

**MINUTES OF A HEARING OF THE COMMITTEE OF ADJUSTMENT FOR THE
TOWN OF AJAX HELD IN THE COUNCIL CHAMBERS, TOWN HALL,
65 HARWOOD AVENUE SOUTH, AJAX
Wednesday March 11, 2015 @ 7:00 P.M.**

Present: Matthew Milligan, Chair
Carolyn Molinari, Vice-Chair
Wasif Ahmed, Member
Lori Roberts, Member
Sean McCullough, Technical Advisor/Secretary-Treasurer
Geoff Romanowski, Development Approvals Coordinator

Absent: Michael Briand, Member

1. Call to Order – March 11, 2015, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 7:00 p.m. on March 11, 2015.

2. Disclosure of Interest

Chair Milligan asked if any of the members of the Committee had a conflict of interest with any of the variance applications on the committee agenda.

There were none.

3. Committee Discussion and Application Clarification.

The committee members had some general discussion about the application and had questions for staff.

4. Outline of the General Mandate of the Committee of Adjustment

Chair Milligan provided an overview of the Committee of Adjustment mandate for all that were present at the meeting.

5. Applications

**Minor Variance Application A7/15
Windcorp Grand Harwood Place Ltd.
184 Harwood Avenue South**

To permit:

- **a minimum of 1.0 space per unit for exclusive use of the occupants in addition to 0.1 space per unit for the exclusive use of visitors;**

- a minimum of 154 parking spaces for all permitted non-residential uses for the proposed development;
- the front wall to be located 4.5 metres and the canopy to be located 2.2 metres from the front lot line (Harwood Ave. S.);
- the north exterior side wall to be located between 8.0 metres (underground parking) and 11.2 metres (aboveground) from the north exterior lot line; and
- the south exterior side wall to be located 3.8 metres (aboveground) from the south exterior side lot line.

Secretary-Treasurer/Technical Advisor McCullough confirmed written notice of the hearing was sent according to the Rules of Procedures laid out by the *Planning Act* and one response was received from Tammy Graham, Property Manager for 230 and 240 Harwood Avenue S.

That the Committee of Adjustment approve Minor Variance Application A7/15, submitted by Windcorp Grand Harwood Place Ltd., subject to the following conditions:

1. **That the applicant obtain approval of Site Plan Application SP2/14 and enter into a site plan agreement with the Town, or this decision shall become null and void;**
2. **That the applicant obtain a building permit for the proposed building, or this decision shall become null and void; and**
3. **That the lands associated with the proposed development, being part of the Harwood Avenue right-of-way, be stopped-up and closed as per the Municipal Act requirements, or this decision shall become null and void.**

Chair Milligan asked if the applicant was present to represent the application.

Laura Starr of Windcorp Grand Harwood Place Ltd. was in attendance to represent the application. Ms. Starr identified that the requested the variance was based on due diligence of the required parking for a building of this nature, examining similar sites and markets. She identified that there were lots of public transit available in the vicinity, with a 7 minute bus trip to the Ajax Go Station. Ms. Starr identified that the biggest variance was for parking for the residential units, and that the non-residential was only a slight decrease. She identified that the parking for the retail, office, and visitor parking had differing peak periods. The proposed development would also have one car share space, allowing residents to share a vehicle, if needed.

Chair Milligan asked if any members had any questions for the applicant.

Chair Milligan asked staff to provide clarification on Condition 3.

Mr. Romanowski identified that the location of the proposed building is located on lands part of the municipal right-of-way, he outlined that in order to stop-up and close the lands there was a process outlined in the Municipal Act.

Member Molinari asked if the developer was satisfied with the amount of parking being provided.

Ms. Starr identified that it was expensive to construct underground parking and did not want to have an oversupply of unused parking spaces. Ms. Starr identified that the target market of young first time home buyers or individuals downsizing typically did not have more than one vehicle. Ms. Starr also identified that the Town completed a parking study indicating that there was an abundance of parking within other areas of the plaza.

Mr. Romanowski provided clarification that the parking lot at the northwest corner of Hunt and Harwood was privately owned.

Member Molinari asked how many parking space were located within the development lands.

Mr. Romanowski identified that there were approximately 180-200 parking spaces, and that approximately 43 lay-by parking spaces would be provided around the proposed building along the future streets. He also identified that the applicant was correct, that a parking study was completed for the entire plaza demonstrating that the parking areas were underutilized.

Member Molinari asked if the transit provided was along Station Street.

Ms. Starr identified that that was correct.

Member Roberts asked if the parking would be allocated to the purchasers of the development.

Ms. Starr identified that some purchasers would opt not to purchase a parking space, and that spaces could be allocated to other units who wanted two. Ms. Starr identified that a similar project in Pickering saw a number of purchasers opting not to purchase parking spots.

Member Roberts asked how on-street parking would be managed.

Ms. Starr identified that if there was a problem with lay-by spaces, options to ticket spaces could be explored. Ms. Starr identified that the parking provided in the proposed building could accommodate parking for other retail uses surrounding the project with some administration.

Member Roberts asked how the non-residential parking would be restricted.

Ms. Starr identified that that discussion would occur later to determine how the parking would be monitored within the building. Ms. Starr clarified that there would be 43 surface lay-by parking spaces.

Chair Milligan asked if condos within Durham Region typically only required one parking space.

Ms. Starr identified that this project would be the first mixed-use building of this nature within Durham Region. She identified that parking demand in condos within Durham Region typically require 1 parking space or less. She identified that residents purchasing condo units typically are new purchasers or individuals downsizing who only require one parking space or less.

Chair Milligan asked how many flex spaces there were.

Ms. Starr identified that there were 24 extra parking spaces that could accommodate other units looking to purchase an additional parking space.

Chair Milligan asked if parking spaces were included in the purchase of the unit.

Ms. Starr identified that every unit would be provided one parking space.

Member Ahmed asked if the 24 flex spaces were included in the 1.0 space per unit.

Ms. Starr identified that spaces would be shared with visitors.

Member Ahmed identified that it appeared that the request represented 1.0 space per unit, plus 0.1 per unit for visitors with no flex spaces.

Member Ahmed asked if the San Francisco by the Bay project was already built.

Ms. Starr identified that one building had been constructed and a second phase had been sold out. She identified that that particular project would accommodate 1.06 spaces per unit.

Chair Milligan asked if any members of the public who wished to speak either in favour or against the application.

Ms. Tammy Graham was in attendance, she also provided a letter. She identified that her management group was worried about the mixed use nature of the project. She identified that it would impact parking on 230 and 240 Harwood Avenue.

Chair Milligan asked for landmarks where Ms. Graham's client owned.

Ms. Graham identified that the Pharma Plus, Bun King, Cross Country Donuts, Eco health, Master Mechanic, and a roofing company at the rear.

Ms. Graham identified that the project would open a new road way, and would push over flow parking onto her client's property and would require tenants to increase costs to monitor parking. She identified that tenants have been in this location for approximately 20 years.

Mr. Romanowski identified that Ms. Graham was correct that the three units north of the Bun King would be removed. This was to accommodate services for the proposed building. He also identified that the road was part of the future downtown road network identified in the Town's Official Plan. He identified that parking on the private land would need to be managed by the individual properties. However, that a construction and parking management plan would be prepared as part of the project. He also

identified that pedestrian walk ways would be preserved during and after construction.

Ms. Graham identified that the project would still push parking onto the adjacent property.

Member Roberts asked if there were separate parking for the individual units.

Ms. Graham identified that the new sidewalk would be dangerous if it were to be changed to a public road.

Mr. Romanowski identified that these would be new municipal roads with full sidewalks with a downtown feel. He identified that the roads would be local roads similar to Kings Crescent and Commercial Avenue.

Member Roberts asked if the parking would be separated by individual units.

Mr. Romanowski identified that the property was privately owned and would have to be managed by the individual land owners.

Member Ahmed asked if the property manager had private security.

Ms. Graham identified that they had night security, and in the future if the security were to visit to ticket it would be on an hourly rate costs the tenants additional money.

Member Ahmed asked if the tenants were aware of the potential business that would be brought forward from a project of this magnitude.

Ms. Graham identified that she has made her management group aware of the benefits of a project of this nature, however her management group were concerned with the short term disruption.

Chair Milligan asked if there were any further discussions from the Committee.

Member Roberts identified that she was aware of San Francisco by the Bay Project and was concerned about the amount of parking provided at that project.

Ms. Starr identified that San Francisco by the Bay had no visitor parking, and Grand Harwood would accommodate visitor parking. Ms. Starr also identified that 43 surface spaces would be provided.

Member Ahmed identified that on a net basis approximately 130 parking spaces would be lost within the existing surface parking lot, after constructing the 43 surface parking spaces.

Mr. Romanowski identified that the 180 parking spaces would not be able to be achieved. However, an additional 20 spaces had been constructed by the sales pavilion on the north side of the plaza. Also, a parking study that was completed for the plaza identified that parking spaces at the rear of the plaza were underutilized.

Ms. Starr identified that temporary parking would be constructed to accommodate demand during construction.

Member Roberts asked if the proposed commercial space would be greater than the existing commercial space that is in the plaza, or if future phases would increase the amount of commercial space.

Ms. Starr identified that existing tenants had interest in relocating into the new building.

Chair Milligan asked if Ms. Graham had anything further to add to her earlier comments based on the discussion.

Ms. Graham had no further comments.

Chair Milligan identified that the overall planning objectives of the Town is to provide the amount of parking required to accommodate any proposed development. He asked if staff had any concerns based on the amount of parking being provided the proposed development.

Mr. Romanowski identified that staff had no concerns.

Chair Milligan asked staff to elaborate on a Build With-in Zone.

Mr. Romanowski identified that a build within zone requires a building to be located within a specified distance to the street to create an urban edge along the street contributing to a walkable environment.

Chair Milligan asked if OPA 41 directed development to be located within urban growth areas, with the goal of intensifying urban areas.

Mr. Romanowski identified that Chair Milligan was correct, that this was the way planning was going, with all types of development, creating more intense neighbourhoods within urban settlement areas.

Chair Milligan asked for a motion from the Committee.

Member Molinari made a motion to approve the application subject to the three conditions outlined in the staff report as the request was reasonable and met the 4 tests outlined in the *Planning Act*.

Chair Milligan asked if there was a discussion on the motion.

There were none.

Decision: That the Committee of Adjustment approve Minor Variance Application A7/15, submitted by Windcorp Grand Harwood Place Ltd., subject to the following conditions:

- 1. That the applicant obtain approval of Site Plan Application SP2/14 and enter into a site plan agreement with the Town, or this decision shall become null and void;**

- 2. That the applicant obtain a building permit for the proposed building, or this decision shall become null and void; and**
- 3. That the lands associated with the proposed development, being part of the Harwood Avenue right-of-way, be stopped-up and closed as per the Municipal Act requirements, or this decision shall become null and void.**

Proposed by: Member Molinari – that the application was reasonable and met the four tests outlined in the *Planning Act*.

Seconded by: Member Ahmed

All in favour

Carried

6. Adjournment

Proposed by: Member Ahmed


Seconded by: Member Roberts

All in favour

Carried

Meeting adjourned at 8:08: p.m.


Matthew Milligan
Chair


Sean McCullough, BES
Secretary-Treasurer