

EIGHTEENTH MEETING


IN CAMERA MEETING

Committee Room 2
October 6, 2008

Council met on Monday, October 6, 2008 at 6:30p.m. in an In Camera Session. All members of Council were present. Councillor Diodati presided as Chairman.

Following consideration of the items presented, the In Camera Session did rise and report in open session.


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DEAN IORFIDA, CITY CLERK


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R.T (TED) SALCI, MAYOR

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REGULAR COUNCIL MEETING

Council met on Monday, October 6, 2008 at 7:00 p.m. for the purpose of considering Regular Business matters. All members of Council were present. Councillor Kerrio offered the Opening Prayer.

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ADOPTION OF MINUTES

ORDERED on the motion of Councillor Fisher, seconded by Councillor Diodati that the minutes of September 22, 2008 be approved as printed.

Carried Unanimously

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DISCLOSURES OF PECUNIARY INTEREST

Councillor Thomson indicated a conflict to planning report PD-2008-80 and to report PD-2008-87.

Councillor indicated a pecuniary interest to cheque no. 322607 made payable to herself.

Councillor Wing indicated a conflict to report F-2008-41 (Corporate Services), report MW-2008-61 (Community Services), the Resolution listed on the agenda and the deputation related to the Bicentennial Task Force, all which pertain to the Board of Museums, as her husband is employed by the Museums.

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DEPUTATIONS/PRESENTATIONS

Bicentennial Task Force

Gord West of the Festival and Events Sub Committee of the Bicentennial Task Force was very appreciative for the opportunity to update Council. He advised that the kick-off leading up to the Bicentennial is only 6 weeks away. He informed Council of the first Annual Celebration which will be held on November 15th at the Americana Resort on Lundy's Lane.

Park in the City Committee

Pat Mascarin, volunteer from the Park in the City Committee and Chair of the Communities in Bloom Initiative Program made a presentation to the Niagara Falls Horticultural Society for their efforts to design, create and maintain the Armoury Garden on Victoria Avenue. Pat Mascarin presented a plaque to the representatives of the Horticultural Society.

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PLANNING MATTERS

PD-2008-80 - AM-2008-021, Official Plan and Zoning By-law Amendment Application - REVISED. 5471, 5491 and 5507 River Road and Vacant Land on the West Side of River Land and on the Northwest Corner of River Road and John Street. Applicant: Niagara Falls Pointe Limited Partnership, Agent: Michael Goldberg, The Goldberg Group, Proposed 7-Storey, 119 Unit Apartment Building.

The Director of Planning and Development reviewed the recommendations and provided the following information:

Background

The applicant has requested amendments to the Official Plan and Zoning By-law No. 79-200 for 6 parcels of land and vacant lands on the west side of River Lane and on the northwest corner of River Rd. and John St.

The application is to change the Official Plan designation from Tourist Commercial to Residential and introduce site specific policies for density.

The application is also to change the zoning from Tourist Commercial to a Residential Apartment 5E (R5E) zone with site specific provisions

In 2006, Council supported an application for a 29 storey, 250 unit apartment building. This OP amendment is being held in abeyance at the Region at the request of that applicant.

The application was previously scheduled for Public Meetings on July 21, and September 8, 2008, but were deferred.

PLANNING ANALYSIS

PROVINCIAL PLANNING POLICY

The Provincial Growth Plan for the Greater Golden Horseshoe stipulates that by the year 2015, the City is to achieve 40% of new residential growth within its existing built boundaries. This is likely to occur through conversion and intensification with established neighbourhoods.

OFFICIAL PLAN

The lands are currently designated Tourist Commercial, which permits tourist accommodation and attractions.

Residential development is permitted where commercial lands are in excess of demand.

Removal of the Tourist Commercial designation leaves sufficient lands to meet future tourist commercial needs.

The applicant is seeking a Residential designation with a Special Policy Area provision to permit the apartment development.

The Residential designation is appropriate because lands to the west and north are designated Residential.

The OP has a maximum density of 125 un/ha (50 un/ac) with building heights greater than

6 storeys in close proximity to the Central Business District, other major commercial districts, parks and open space areas.

Increases in height and density may be allowed through bonus zoning provisions.

This project has a density of 238 un/ha (96 un/ac) which is significantly higher than that contained in the OP, but well below the density of 384 un/ha (155 un/ac) of the 29 storey project previously approved by Council.

The site's location next to the Central Tourist District places it in a strategic location to take advantage of employment, entertainment and restaurant services. The project would provide a residential population to support the commercial uses.

The site is suited to a higher density because of its location on an arterial road at the edge of the neighbourhood, adjacent to the Niagara Gorge and in close proximity to Queen Victoria Park.

Council can consider increases in height and density in return for the provision of community facilities and services.

- ▶ The amendment should contain provisions for a Section 37 Agreement to secure the contribution to capital projects.
- ▶ Previously staff suggested a contribution in the range of \$240,000 to \$250,000 proportionately based on the prior 29 storey approval.
- ▶ A further review of contributions based on a formula using the number of residential units above the standard density, converted this space to net floor area and multiplied by highrise residential construction costs, multiplied by 1 percent.
- ▶ Using this formula, a contribution of \$41,688 is recommended.

The compatibility was examined based on height, built form, traffic and servicing.

The height of the building provides a transition between the Tourist Commercial area and the Residential area. Lands to the south allow building heights of up to 12 storeys and the Residential lands to the north and west which provide for heights up to 3 storeys. This project is in between those heights.

The developer submitted sun/shadow drawings to illustrate the effect shadows cast by the proposed building will have on adjacent lands. The drawings indicated the yards of the residential properties immediately to the west will be affected in the morning during the spring and fall periods.

The proposed development is innovative in design and introduces an intensive form of urban form that has not occurred in the City to date.

- ▶ The building design has a stepped-back form to increase building setbacks above the podium to maintain the streetscape and lessen the impact on the pedestrian realm.
- ▶ The applicant has provided a Traffic Study that indicates the current road system can support the proposed development with no unacceptable impacts.
- ▶ Underground services are adequate to service the development. The sanitary sewer system will depend on the Bender Hill Pumping Station.

ZONING

The applicant has requested a Site Specific Residential Apartment 5E Density (R5E) zone.

The R5E zone is an appropriate zone to replace the existing Tourist Commercial (TC) zone.

The R5E zone will form the basis of the zoning to reflect the unique design of the project with site specific development provisions.

The following site specific provisions are requested:

- ▶ A height of 24.0 m (78.7 ft). The building will range from 7 storeys at River Rd to 4 storeys at River Lane.
- ▶ A building setback of 0 m along River Rd. This will create a podium next to the sidewalk with the apartment structure setback from the lot line.
- ▶ In response to staff's concerns, the applicant is now proposing to set the podium back 3 m (9.7 ft) from Philip St. and wall of the apartment unit back to 6 m (19.7 ft) with portions being 4.5 m (14.8 ft) from the property line. This is generally acceptable as the dwellings on Philip St. are typically setback 6 m (19.7 ft), many have large porches or sunrooms that project into the front yard area by approx. 2 to 3 m (6.6 to 9.7 ft).
- ▶ The original submission proposed the building be set back from River Lane 1.5 m (5 ft) to the podium/garage level and 3 m (9.7 ft) above the podium. Staff suggested that building be set back, above the podium be increased to 10 m (32.8 ft).
- ▶ The applicant has proposed the building would be generally setback above the podium 5 to 6 m (16.4 to 19.7 ft) from River Lane. This is an improvement over the current by-law which permits a 4 storey motel to be constructed 3 m (9.7 ft) from River Lane.
- ▶ The proposed building would have a height of between 14 m (46 ft) at the Philip St. and 19 m (62.3 ft) at the John St. end, with several loft projections 2 m (6.6 ft) higher.
- ▶ In order to ensure proper screening of the lands to the west, a dense screen of columnar trees should be planted along the landscaping strip between the podium and River Lane.
- ▶ Balconies will be permitted to project into required yards by 2.0 m (6.6 ft) rather than the standard 1.8 m (5.9 ft).
- ▶ The applicant is seeking a lot area coverage of 80% and a landscaped area of 10%. A terrace on the top of the parking garage will provide an amenity space for residents.

A Parking (P) zone should be applied to the surface parking area on River Lane.

Conclusion

The application to amend the Official Plan and Zoning By-law to allow a 119 unit apartment building on the property can be supported for the following reasons:

- ▶ The re-designation of the lands to Residential in the Official Plan is in keeping with the residential use of the abutting lands.
- ▶ The site is located in an area where the Official Plan allows consideration of high density development and where bonus provisions can be used in return for increased density.
- ▶ The building ranges from 7 storeys on River Rd. to 4 storeys on River Lane.
- ▶ The setback from Philip St. and River Lane has a degree of compatibility with adjacent development as outlined in the report.
- ▶ The applicant will be expected to enter into a Section 37 Bonusing Agreement to contribute to Municipal capital facilities.
- ▶ The zoning by-law will incorporate the site specific provisions to regulate development.
- ▶ The road and servicing infrastructure are available to serve the development.

Recommendation

That Council approve the application to re-designate the lands as Residential in the Official Plan with site specific density provisions subject to a bonusing agreement under section 37 of the *Planning Act* and change the Zoning By-law to permit a 7-storey apartment building on the land subject to the design changes proposed by the applicant in the revised submission.

Tom Richardson, Sullivan Mahoney, on behalf of a number of residents advised that his clients have no objection to the zoning change from Tourist Commercial to Residential but they still have concerns about the height and density of the development and its affect on the surrounding area. They'd like to see improved setbacks and a reduction to four storeys. Mr. Richardson outlined concerns regarding the geological impacts on the bedrock. He also noted that the Official Plan policies would indicate that such a project should be located closer to a Central Business District and an arterial road.

Italia Gilberti, Broderick & Partners, thanked staff for their guidance through the numerous meetings held. She felt the final application was a balanced effort between city staff and the developer. She requested relief from the bonusing provision because this was a residential development. She outlined the Development Charges exemptions available to this project at the Region.

Dan Cowling, Goldberg Group, architect for the project gave a brief summary of the proposed apartment building. He gave his opinion that under the Ontario Building Code, the development would be characterized as a 4 storey building. Mr. Goldberg outlined features such as the landscaped terrace, water feature, and cladstone facade. He indicated that the garage door was significantly set back and would not detrimentally affect the neighbour. The developer's studies indicate little adverse shadowing effect. Also, the developer agreed to a daylighting triangle and certain set backs requested by Planning.

Michael Goldberg, Goldberg group, planner for the project, advised that the Official Plan allows for 9 to 12 stories on Michaels Inn and it transitions down to where there is a lower residential density; therefore, there will be a gradual transition from 12 storeys to 9 to 7 to 5. The 125 units per hectare requirement is on old provision that was determined when the unit sizes were larger, they are now smaller. A more current way to determine is by the floors area ration or the floor space index.

Ann Beauregard, 5435 River Road, is opposed to this development. She expressed that her main concern is the lack of setback from River Road.

Al Dolson, 5435 River Road, expressed concern with the setback on Philip and River Road.

Milica Orsic, 5419 River Road, is in full support of this project. She believes that it is time for new development in this area.

John Prentice, 4413 John Street, is opposed to the apartment development. Mr. Prentice believes the density is too high and there is no proposed green space. He expressed concern that only two public meetings were held for the residents.

The Public meeting was Closed.

ORDERED on the motion of Councillor Fisher, seconded by Councillor Ioannoni that the report be approved as recommended.

Motion Carried

with Councillors Wing and Maves opposed and Councillor Thomson declaring a conflict.

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MAYOR'S REPORTS, ANNOUNCEMENTS

Mayor Salci extended congratulations to Dean Iorfida, City Clerk and Noelle Sinclair on the birth of their daughter, Alison Christina and also to Councillor Pietrangelo and his wife Anita on the arrival of their son Remy.

Mayor Salci informed Council of the 450 community members who came out to participate in the Public Meeting to discuss the Niagara Health System Plan. Mayor Salci thanked Councillor Ioannoni for her presentation to Dr. Kitts and acknowledged the efforts of the Ad Hoc Committee.