

EXTRACT OF DRAFT MINUTES 47
PLANNING COMMITTEE
27 JUNE 2017

EXTRAIT DE L'ÉBAUCHE DU
PROCÈS-VERBAL 47
COMITÉ DE L'URBANISME
LE 27 JUIN 2017

ZONING BY-LAW AMENDMENT – 1385 WELLINGTON STREET WEST

ACS2017-PIE-PS-0084

KITCHISSIPPI (15)

REPORT RECOMMENDATION

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1385 Wellington Street West to permit an outdoor commercial patio, and a temporary use Outdoor commercial patio, as detailed in Document 2.
2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' In the Summary of Written and Oral Public Submissions, to be Prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 12 July 2017" subject to submissions received between the publication of this Report and the time of Council's decision.

The following staff responded to questions on this matter: Mr. Andrew McCreight, Planner, Planning, Infrastructure and Economic Development Department, and Mr. Tim Marc, Senior Legal Counsel, Planning, Development and Real Estate, Office of the City Clerk and Solicitor.

The Committee heard 11 delegations on this matter:

- Ms. Carolyn Kearney*, a neighbouring property owner, spoke in opposition to the proposal, indicating that her health issues will be exacerbated by the noise of patrons from the proposed patio and noting that insufficient measures have been proposed by the owner to mitigate the noise impact

- Ms. Geena Green*, neighbouring property owner and spouse of Ms. Kearney, echoed Ms. Kearney's concerns and expressed their frustration at having already objected to two previous applications to the Committee of Adjustment for a patio, and an appeal to the Ontario Municipal Board, after which they assumed the issue would not be brought forward again
- Mr. Greg Meeds, Vice and Hunter LLP, Mr. Lloyd Phillips, Lloyd Phillips and Associated Ltd., and Mr. Greg Clunis, Integral DX Engineering*, all spoke separately in opposition, on behalf of Ms. Kearney and Ms. Green to support their arguments about the noise impact
- Ms. Martha Wilson spoke in opposition to the proposal and indicated that the process leading to it has not been democratic and fair in respect of: the repeated consideration of the application by differing bodies and processes, lack of meaningful public consultation without pre-determined outcomes; the ability for developers to alter implementation from what is considered to be an approved plan.
- Mr. Randy Kun* raised concerns about: how the noise impact will be addressed and enforced; whether a zoning by-law amendment, versus an application to the Committee of Adjustment, is the proper channel for dealing with patio applications; the consequences of granting exceptions to the City's by-law; the possibility of setting a precedent for future patio applications
- Ms. Diane Kirkpatrick spoke in support of the proposal, specifically given it is a family-oriented dining establishment that responds to a community need
- Mr. Zachary Dayler, Wellington West Business Improvement Area, spoke in support of the proposal as an important component in the destination marketing and economic prosperity of the neighbourhood
- Ms. Vania Karam*, indicating her son has been employed and mentored by the property owner, Mr. Jeff Frost, spoke in support of the proposal as a family-oriented community attraction, and in support of Mr. Frost as a community advocate
- Mr. Michel Frojmovic, Acacia Consulting and Research, spoke on behalf of the owner/ applicant in support of the proposal and indicated Mr. Frost's willingness to build whatever is needed for noise mitigation.

[Individuals / groups marked with an asterisk above provided written comments; all submissions are held on file with the City Clerk.]*

In addition to that noted above (with an asterisk), the committee received the following correspondence between 20 June 2017 (the date the report was published in the committee agenda) and the time the report was considered by Planning Committee on 27 June 2017, a copy of which is held on file:

- Email dated June 17, 2017 from Peter Yendall, in support of the proposed patio
- Email dated June 20, 2017 from Mary Komarynsky, in opposition to the proposed for reasons relating to: incorrect application of policy and rationale to permit an exemption that is not compatible with the adjacent residential area; concerns about the number of patrons that would be permitted on the proposed patio; the application was previously rejected by the Committee of Adjustment and the community concerns raised then remain the same now; the temporary exemption means that a permanent exemption could be considered in a year and residents would need to repeat this process to object
- Email dated June 22, 2017 from Jon Fuller, in support of the proposed patio for reasons relating to: neighbourhood vibrancy; support of small, local business; the small scale of the patio and minimal impact it would have considering the limited seating and seasonal operation; the existence of nearby restaurant patios; the need for family-oriented patio options
- Email dated June 24, 2017 from Jan Frizell, in opposition to the proposed patio, in support of Ms. Kearney and Ms. Green, and stating that the proposed noise and light mitigation measures are insufficient to negate the impact on the residential neighbourhood.
- Email dated June 23, 2017 from Rita Neale in opposition to the proposed patio, in support of Ms. Kearney and Ms. Green
- Email dated June 27, 2017 from Jay-Dee Purdie in opposition to the proposed patio because of noise concerns.

Item 3 of Planning Committee Agenda 47 was put to Committee and CARRIED as follows:

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1385 Wellington Street West to permit an outdoor commercial patio, and a temporary use outdoor commercial patio, as detailed in Document 2.**

- 2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 12 July 2017" subject to submissions received between the publication of this report and the time of Council's decision.**

CARRIED, on a division of 9 yeas and 1 nay, as follows:

YEAS (9): Councillors S. Blais, R. Chiarelli, J. Cloutier, A. Hublely, J. Leiper, T. Nussbaum, S. Qadri, Vice-chair T. Tierney, Chair J. Harder

NAYS (1): Councillor R. Brockington