

SPECIAL COUNCIL MEETING

February 28, 2018

Approved Minutes

DATE: February 28, 2018

TIME: 7:30 p.m. – 8:08 p.m.

PLACE: Stratford Town Centre, 234 Shakespeare Drive

PRESENT: Deputy Mayor Randy Cooper; Councillors Steve Ogden; Jody Jackson; Gail MacDonald; Keith MacLean; and staff members Jeremy Crosby, Deputy CAO and Director of Infrastructure; Kevin Reynolds, Director of Planning, Development and Heritage; Wendy Watts, Community Engagement Coordinator; and Mary McAskill, Recording Clerk

REGRETS: Councillor Gary Clow

CHAIR: Mayor David Dunphy

1. CALL TO ORDER

Mayor Dunphy called the Special Council Meeting to order at 7:30 p.m. and welcomed those in attendance.

Mayor Dunphy stated that the Town received a rezoning application from Pan American properties on November 27, 2017, and a public meeting was held on January 3, 2018 to solicit input from residents. A lot of feedback both for and against the rezoning (the development) was received. Many comments were received about the building as well. However, the special Council meeting is about a rezoning request and not the building itself, as that is a separate process.

Many people had commented in favour of it and wanted to see some development on the waterfront. Many people are looking for accommodations and this would satisfy. There were also a lot of arguments about the economic impact. A lot of residents were opposed to it for various reasons and one being the need for open green space on the waterfront. Many people also commented about whether this rezoning would maintain the vision that was developed about 10 years ago.

Mayor Dunphy stated that with all the comments from residents Council went back to the developer. They discussed the issue and came up with a modified zoning amendment which would allow for more public park space on the waterfront. It would also balance the rights of the land owner/developer with the needs of the Town. Mayor Dunphy noted that because we had a public meeting on January 3 for this particular application, we couldn't

have a second public meeting. However, we wanted to give this issue the attention it deserves, so we decided to have a special council meeting.

2. APPROVAL OF THE AGENDA

It was moved by Deputy Mayor Cooper and seconded by Councillor Steve Ogden that the agenda be approved as circulated.

Question: **CARRIED**

At this time Mayor Dunphy turned the meeting over to Councillor Keith MacLean.

3. PLANNING RESOLUTION

a) Resolution PH005-2018 –Bylaw #29-G to Amend Bylaw #29 Appendix A – Zoning Map of the Town of Stratford Zoning and Subdivision Control (Development) Bylaw – 1st Reading – Southport Motel Property

Moved by Councillor Keith MacLean

Seconded by Councillor Gail MacDonald

WHEREAS An application has been received from Pan American Properties Inc. to rezone a portion of parcel number 327973, originally shown as Lot E (1.458acres) located on the Southport Motel Property, from the Waterfront Public Space Zone (WPS) to the Waterfront Residential Zone (WR) under the Town of Stratford Zoning and Subdivision (Development) Control Bylaw, Bylaw #29;

WHEREAS the proposed rezoning is to allow for the development of a 79 unit, 5 story apartment building with underground parking; and

WHEREAS notification letters were sent to 24 property owners within a five hundred foot radius to solicit input on the proposed zoning amendment and notifying them of the public meeting to be held; and

WHEREAS a public meeting was held on January 3, 2018 to discuss the rezoning application with approximately 50 people in attendance. A number of people spoke both for and against the rezoning. In addition, a number of letters and emails were received, both for and against the proposal, in the weeks following the public meeting; and

WHEREAS after holding a public meeting on January 3, 2018, and hearing concerns from residents on the original rezoning application, Council is considering a modification to the proposed zoning amendment to allow for more public park space on the waterfront within this area; and

WHEREAS the zoning amendment, as modified by Council, will now be to rezone a portion of parcel number 327973 from the Waterfront Mixed Use Zone (WMU) to the Waterfront Residential Zone (WR) and to rezone a portion from the Waterfront Public Space Zone (WPS) to the Waterfront Residential Zone (WR).

BE IT RESOLVED that Bylaw #29-G, a bylaw to amend the Town of Stratford Zoning and Subdivision Control (Development) Bylaw, Bylaw #29, be hereby read and approved a first time.

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

Planning director Kevin Reynolds gave some background information and noted that after the public meeting was held, the Town received a number of comments. Council had a discussion with the applicant to see if the request could be modified. He noted that after some negotiation, the rezoning application was moved away from the water and he demonstrated the modification with the aid of the overhead. There is a portion of the property by Michael Thomas Way and on the other side to be rezoned to waterfront residential.

Mayor Dunphy noted that this is a special Council meeting and the only people who can speak at this meeting are Council and staff. However, he noted that following the meeting he would be more than happy to stay and speak to anyone who has questions or concerns.

Mayor Dunphy asked for clarification from the planning director on the line at the waterfront mixed use where it connects to the waterfront public space. Kevin replied that during the core area plan visioning exercise there was a plan for this area, and it was to have a public street connected in such a way that the centre line of the public street was going to run down through the actual zoning boundary. That project involved a very significant infill of the harbour to ensure all of the public space that was shown on that plan had land to actually 'sit' on. During the time the process was happening CADC had purchased phase I of half of the Southport Motel property, and was in the process of developing the first phase of the subdivision. There was a development proposed, and during that time the road actually got moved back. That left the zoning boundary in an awkward spot. Kevin noted that there were discussions over the years with CADC and with the owner of the

Southport Motel property about whether that mixed use zoning boundary should be extended out further or pulled all the way back to the extension of Michael Thomas Way. Kevin also noted that this is the first formal application we have had to move the zoning boundary.

Mayor Dunphy noted that another point for clarification is the term waterfront public space and what can be used on that space versus what we would normally refer to as greenspace/parkland open space. Kevin noted that the current bylaw zoning classification of waterfront public space – although the name implies the area is publicly owned, it actually allows for a number of uses that could have private ownership, but the overall functionality of the area feels as if it is public. This land has always been privately owned with the ability to have a public type use development, but there is no actual public land on this section of property. With the formal subdivision application there is the 10% requirement and the Town has always been quite clear that when it came time to take the parkland dedication for this particular piece of land, we were always interested in having it on the water.

Councillor Keith MacLean stated that he has learned a lot working on this file and one thing is the name – waterfront public space - because a lot of residents believed this land to be owned by the Town. However, it is private land and some people misunderstood and thought the Town was giving the land to the developer. Councilor MacLean stated that he has looked at this from different angles through the whole process and it was a very difficult decision to make. He added that he was also part of the group who negotiated with the developer.

Councillor MacLean noted that there were comments received against the development because of the aesthetics of the building and this is something he always finds this difficult. He noted that 79 smaller units on the waterfront gives everyone a chance to go to the waterfront rather than having than 20 or 30 wealthy condos – which is what he thought about first. He noted that we can't say to a private developer that we are going to take 20% of your land or 30% of your land. We have the right to take only 10% for a subdivision.

Councillor MacLean stated that when he looks at the original development compared to what we are voting on now – he will be supporting the resolution.

Deputy Mayor Cooper asked the planning director to display the greenspace and Kevin demonstrated with the aid of the overhead. He noted that it is a legal survey plan of the Southport Motel property. He indicated the dark green area on the overhead and noted that it is the parkland dedication from phase I.

Deputy Mayor Cooper stated that there is shorefront access and there is currently access for the public from Shepard Drive. It gets the people down to the front of the CADC property and over to the proposed development, as well as the greenspace.

The developer was made aware right from the start how Deputy Mayor Cooper felt about the request, because there was a phone call exchange after the first proposal came forward, and Deputy Mayor Cooper did not support the original proposal. He commended everyone for coming to the table to see what could be changed.

Deputy Mayor Cooper noted that the lagoons will be going – that decision was made in 2017 in partnership with the provincial and federal governments. How much public space do we need, and when you put a value on it what is the Town really willing to pay? We have Kinlock Beach, we have Tea Hill Park, and we have many community parks within our neighbourhood. This is without a doubt the most valuable piece of property in the Town. It is our job as a Council to make the best decision that we can with what's in front of us. We make these decisions on behalf of the residents of the Town. Deputy Mayor Copper feels that the modified plan is a good compromise. He feels that it will put 'our best foot forward' down on the waterfront. Since we came on Council CADC had that property and nothing happened with it. We now have a proposal in front of us which will give us considerable greenspace.

Councillor MacDonald stated that she will also be voting in favour of the amendment. She stated that it is good to see some development in this area and it will be good for seniors who are looking to downsize and stay in our community. The plan is to have some Peake's Quay style businesses in the area and this development may drive that. We also own and have the ability to develop our six acres of land to the north of this property. We will have lots of space for people to enjoy – greenspace or a park, or whatever we choose with the help of residents,

as there will be another public meeting in the future to make those decisions.

Councillor MacDonald noted that some of the emails received had stated that they would be upset about losing the view of the waterfront, but it is literally only about a block as you are driving by. Shepard Drive and Michael Thomas Way extension will still be available. There will be parking for the residents to get out and enjoy the space. She felt that it was fantastic that we were able to negotiate and get another 100 feet. Once the whole area is done the residents will have what they want. As mentioned earlier, we are not approving the look of the building or the height of the building – this is a rezoning request.

Councillor Jackson stated that he will be voting in favour of the application. He noted that he is new to Council and he did struggle with it. He does understand the residents were concerned about the potential loss of the waterfront. However, it is private land and past Councils had a chance to purchase the land and didn't do so. Councillor Jackson commended the developer, Council, and staff for working toward what we feel is the best possible solution at this time. We did hear from both sides and we feel we have reached a good compromise.

Councillor Ogden welcomed everyone who attended the meeting. He stated that it is indicative of the importance of the decision we are making. As noted by Deputy Mayor Cooper, it is probably the most valuable piece of waterfront property in the Town. Councillor Ogden stated that he also struggled with this application. He noted that there is at least one person in the audience who had a vision for this site of an iconic structure that would really set our Town apart. There is a principle in democracy called the rule of law and we have to work within that. We are only allowed to do what we have jurisdiction to do. We have to balance the rights of the property owners to develop private property, with the rights of citizens to access and enjoy this waterfront property. We establish bylaws and policies to ensure all properties are maintained and developed in the best interest of the community. The zoning is fundamental in setting development rules for different zones. When a property owner proposes a development that is allowable - Council has no choice but to approve it. To do otherwise would result in a reversal of the decision by the Island Regulatory and Appeals Commission (IRAC) and

could risk civil liability. Either or both would result in significant costs to taxpayers.

In this case, the original vision for this land was for a waterfront plaza. Councillor Ogden stated that that he would have liked to have looked at the core area vision to find out why a waterfront plaza wouldn't work – why it wasn't viable, but there wasn't time. Because there is a conflict between the core area plan and the official land use designation, the official land use designation takes precedence and we would have been on shaky ground to deny the application.

Councillor Ogden stated that the proposal is within the zoning definition and negotiations have resulted in significantly more public space, and therefore, he feels he has no choice but to vote for the proposal.

Mayor Dunphy thanked the residents for coming out tonight and for attending the public meeting on January 3, and for all their feedback. He also thanked the developer and his team for working with town staff to come up with a modified rezoning proposal.

Mayor Dunphy noted that it was a difficult and complex decision but Council must follow the rules. We did receive great feedback from the public and we appreciate that. We received many comments on the vision and we want to maintain the vision of the waterfront and we are trying to do that as well. We arrived at the decision to purchase greenspace on the water side of the property and the developer pushed the development back towards the road to insure we would have 130 feet of greenspace.

Mayor Dunphy thanked everyone for their input and added that Council feels they now have a good solution that will increase the greenspace on the waterfront.

Question: **CARRIED**

4. ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 p.m.

Mayor David Dunphy

Jeremy Crosby, Deputy CAO