all completed within two days will be acceptable to Council? Deputy Mayor Clow replied that this is a great project, and everyone supported it. Councillor MacDonald noted that her concern is the first time we saw the resolution was at the Council meeting, and a few hours later we are having the second reading and adoption. She noted that since we saw it at Council for the first time Councillors may have questions. Councillor MacDonald stated that residents who missed the public meeting may have some questions now that the resolution is out in the public. She added that she understands that it is an acceptable project, and everyone seems to be in agreement with it. However, she noted that she gets concerned when we seem to fast track things. Councillor Burrige noted that public consultation is built into the planning process and the residents had their window of opportunity to voice any questions or concerns, and Council is welcome to attend planning meetings and public meetings to follow the process. Councillor Burrige noted that the resolutions were also included in the agenda package, and any questions or concerns could have been discussed at the Council meeting during first reading. Councillor MacDonald replied that she only saw the resolution for the first time at the Council meeting and she did not receive an invitation to attend the planning meeting, although she understood that she could attend and ask to have the planning agenda sent to her. Councillor MacDonald stated for clarification that she does not have anything against the project. She asked if going forward - will it be our routine to have a 9:00 a.m. meeting the day after Council for second reading and adoption. The CAO noted that typically we would not do this for a developer. Councillor Burrige replied that since this project required a text

amendment, and we had other text amendments going through, it made sense to bring the rest of the application forward.

Councillor Gallant noted that everything went through the planning and the public meeting and there was no opposition to it.

Councillor Burrridge noted that if it was a project where there were concerns we would have taken more time; however, this particular development had nothing but positive feedback and aligns with our official plan. The CAO added that the rules were followed, and we were not asked by the developer to fast track this project.

Councillor Smith noted that although this is unusual, it is a legal process. It shows the developer that if you come to the Town with your homework done, the process should be rewarded.

Mayor Ogden understood Councillor MacDonald's concerns and noted that we will try to make more time for Council to review these things in the future.

Question: **CARRIED**

4. **Resolution PH009-2022 – A001 – 22 – Zoning and Development Bylaw #45 -J Cannabis Retail and Other Text Amendments 2nd Reading**

Moved by Councillor Jill Burrridge
Seconded by Deputy Mayor Clow

WHEREAS several text amendments have been identified that are required to allow Cannabis Retail and other text amendments bringing updated language to improve the Zoning and Development Bylaw #45; and

WHEREAS a public meeting was held on January 26, 2022, at 7:00 p.m., and due to COVID-19 gathering restrictions, viewing was limited to a live stream over Town social media where no residents registered to participate, and residents were given until January 31, 2022, to submit their comments; and

WHEREAS no comments were received from the public regarding the required text amendments.

BE IT RESOLVED that Bylaw # 45-J, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, be hereby read and approved a second time.

Discussion: This resolution bears the recommendation of the Planning, Development and Heritage Committee.

Councillor Smith asked if the amendments would make it easier for businesses to come to Stratford, and Councillor Burrridge replied that the amendments do cover a broad range of things.

Question: **CARRIED**

5. **Resolution PH010-2022 – RZ007-21- 10660477 Canada Inc. Irving Avenue PID 739003 and 790246 MRC to MRMU – Adoption**

Moved by Councillor Jill Burrridge

Seconded by Deputy Mayor Clow

WHEREAS Bylaw #45-I, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, was read and approved a first time on February 9, 2022; and

WHEREAS Bylaw #45-I, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, was read and approved a second time on February 10, 2022.

BE IT RESOLVED that Bylaw #45-I, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, be hereby adopted and that the Mayor and Chief Administrative Officer be authorized to affix their signatures and the corporate seal of the Town thereto and to be formally declared the said Bylaw passed.

Discussion: This resolution bears the recommendation of the Planning, Development and Heritage Committee.

Question: **CARRIED**

6. **Resolution PH011-2022 – A001-22 – General Text Amendments – Town of Stratford Zoning and Development Bylaw 45-J Adoption**

Moved by Councillor Jill Burrridge

Seconded by Deputy Mayor Gary Clow

WHEREAS Bylaw #45-J, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, was read and approved a first time on February 9, 2022; and

WHEREAS Bylaw #45-J, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, was read and approved a second time on February 10, 2022.

BE IT RESOLVED that Bylaw #45-J, a bylaw to amend the Town of Stratford Zoning and Development Bylaw, Bylaw #45, be hereby adopted and that the Mayor and Chief Administrative Officer be authorized to affix their signatures and the corporate seal of the Town thereto and to be formally declared the said Bylaw passed.

Discussion: This resolution bears the recommendation of the Planning, Development and Heritage Committee.

Councillor MacDonald asked about the wording of the daycare definition change, and the town planner replied that there were two definitions that were the same only in different areas of the document; it was repetitious, so one was eliminated. There was a home daycare stand-alone definition that was a duplicate, so we took it out. The definition is still in the bylaw but is now in the more appropriate section.

Question: **CARRIED**

12. Resolution PH012-2022 – 10660477 Canada Inc. 2 60 Unit 5 Storey Apartment Buildings with Height Exemption

**Moved by Councillor Jill Burridge
Seconded by Deputy Mayor Gary Clow**

WHREAS an application has been received from 10660477 Canada Inc. to rezone parcel 790246 and a portion of parcel 739003 (Approx. 4.55 ac) from the Mason Road Commercial (MRC) zone to the Mason Road Mixed Use (MRMU) zone; and

WHEREAS the proposed rezoning is to allow for a Mixed-Use development prepared by Tim Phalen of ARCHwork Studio dated December 15, 2021, that would contain two 60 unit, 5 storey apartment buildings with 20,000 SF of commercial space on the ground floor, and one 10 unit, 2 storey apartment building with 8,000 SF of commercial space on the ground floor; and

WHEREAS the two 60 unit, 5 storey apartment buildings will be fully serviced with municipal sewer and water, contain surface parking for 60 vehicles and 45 spaces of underground parking, will have an operational sprinkler and standpipe system for fire protection, an indoor enclosure for IWMC waste bins, will be serviced with an elevator and have an overall roof height of 62 feet; and

WHEREAS the two apartment buildings are to be located within the Mason Road Mixed Use zone which has a maximum building height of 12m (40ft); and

WHEREAS a height exemption is required for the project to proceed, and comments have been received from the local Fire Company regarding the height.

BE IT RESOLVED that approval be granted for a height exemption of 62ft to a future Development Permit application from 10660477 Canada Inc. for two 60 unit, 5-storey Apartment Buildings located on parcel number 790246 on Irving Avenue subject to the following conditions:

1. Provision is made for unobstructed access around the building exterior year round for emergency services access;
2. The design and construction are in accordance with the Town of Stratford plans submitted from ARCHwork Studio, drawing C101, dated December 15, 2021;
3. The building contains an operational sprinkler system with adequate fire rated central water pressure or an internal standpipe system with adequate water capacity and pressure;
4. Building design components such as building material, scale, and form are consistent with surrounding development and will not negatively impact the character of the surrounding neighbourhood.
5. In accordance with comments obtained from the Cross Roads Rural Community Fire Company:
 - a) Unobstructed access to the site must be maintained during the construction of the building and after completion of the road indicated on the building plans.
 - b) The building design must be reviewed by a third party for fire protection and risk assessment to ensure that the building design is in line with NFPA 1141.

Discussion: This resolution bears the recommendation of the Planning, Development, and Heritage Committee.

Councillor Burrige noted that the height that was referenced on the initial documents and at the public meeting was under the original zoning and was 35 feet. However, it has been rezoned and the rezoning carries a 40 foot height, so the actual variance that they are asking for is

less than was originally put forward at the public meeting and at the Planning Committee meeting.

Councillor Smith noted for the public record that in the first paragraph of the resolution it states Mason Road Commercial (MRC) zone, and although this is not on the Mason Road, it is part of the land that has been identified for commercial use and that is the reason the Mason Road name has been used. Councillor Burrridge added that in this area there is Mason Road Commercial Zoning, Mason Road Mixed Use Zoning, and there is Highway Commercial.

Question: **CARRIED**

13. Adjournment

There being no further business, the meeting adjourned at 9:30 a.m.