



COMMITTEE OF THE WHOLE COMMUNITY DEVELOPMENT MINUTES

November 10, 2020

6:00 p.m.

Brantford City Hall, 100 Wellington Square

Councillor Carpenter in the Chair

1. INVOCATION

Councillor McCreary read the Invocation.

2. ROLL CALL

Present:

- Mayor Davis
- Councillor Vanderstelt
- Councillor Sless
- Councillor McCreary
- Councillor Martin
- Councillor Carpenter
- Councillor Antoski
- Councillor Van Tilborg
- Councillor Wall

Regrets:

- Councillor Weaver
- Councillor Utley

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Vanderstelt declared a conflict of pecuniary interest on Item 5.1 regarding Zoning By-law Amendment PZ-12-20 and Extension to a Draft Approved Plan of Subdivision 29T-16502 – 501 Shellard Lane due to a business relationship with the Applicant, Losani Homes.

No other declarations of pecuniary interest were made by members present.

4. SEPARATION OF ITEMS FOR CONSIDERATION AND CONSENT ITEMS FOR DISCUSSION PURPOSES

Item 7.1.1 was separated for discussion purposes.

Moved by Councillor Wall

Seconded by Councillor Van Tilborg

THAT all Items for Consideration/Consent Items (Items 7.1.2, 7.1.3, 7.2.1 and 7.2.2) not separated for discussion purposes BE APPROVED.

Recorded vote on all Items for Consideration/ Consent Items (Items 7.1.2, 7.1.3, 7.2.1 and 7.2.2) not separated for discussion purposes:

YES (9): Mayor Davis, Councillor Vanderstelt, Councillor Sless, Councillor McCreary, Councillor Martin, Councillor Carpenter, Councillor Antoski, Councillor Van Tilborg and Councillor Wall

CARRIED (9 to 0)

All of the following Items for Consideration and Consent Items (Items 7.1.2, 7.1.3, 7.2.1 and 7.2.2) carried unanimously on a recorded vote.

7.1 ITEMS FOR CONSIDERATION

7.1.2 Application for Zoning By-law Amendment (Removal of a Holding “H” Provision) – PZ-17-20 – 140 Oak Park Road [Financial Impact – None], 2020-439

- A. THAT Zoning By-law Amendment application PZ-17-20, submitted by MHBC Planning on behalf of Vicano Developments Limited, affecting the lands located at 140 Oak Park Road, to remove the Holding “H” provision BE APPROVED, for the reasons set out in Report 2020-439; and
- B. THAT Planning Staff BE DIRECTED to proceed with the preparation of a technical amendment to Zoning By-law 160-90 to consider the removal of uses from the General Industrial M2 Zone that are considered to be incompatible with future residential uses to the south, in accordance with Section 8.2 of Report 2020-439.

7.1.3 Applications for Zoning By-law Amendment (Removal of Holding “H” Provisions) – PZ-18-20 & PZ-19-20 – 375 Hardy Road and the lands formerly known as 395 Hardy Road [Financial Impact – None], 2020-441

- A. THAT Zoning By-law Amendment Application PZ-18-20, submitted by MHBC Planning on behalf of Telephone City Aggregates (TCA), affecting

lands located at 375 Hardy Road, to remove the Holding “H” provision BE APPROVED for the reasons set out in Report 2020-441; and

- B. THAT Zoning By-law Amendment Application PZ-19-20, submitted by MHBC Planning on behalf of Telephone City Aggregates (TCA), affecting lands legally described as Part of Lots 18-21, and Part of the Road Allowance between Lots 18-19, Concession 3, in the Geographic Township of Brantford (formerly 395 Hardy Road), to remove the Holding “H” provision BE APPROVED, for the reasons set out in Report 2020-441; and
- C. THAT the By-laws to remove the Holding “H” provisions from the lands subject to applications PZ-18-20 and PZ-19-20 not be presented to Council for approval until the Subdivision Agreements have been entered into between the applicant and the City.

7.2 CONSENT ITEMS

7.2.1 CAO COVID-19 Emergency Update 11.10.20 [Financial Impact: None], 2020-520

THAT Report 2020-520 CAO COVID-19 Emergency Update 11.10.20 BE RECEIVED.

7.2.2 MINUTES

THAT the following minutes BE ADOPTED:

7.2.2.1 Committee of the Whole - Community Development - October 13, 2020

7.2.2.2 Committee of Adjustment - August 13, 2020

7.2.2.3 Committee of Adjustment - October 7, 2020

Mayor Davis assumed the roll of Chair to hold the Statutory Public Hearings.

5. STATUTORY PUBLIC HEARINGS/PUBLIC MEETINGS

Mayor Davis read the following statement regarding the applications before the Committee of the Whole – Community Development:

There are three Public Hearings/Public Meetings on tonight’s agenda. This Public Meetings are held in accordance with the provisions of the *Planning Act*. The purpose of the meetings are to discuss the planning applications and to hear from the public either in support or against the applications. At the end of each of

the public meetings, the Committee will pass a recommendation which is generally considered for a final decision at the next meeting of Council.

The name of anyone who speaks in regard to any item tonight will appear within the meeting minutes. Anyone wishing notice of any further proceedings regarding the application should also leave their name and address with the Clerk.

The Applicant will speak first, followed by Municipal Staff and then the Public.

The Applicant will then have an opportunity to provide clarification to any questions or issues raised during the meeting.

5.1 Zoning By-law Amendment PZ-12-20 and Extension to a Draft Approved Plan of Subdivision 29T-16502 – 501 Shellard Lane (Losani Homes) [Financial Impact – None], 2020-407

Dave Aston from MHBC Planning appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the meeting file. The applicants are seeking approval of the application and are in agreement with the conditions set out by Municipal Staff.

Sean House, Development Planner addressed the Committee and provided an overview of the Staff Report. A PowerPoint presentation was made and was placed in the original meeting file. A virtual neighbourhood meeting was held and no objections were received by members of the public. Gary Peever, Manager of Development Engineering also responded to questions related to on street parking.

No members of the public appeared before the Committee in regards to the application.

Moved by Councillor Sless

Seconded by Councillor Carpenter

- A. THAT Zoning By-law Amendment Application PZ-12-20, submitted by MHBC Planning on behalf of Losani Homes, affecting lands at 501 Shellard Lane, City of Brantford, to amend the Holding – Residential Type 1D Zone (H-R1D-10) to modify the interior side yard BE APPROVED, in accordance with the applicable provisions as noted in Section 8.3.1 of Report 2020-407; and
- B. THAT the request to amend a condition of Draft Plan of Subdivision, specifically to extend the expiry date for Draft Plan Approval (File No. 29T-16502), submitted by MHBC Planning on behalf of Losani Homes, affecting the lands municipally addressed as 501 Shellard Lane, BE APPROVED, in accordance with Section 8.0 of Report 2020-407; and

- C. THAT Pursuant to Section 51(47) of the *Planning Act*, R.S.O. 1990, c.P.13., written notice under Subsection 51(45) shall not be required as the change to the conditions is considered minor. No further notice to the public is required upon Council's approval; and
- D. THAT Pursuant to Section 34(18) of the *Planning Act*, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notice of Decision:

"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 of Report 2020-407."

Recorded vote on Item 5.1:

YES (8): Mayor Davis, Councillor Sless, Councillor McCreary, Councillor Martin, Councillor Carpenter, Councillor Antoski, Councillor Van Tilborg and Councillor Wall

CARRIED (8 to 0)

Item 5.1 carried unanimously on a recorded vote. Councillor Vanderstelt noted a conflict of pecuniary interest and refrained from all discussion and voting accordingly.

5.2 Zoning By-law Amendment PZ-02-20 – 120-138 Market Street and 31 and 35 Chatham Street [Financial Impact - None], 2020-221

Greg Latimer, Ian Huff and Cynthia Baycetich appeared before the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy was placed in the original meeting file. The Applicant is in support of the recommendations of Staff and are seeking approval of the application. The Applicants responded to a number of questions of the Committee. They are in support of the Staff report and are seeking approval.

Nicole Pettenuzzo, Development Planner appeared before the Committee and provided an overview of the Staff Report. A Powerpoint presentation was made a copy placed in the original file.

No members of the public appeared before the Committee in regards to the application.

Moved by Councillor McCreary

Seconded by Councillor Carpenter

- A. THAT Zoning By-law Amendment Application PZ-02-20 submitted by Market Street Developments Inc., to change the Zoning of the lands located at 120-138 Market Street and 31 and 35 Chatham Street to "General Commercial Zone (C8-

102)” to permit the development of a 10-storey mixed use building, BE APPROVED, subject to the application of a ‘Holding’ provision and in accordance with the applicable provisions as noted in Section 8.2 of Report 2020-221; and

- B. THAT the By-law to remove the “Holding (H)” provision from the subject lands not be presented to Council for approval until the following conditions have been satisfied:
- i. THAT the applicant has provided a signed Site Plan Agreement to The Corporation of the City of Brantford, along with all necessary securities; and
 - ii. THAT the applicant submit a Stage 2 Archaeological Assessment and any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries’ Standard and Guidelines for Consultant Archaeologists, as amended from time to time, as well as copies of all letters from the Ministry of Heritage, Sport, Tourism and Culture Industries verifying that archaeological assessments have been entered into the Ontario Public Register of Archaeological Reports, to the satisfaction of the General Manager of Community Development; and
 - iii. THAT the applicant submits a further addendum to the Heritage Impact Study, prepared by Allan Avis Architect Inc. and Heritagedowntowns Inc. dated July 16, 2019, addressing the relevant matters outlined in Staff Report 2020-221, to the satisfaction of The Corporation of the City of Brantford; and
 - iv. THAT approval under Section 34 of the *Ontario Heritage Act* to remove the Crystal Cottage from 35 Chatham Street is received, and that the Crystal Cottage is successfully relocated to a new property, to the satisfaction of The Corporation of the City of Brantford; and
 - v. THAT all servicing issues, financial and otherwise, have been addressed to the satisfaction of The Corporation of the City of Brantford; and
- C. THAT Pursuant to 34(18) of the Planning Act, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notices of Decision:

“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 and 8.3.1 of Report 2020-221.”

Recorded vote on Item 5.2:

YES (9): Mayor Davis, Councillor Vanderstelt, Councillor Sless, Councillor McCreary, Councillor Martin, Councillor Carpenter, Councillor Antoski, Councillor Van Tilborg and Councillor Wall

CARRIED (9 to 0)

Item 5.2 carried unanimously on a recorded vote.

5.3 Applications for Neighbourhood Plan NP-01-19; Zoning By-law Amendment PZ-07-19, and Draft Plan of Subdivision 29T-19502 – 346 Shellard Lane [Financial Impact – Unknown], 2020-272

Courtney Heron-Monk, Bousfields appeared before the Committee to provide an overview of the application. A PowerPoint presentation was made and a copy placed in the original meeting file. Rajan Philips, Paradigm, Rob Melick, MTE, Donna Bravo, Lindvest, Noel Boucher, Savanta, Frank Palombi, Shellbrant Developments and David Faletta, Bousfields were in attendance off screen to respond to a variety of questions from the Committee.

Nicole Pettenuzzo, Senior Planner addressed the Committee and provided an overview of the application. A PowerPoint presentation was made and a copy placed in the original meeting file. Ms. Pettenuzzo responded to a number of questions from the Committee.

No members of the public were in attendance to speak to the application.

Moved by Councillor Vanderstelt

Seconded by Councillor Sless

- A. THAT Neighbourhood Plan Application NP-01-19, submitted by Bousfields Inc. on behalf of Shellbrant Developments Limited, affecting the lands located on the north side of Shellard Lane, west of Conklin Road, Part of Blocks 4 and 5, Kerr Tract, Geographic Township of Brantford, City of Brantford, municipally addressed as 346 Shellard Lane, BE APPROVED; and
- B. THAT Zoning By-law Amendment Application PZ-07-19 submitted by Bousfields Inc. on behalf of Shellbrant Developments Limited, affecting the lands located on the north side of Shellard Lane, west of Conklin Road, Part of Blocks 4 and 5, Kerr Tract, Geographic Township of Brantford, City of Brantford, municipally addressed as 346 Shellard Lane to change the zoning to “Open Space Type 1 Zone (OS1)”, “Open Space Restricted Zone (OS3)”, “Residential Type 1B (15 Metre) – Exception 35 Zone (R1B-35)”, “Residential Type 1C (12 Metre) – Exception 24 Zone (R1C-24)”, “Residential Type 1D (11 Metre) – Exception 12

Zone (R1D-12)", "Residential Medium Density Type A – Exception 75 Zone (R4A-75)", "Residential Medium Density Type A – Exception 76 Zone (R4A-76)", and the "Residential Medium Density Type A – Exception 77 Zone (R4A-77)", "Residential Medium Density Type A – Exception 78 Zone (R4A-78) and "Community Centre Commercial Zone (C10)", BE APPROVED in accordance with the applicable provisions as outlined in Section 8.2 of Report 2020-272; and

- C. THAT Draft Plan of Subdivision Application 29T-19502, submitted by Bousfields Inc. on behalf of Shellbrant Developments Limited, affecting the lands located on the north side of Shellard Lane, west of Conklin Road, Part of Blocks 4 and 5, Kerr Tract, Geographic Township of Brantford, City of Brantford, municipally addressed as 346 Shellard Lane submitted by Bousfields Inc. on behalf of Shellbrant Developments Limited, affecting the lands municipally addressed as 346 Shellard Lane, BE APPROVED subject to the conditions included in Section 9.0 "Conditions of Draft Plan of Subdivision Approval" of Report 2020-272; and
- D. THAT the By-law to remove the "Holding (H)" provision from the subject lands not be presented to Council for approval until a Subdivision Agreement has been entered into between the applicant and the City; and
- E. THAT Pursuant to Sections 34(18) and 51(38) of the Planning Act, R.S.O. 1990, c.P.13., the following statement SHALL BE INCLUDED in the Notice of Decision:

"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 and 8.3.1 of Report 2020-272".

Recorded vote on Item 5.3:

YES (8): Mayor Davis, Councillor Vanderstelt, Councillor Sless, Councillor McCreary, Councillor Martin, Councillor Carpenter, Councillor Antoski and Councillor Van Tilborg

CARRIED (8 to 0)

Item 5.3 carried unanimously on a recorded vote. Councillor Wall was not present at the time of the vote.

Mayor Davis handed the Chair back to Councillor Carpenter.

6. DELEGATIONS

6.1 Pat Mandy, Jo-Ann Mattina and Constance McKnight, De dwa de dehs nye>s Aboriginal Health Centre

Re: Item 7.1.1 – Mohawk Lake District Plan – Final Plan

Pat Mandy, Jo-Ann Mattina and Constance McKnight representing De dwa de dehs nye>s Aboriginal Health Centre appeared before the Committee regarding Item 7.1.1 – Mohawk Lake District Plan – Final Plan. A PowerPoint presentation was made and a copy placed in the original meeting file. They have formally expressed interest in use of lands in the Mohawk Lake District and have presented an application to the City. Currently they are in the final stages of the business case and will need to include site identification. They are flexible in where they can be located on the lands however would like a space large enough for a variety of uses. The delegates responded to a number of questions by members of the Committee.

6.2 Scott Lyons and Rita-Marie Hadley, Lansdowne Children's Centre

Re: Item 7.1.1 – Mohawk Lake District Plan – Final Plan

Scott Lyons and Rita-Marie Hadley, Lansdowne Children's Centre appeared before the Committee regarding Item 7.1.1 – Mohawk Lake District Plan – Final Plan. A PowerPoint presentation was made and a copy placed in the original meeting file. They have formally expressed interest in lands on the site with the City. Their current location is landlocked and unfortunately they cannot build up. The delegates responded to a number of questions by members of the Committee.

7. ITEMS FOR CONSIDERATION/ CONSENT

Moved by Councillor Vanderstelt

Seconded by Mayor Davis

THAT all Items for Consideration/ Consent Items (7.1.1) separated for discussion purposes BE APPROVED.

7.1 ITEMS FOR CONSIDERATION

7.1.1 Mohawk Lake District Plan – Final Plan [Financial Impact – None], 2020-345

- A. THAT Staff Report 2020-345 regarding the Mohawk Lake District Plan – Final Plan BE RECEIVED; and
- B. THAT the final Mohawk Lake District Plan, attached as Appendix B to Report 2020-345, BE APPROVED; and
- C. THAT Planning Staff BE DIRECTED to proceed with an Application to Amend the Official Plan to establish the overall land use policy framework to implement the Mohawk Lake District Plan pursuant to Section 22 (2.2) of *The Planning Act, R.S.O. 1990* and in accordance with Section 8.4 of Report 2020-345; and

- D. THAT Planning Staff BE DIRECTED to proceed with an Application to Amend Zoning By-law 160-90 to permit museum uses and an associated outdoor education and interpretive centre in accordance with Section 8.4 of Report 2020-345; and
- E. THAT a Staff led Mohawk Lake District Implementation Team BE ESTABLISHED with the mandate to lead and coordinate the implementation of the Mohawk Lake District Plan; and
- F. THAT the Mohawk Lake District Implementation Team REPORT BACK to Council with a work plan and to provide an update on implementation activities as necessary by the second quarter in 2021.

Recorded vote on Item 7.1.1:

YES (9): Mayor Davis, Councillor Vanderstelt, Councillor Sless, Councillor McCreary, Councillor Martin, Councillor Carpenter, Councillor Antoski, Councillor Van Tilborg and Councillor Wall

CARRIED (9 to 0)

Item 7.1.1 carried unanimously on a recorded vote.

8. RESOLUTIONS

There were no resolutions on the agenda for consideration.

9. NOTICES OF MOTION

9.1 Working Towards a Uniform Business Education Property Tax Rate

Mayor Davis read the title of the following Notice of Motion:

WHEREAS, in March 2007, the Province of Ontario, intending to correct historical inequities in education tax rates, announced a phase in across the Province of uniform rates for commercial and industrial property classes (the “business education property tax rate”) over an eight year period ending in 2014; and

WHEREAS the Province announced on March 27th, 2012, that business education property tax rate cuts, previously scheduled for 2013 and 2014, would be deferred until 2017-2018; and

WHEREAS the adjustments deferred to 2017-2018 never occurred, resulting in a 2020 education tax rate of 0.98% for commercial and industrial properties in cities where the Province has applied the uniform rate, while in Brantford most commercial and industrial properties pay 1.25%, a difference of 27.5% in the

education portion of the tax bill levied against commercial and industrial properties in the City of Brantford; and

WHEREAS if the Province had fully implemented the business education property tax rate cuts originally promised in 2012, by 2017-2018 it would have reduced total property taxes for most commercial and industrial properties in the City of Brantford in excess of 8%; and

WHEREAS the current provincial tax policy with respect to setting business education property tax rates is a significant factor that is negatively affecting economic development and business conditions in Brantford and the surrounding area; and

WHEREAS the Mayor's Pandemic Economic Recovery Task Force Action Plan adopted by Council this past June recommends the City advocate to senior levels of government for funding opportunities and relief measures for local businesses and organizations;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Mayor BE REQUESTED to send a letter to the Premier of Ontario and the Ontario Minister of Finance on behalf of Brantford City Council requesting that the Province complete, forthwith, the implementation of a uniform education property tax rate across the Province; and
- B. THAT the Mayor further BE REQUESTED to collaborate with the City of London, and other mid-sized Ontario cities that are impacted by this inequity, in working towards the implementation of a uniform business education property tax rate throughout the Province.

9.2 Excessive Use of Surveillance Equipment

Councillor Vanderstelt read the title of the following Notice of Motion:

WHEREAS concerns have been raised by residents that surveillance equipment is being used to record more activities than are necessary for security of an individual's property; and

WHEREAS such surveillance equipment can violate the privacy of others when used inappropriately; and

WHEREAS the Municipality may pass by-laws that protect the public and are in the interests of the health, well-being and safety of its residents, pursuant to s. 10 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended (the "*Municipal Act*"); and

WHEREAS s. 133 of the *Municipal Act* specifically permits municipalities to pass by-laws in relation to excessive surveillance equipment; and

WHEREAS the Municipality deems excessive to mean surveillance equipment that can record beyond the boundaries of the property on which it is located, however, excessive shall not include devices such as doorbell cameras used for visitor identification purposes at main entry points to the property; and

WHEREAS it is not the intention of the Municipality to prohibit surveillance equipment on commercial, industrial or institutional properties at this time; and

WHEREAS neighbouring municipalities have passed by-laws preventing the use of such excessive surveillance equipment, successfully addressing the privacy concerns of its residents;

NOW THEREFORE BE IT RESOLVED THAT Staff bring back a report and draft by-law detailing how the municipality can prohibit the use of excessive surveillance equipment.

9.3 Four Way Stop - Cayuga & Ontario

Councillor Wall read the title of the following Notice of Motion:

WHEREAS the Cayuga Street and Ontario Street intersection is located in a residential neighbourhood and is a heavily used route due to entering and exiting the Veterans Memorial Parkway, including public transit;

NOW THEREFORE BE IT RESOLVED:

- A. THAT staff BE DIRECTED to undertake a traffic study investigating the implementation of all-way stop control at the Ontario Street and Cayuga Street Intersection; and
- B. THAT staff BE DIRECTED to report back to Council on study finding in Q2 2021.

9.4 Water/Wastewater Billing - 333 Wellington Street, Timely Meter Reading

Councillor Van Tilborg read the title of the following Notice of Motion:

WHEREAS 333 Wellington Street received estimated billings from November of 2019 to September of 2020; and

WHEREAS Water/wastewater bills are bi- monthly (two month periods); and

WHEREAS communications between the City and landlord were ongoing from November 2019 to September 2020; and

WHEREAS the wire connecting the remote reading device became disconnected from the meter, resulting in estimated billing; and

WHEREAS efforts to secure access to the water meter were delayed due to Covid 19 in June 2020; and

WHEREAS a significant loss of water due to a suspected leak went undetected over a period of 12 months; and

WHEREAS extenuating circumstances have created hardship; and

WHEREAS High Water Bill Adjustment Policy is applicable only to non-rental residential properties;

NOW THEREFORE BE IT RESOLVED:

- A. THAT staff BE DIRECTED to contact the owner of 333 Wellington with payment options; and
- B. THAT staff BE DIRECTED to remove \$2,636 Dollars from the water/wastewater bill; and
- C. THAT staff BE DIRECTED to complete a comprehensive evaluation of current estimated billing data including investigate options for more timely meter readings/customer notice, monthly meter readings, billing alternatives, and Registered mail when an account has an extended period of estimated billing and REPORT BACK with recommendations in Q1 2021.

10. ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Councillor Carpenter, Chair

J. Sippel, Council and Committee
Services Coordinator