



**The Corporation of the City of Stratford
Planning and Heritage Sub-committee
Open Session
AGENDA**

Date: Thursday, June 27, 2019

Time: 4:30 P.M.

Location: Council Chamber, City Hall

Sub-committee Present: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Bunting, Councillor Clifford

Staff Present: Jeff Leunissen - Manager of Development Services, Jodi Akins - Council Clerk Secretary, Tatiana Dafoe - Deputy Clerk

Pages

1. Call to Order

The Chair to call the meeting to Order.

Councillor Vassilakos provided regrets for this meeting.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

.....
.....
.....
.....

3. Delegations

None scheduled.

4. Report of the Deputy Clerk and Manager of Development Services

4.1 Request to Permit Street Art on a Municipal Sidewalk (PLA19-026)

4 - 10

Motion by _____

Staff Recommendation: THAT the "Shine On You Crazy Diamond" proposed artwork be approved subject to the following conditions being met:

- proof of insurance is supplied indemnifying the City;
- a deposit in the amount of \$500 be provided;
- the art work is removed by November 1, 2019.

AND THAT the second piece referring to "Resonate with Your Life" or "I'm a Resonator" be approved subject to the following conditions being met:

- a final proposed design be submitted to Planning Services;
- proof of insurance is supplied indemnifying the City;
- a deposit in the amount of \$500 be provided;
- the art work is removed by November 1, 2019;
- a sign-variance is obtained from Planning Services.

5. Report of the Manager of Development Services

5.1 45 Parkview Drive (the Bruce Hotel) Request for a Right-of-way over the former Water Street Road Allowance (PLA19-025)

11 - 19

Motion by _____

Staff Recommendation: THAT Planning and Heritage Sub-Committee approve the request, submitted by Marklevitz Architects Inc, on behalf of the JLB Inc. (the Bruce Hotel), for a right-of-way over a portion of the former Water Street road allowance to provide driveway access to three parking spaces for a proposed three suite hotel on 45 Parkview Drive subject to details being worked out by staff.

6. Project Update

The Manager of Development Services to provide a verbal update on ongoing projects in the City.

7. Advisory Committee/Outside Board Minutes

There are no Advisory Committee/Outside Board minutes to be provided to Sub-committee at this time.

8. Next Sub-committee Meeting

The next Planning and Heritage Sub-committee meeting is July 25, 2019 at 4:30 p.m. in the Council Chamber, City Hall.

9. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by _____

Sub-committee Decision: THAT the Planning and Heritage Sub-committee meeting adjourn.



MANAGEMENT REPORT

Date: June 27, 2019
To: Planning and Heritage Sub-committee
From: Deputy Clerk and Manager of Development Services
Report#: PLA19-026
Attachments: Correspondence Regarding Street Art

Title: Request to Permit Street Art on a Municipal Sidewalk

Objective: To consider a request from a business owner to permit street art on the sidewalk in front of 23 Downie Street.

Background: The City is in receipt of a request from the owner of Resonance, located at 23 Downie Street, to permit the installation of street art on the sidewalk in front of the property. The purpose of the art work is to allow people to interact with the street art, by taking selfies for example. The draft art designs are included in the attached correspondence.

The art work would be designed by York Lane Art Collective and would use a paint that would last for the season. The cost of the design, installation and removal would be the responsibility of the owner.

Analysis: Under the Sign By-law 159-2004, sign "means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice." The consideration for these two works of art is whether the intention of the paid artwork is to "attract attention to a specific subject matter for identification, information or advertising". If the answer is yes then it would be considered a sign under the By-law and would require a sign variance and authorization from Council for installation on the city road allowance.

The first design which states "Shine On You Crazy Diamond" would likely be classified as an art piece as there is no reference to the commercial establishment "Resonance". As an art piece it would not constitute a sign and would not require a sign variance. In looking at past practices, street/sidewalk markings have been permitted as part of special events. For example, when route markings or locations are to be sprayed, painted or chalked onto city

streets, sidewalks or any other municipal property. Prior approval must be obtained and in all cases, only washable paint or chalk may be used and must be removed by the event organizers immediately following the event. Failure to do so results in the organizer being billed for clean-up costs.

The proposed art installation is not part of a special event and will not be made with paint that will be easily washed away. If this art installation is approved, there would need to be a requirement that the owner be responsible for removing the art and for all associated costs to return the site to its original state.

The second piece which states "Resonate with Your life" and may be changed to "I'm a Resonator" could be considered a sign, given it's next to Resonance Fashion and appears to be promoting this business. As a sign it would require a sign variance and the application fee is \$500.

Prior to approval being granted, it is important to consider additional factors such as:

- Deposit – should a deposit be required to make sure the art/sign is removed at the end of the year;
- Insurance – should proof of insurance, indemnifying the City be obtained by the requestor;
- Slip/Fall - consultation with Engineering should be undertaken to ensure the art work does not pose a risk for slips/falls.

Financial Impact: The application fee for a sign by-law variance is \$500.00.

Staff Recommendation: THAT the "Shine On You Crazy Diamond" proposed artwork be approved subject to the following conditions being met:

- **proof of insurance is supplied indemnifying the City;**
- **a deposit in the amount of \$500 be provided;**
- **the art work is removed by November 1, 2019.**

AND THAT the second piece referring to "Resonate with Your Life" or "I'm a Resonator" be approved subject to the following conditions being met:

- **a final proposed design be submitted to Planning Services;**
- **proof of insurance is supplied indemnifying the City;**
- **a deposit in the amount of \$500 be provided;**
- **the art work is removed by November 1, 2019;**
- **a sign-variance is obtained from Planning Services.**




Tatiana Dafoe
Deputy Clerk

Jeff Leunissen
Manager of Development Services



Michael Humble, Director of Corporate Services



Rob Horne, Chief Administrative Officer

From: [REDACTED]
To: [Tatiana Dafos](#)
Subject: [External Email] street art permit
Date: Wednesday, May 29, 2019 3:48:31 PM

Hi Tatiana,
Hope you are doing well this summer!

I just got off the phone with Jeff Leunissen and he thought I should send this to the clerk's office to determine if it should go to Infrastructure or Planning and Heritage to determine if it's permissible.
I have asked Claire Scott from York Lane Art Collective to design a couple of pieces of street art for in front of my store and paint them with a paint that would last for the season. She designed these two pieces, which I might have her tweak so they are not so similar in colour palette, and also change the resonate one to read "I'm a Resonator".
The idea is that people would come and interact with the street art, hopefully take photos and tag them #stratfordon and #resonance. There will be a windows adhesive that shows the address but won't ask them to do anything. I thought this would be a fun place to take a "shoe selfie" of a Stratford visit.
There are two designs here, and I would like to have one done now, and one closer to fall, at which time there would be 2 there, as the paint is chosen to hopefully last the season, but I just wanted to draw people to see it twice, rather than one time to see two pieces.

If you could please advise of my next steps to get this approved, it would be much appreciated; I would love to get on the next possible agenda about it.
I'm also CC'ing Danielle Ingram as the City Centre council rep.
Thanks so much!
Jo

JoAnna Gordon







Resonance
23 Downie St.,
Stratford, Ontario,
N5A 1W6
519-273-6617

www.resonancefashion.ca

www.facebook.com/spiritandstyle



MANAGEMENT REPORT

Date: June 27, 2019
To: Planning and Heritage Sub-Committee
From: Jeff Leunissen, Manager of Development Services
Report#: PLA19-025
Attachments: Letter submitted on September 5, 2018, from Marklevitz Architects Inc. (on behalf of JLB Inc- The Bruce Hotel).

Title: 45 Parkview Drive (the Bruce Hotel) Request for a Right-of-way over the former Water Street Road Allowance

Objective: The purpose of this report is to provide staff's evaluation and recommendation on the unsolicited request submitted by Marklevitz Architects Inc, on behalf of the JLB Inc. (the Bruce Hotel), to allow a right-of-way over the former Water Street road allowance to provide driveway access to three parking spaces for a proposed three suite hotel on lands known as 45 Parkview Drive.

Background:

In April 2018 the owners submitted a site plan amendment application to allow a new three suite hotel on the portion of the Bruce Hotel property along Parkview Drive and opposite Water Street (City file SP09-18). Site plan approval was granted on May 23, 2019. The approved site plan includes a 3m wide driveway off of Parkview Drive on the north side of the property (as shown on page 3 on the plan labelled current approved site plan amendment SP09-18). During the site plan amendment process the owners indicated that they would like to use the existing driveway to the Stratford Tennis Club. Staff advised that Council approval would be required for the creation of a right-of-way over City owned lands.

On September 5, 2018, Terry Marklevitz, of Marklevitz Architects Inc., on behalf of JLB Inc. (the owners of the Bruce Hotel) submitted an unsolicited request to allow a right-of-way over the former Water Street road allowance (closed by By-law 1-1999 on January 11, 1999) to provide driveway access to three parking spaces for a proposed three suite hotel, shown on page 3 on the plan labelled Proposed Request). The attached letter submitted by

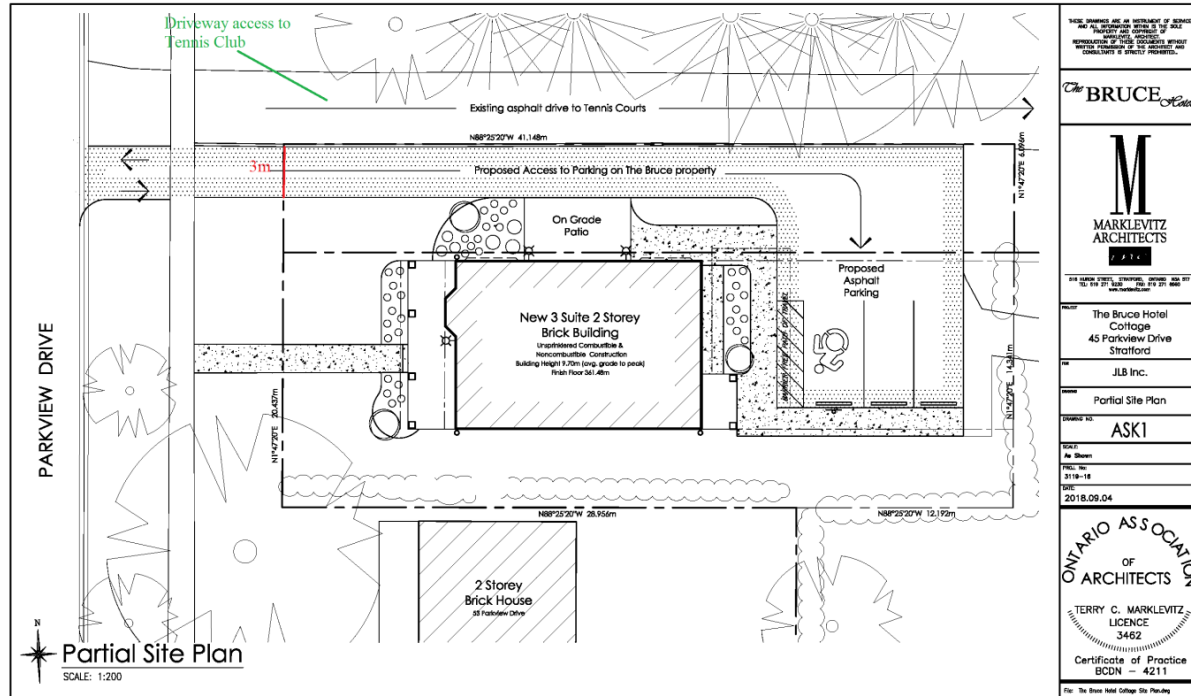
Marklevitz Architects Inc., provides additional background on the proposed development and the owners rational for making the request for a right-of-way over City owned lands.

Subject Site: The proposed right-of-way is located on the east side of Parkview Drive opposite Water Street and has an approximate area of 172.2m² and an approximate width of 4.2m to match the width of the asphalt. If the request is approved the exact dimensions would be determined through a reference plan.

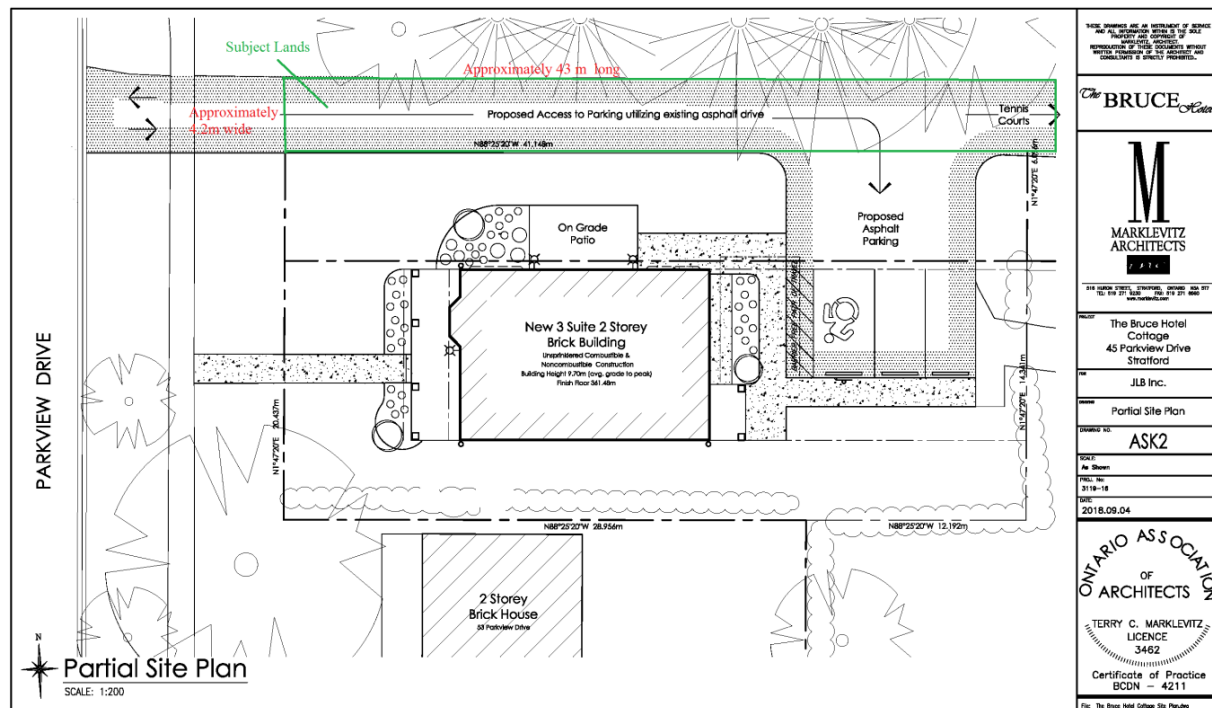
Subject Lands



Current Approved Site Plan Amendment SP09-18



Proposed Request If Right-of-Way Granted



Agency Comments

Circulation of the request to various agencies produced the following comments to date:

City of Stratford Infrastructure and Development Services Department –Engineering Division

- The creation of a right-of-way would be required as this section of the former Water Street is no longer a public highway. It was closed by By-Law 1-1999 on January 11, 1999.
- This driveway access does not currently receive winter maintenance. The applicant (The Bruce Hotel) would be entirely responsible for the plowing and/or removal of snow to maintain access in the winter months and damages that occur as a result of winter maintenance to driveway and surrounding areas.
- The existing driveway is exhibiting signs of wear and tear. Considerations should be given to long term joint use and maintenance that would require the owner to cost share the expense of maintaining and general up keep of the driveway.

City of Stratford Infrastructure and Development Services Department –Water Division

- No comments provided.

City of Stratford Infrastructure and Development Services Department- Building Division

- No concerns at this time.

City of Stratford Fire Department

- No issues or concerns so long as the driveway width of either proposal is minimum 6m to allow for Emergency vehicles and 2 way traffic.

City of Stratford Police Services

- No concerns.

Festival Hydro

- Festival Hydro's preference would be to go with plan the proponent has requested, which shows the parking spots access from the existing driveway on the former Water Street. As part of this project, Festival Hydro Inc. will in all likelihood need to install an anchor & downguy for the existing pole just east of the proposed parking spaces. In our opinion there is a greater likelihood the anchor & downguy assembly may get hit if the vehicles are forced to turn around when backing out in the designated parking area, as opposed to being able to back out directly onto the right of way.

City of Stratford- Community Services

- The request was brought forward to the Board of Park Management. The position of the Board was that a private property owner should not be granted such permission. The Board does not want to take parking away from the tennis club.

- The only control on the right-of-way in the winter is a fire route to the tennis clubhouse.
- The tennis club would not be in favor of the proposed access using the existing driveway leading to the tennis courts. The club would lose the on street parking they currently enjoy by having the additional access point.

City of Stratford- Corporate Services Department- Clerks Division

- No comments provided.

Analysis:

The City of Stratford has a municipal property policy manual P.3.1 dealing with the sale and other disposition of land. The policy includes direction on how to: determine the value of the lands; provide public notice, and dispose of municipal land. Section 2.1.5 of the policy outlines that lands involving a lease, a life lease, a lease of more than 21 years, a transfer of an easement or right-of-way, or an encroachment is exempt from the municipal property sale and other disposition of land policy.

Although the request to allow a right-of-way over the former Water Street road allowance is exempt from the municipal property sale and other disposition of land policy, staff has reviewed the request against the procedures for the sale and other disposition of land. The procedures include the consideration of: the zoning of the property, the need for the property by other City departments or utilities, servicing requirements and the status of the land.

The lands are zoned Park (P) which permits uses such as an auditorium, golf course, park, private club, public use, and a recreational park. The requested right-of-way over the existing asphalt will not impede the use of the continued use of the subject lands as a park.

To assess the need of the property by other City departments or utilities, staff circulated the request to various departments for comment. The lands proposed to be used as a right-of-way currently provide access to the Stratford Tennis Club. Tennis club users park within a designated parking area east of the driveway and, on occasion, both sides of the driveway leading to the Tennis Club. The Community Services Department circulated the request to the Board of Park Management and advised staff that the Board of Park Management is not in favour of the request because they do not want to take parking away from the tennis club. After reviewing the lease agreement and amendments to the lease agreement, it has been confirmed that no permission has been granted to allow parking beside or within the requested right-of-way. The requested right-of-way will not change access to the tennis club and will not reduce the number, or location, of any parking spaces allocated to the tennis club.

The Engineering Division has raised no functionality concerns with the right-of-way request and Festival Hydro has outlined that use of the existing driveway through a right-of-way is

their preferred site design as it would achieve better protection of hydro infrastructure. It has been confirmed that there is currently no winter maintenance of the subject lands.

Planning staff have confirmed that the former Water Street was closed by By-law 1-1999 on January 11, 1999. A portion of the former Water Street (Part 1 and Part 2 on 44R-3601) was sold to 500 Ontario Street (now addressed 45 Parkview Drive) in 1999.

Planning staff has no issue with the request. A shared access can adequately serve both uses and will not reduce the approved number parking spaces available or alter the designated parking area for the tennis club. A shared access will be more efficient and user friendly to those visiting the site than two driveways abutting each other.

If this request is approved, it is recommended that the applicant be required to:

- install curbing or landscaping along the north lot line to ensure people do not park on the grass area to the south of the driveway;
- install signage (at the cost of the proponent the Bruce Hotel) to prohibit parking on both sides of the driveway and to clearly identify Tennis Club Parking;
- enter into a joint use and maintenance agreement that is to be registered on title to ensure that the Bruce Hotel understands their maintenance and financial obligations. As the driveway is not maintained in the winter, the joint use and maintenance agreement shall clearly outline that the Bruce Hotel is responsible for winter access, snow storage and all costs associated with winter maintenance and any damages incurred as a result. Any agreement should include proper mechanisms to allow the City of Stratford flexibility to remove the right-of-way and/or make adjustments to the terms of the joint use and maintenance agreement at its sole discretion; and
- obtain a letter amendment to the approved site plan.

Financial Impact:

It is proposed that the proponent (Bruce Hotel) be responsible for all costs associated with the request.

Staff Recommendation: THAT Planning and Heritage Sub-Committee approve the request, submitted by Marklevitz Architects Inc, on behalf of the JLB Inc. (the Bruce Hotel), for a right-of-way over a portion of the former Water Street road allowance to provide driveway access to three parking spaces for a proposed three suite hotel on 45 Parkview Drive subject to details being worked out by staff.



Rachel Tucker, Planner

A handwritten signature in black ink, appearing to read 'Jeff Leunissen', with a stylized, flowing script.

Jeff Leunissen, Manager of Development Services

A handwritten signature in black ink, appearing to read 'Rob Horne', with a clear, slightly cursive script.

Rob Horne, Chief Administrative Officer

June 18, 2019

G:\AIS and MANAGEMENT REPORTS\2019\45 Parkview Drive ROW Request.docx



516 Huron Street, Stratford, Ontario N5A 5T7 Telephone: 519 271 9230 Fax: 519 271 6560 www.marklevitz.com

Terry C. Marklevitz B.E.S., B. ARCH., MRAIC

September 5, 2018

Rachel Tucker
Planning Department
City of Stratford
P.O. Box 818
Stratford, ON
N5A 6W1

Re: The Bruce Cottage Partial Site Plan

Dear Ms. Tucker:

The Bruce Hotel is formally requesting of Council, their consideration for an alternative access for parking for their proposed Cottage building to be located facing Parkview Drive. This property is part of the overall Bruce Hotel but the proposed development is an attempt to add a specialized 'cottage' type accommodation that will reflect the character of the existing homes on the street. Part of the proposal is to provide three parking spaces, one handicap accessible, at the rear of the cottage.

Under the requirements of the Site Plan Agreement, the Planning Department is asking for a solid surface driveway extending from Parkview Drive along the north side of the property to the proposed parking spaces. This will abut the existing asphalt driveway that is an extension of Water Street and leads to the tennis courts.

The owner of the Bruce Hotel is requesting that Council consider allowing the use of this existing asphalt driveway as access to the parking spaces. We believe this will benefit the community in the following ways:

- It will allow for more green space as from the attached drawing, the laneway required under Site Plan Agreement simply duplicates the existing access to the tennis courts
- It would further increase the amount of green space in the community as the parking spaces could be relocated further to the north thus reducing the amount of asphalt required.
- It would not impact anyway on the parking along this lane that is used for the tennis courts
- The Site Plan shows that this parking is limited to the use of the proposed guests of this cottage. The parking is not interconnected with any other roadway or parking lot that would allow through traffic to occur.
- The owner of the Bruce Hotel would be interested in discussing a possible cost sharing to maintain the portion of the laneway abutting the first 28.956 meters of the north edge of the owner's property.

In short we believe that this does not negatively impact on this municipal right of way but benefits the general character of the community and would ask for your consideration in this matter.

Yours very truly,

MARKLEVITZ ARCHITECTS INC.



Terry Marklevitz
B.Arch., M.R.A.I.C. LEED AP

TM/cl