



## REPORT

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**TO:** Mayor Bonnette and Members of Council

**FROM:** Ruth Conard, Planner – Development Review

**DATE:** January 3, 2022

**REPORT NO.:** PD-2022-0003

**SUBJECT:** Amico’s Memorial Arena Site (Georgetown) – Request for Minor Variance Application

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### RECOMMENDATION:

THAT Report No. PD-2022-0003, dated January 3, 2022, regarding “Amico’s Memorial Arena Site (Georgetown) – Request for Minor Variance Application”, be received;

AND FURTHER THAT Council allow the Applicant to submit a Minor Variance Application for Phase 2 (Building 3) on the former Memorial Arena lands (26, 28, 30, 34, 36, 38 and 42 Mill Street; 3 and 11 Dayfoot Drive) to reduce the resident parking rate from 1.5 spaces per unit to 1.35 spaces per unit, in accordance with Section 45 of the Planning Act.

### KEY POINTS:

The following are key points for consideration with respect to this report:

- In May 2020, Council approved site-specific Official Plan and Zoning By-law Amendments for Phase 2 (Buildings 2 and 3) on the former Memorial Arena site (Georgetown).
- Amico (the Applicant) is seeking to submit a Minor Variance application for Building 3 to reduce the resident parking rate from 1.5 spaces per unit (174 parking spaces) to 1.35 parking spaces per unit (157 parking spaces).
- As per the Planning Act, Applicants are not able to submit a Minor Variance application on lands subject to a previous site-specific by-law, within two years of that site-specific amendment being approved, unless Council passes a resolution to allow the Minor Variance application to be submitted.
- This report is recommending that Amico be allowed to file the requested Minor Variance application.

## BACKGROUND AND DISCUSSION:

In May 2020, Council approved site-specific Official Plan and Zoning By-law Amendments for Phase 2 of the former Memorial Arena lands (26, 28, 30, 34, 36, 38 and 42 Mill Street; 3 and 11 Dayfoot Drive) to allow for the development of 14 townhouse units (Building 2) and a 5-storey condominium (Building 3) in Georgetown; see **SCHEDULE 1 – SITE PLAN**. A Site Plan application for the two buildings is currently under review.

Parking for the two buildings is to be provided in a shared underground garage at the standard rates set out under the Town's Comprehensive Zoning By-law 2010-0050, which is as follows:

Building	# of Units	Resident Parking Rate	Visitor Parking Rate	Total Required Parking
Building 2 – Townhouse Units	14	2.0 spaces/unit	0.30 spaces/unit	- 28 resident spaces - 5 visitor spaces
Building 3 – Condominium	116	1.5 spaces/unit	0.25 spaces/unit	- 174 resident spaces - 29 visitor spaces

Amico (the Applicant) is seeking to apply for a Minor Variance to reduce the resident parking rate for Building 3 from 1.5 spaces per unit to 1.35 spaces per unit, which would reduce the total resident spaces from 174 to 157. Resident parking for Building 2 as well as the visitor parking for Buildings 2 or 3 will remain unchanged.

Provincial Bill 73 amended the Planning Act (Section 45) to prohibit the submission of Minor Variance applications on lands subject to a previous site-specific by-law, within two years of that site-specific amendment passing. Notwithstanding the above, the Planning Act does allow for an exception to this rule by way of Council resolution to allow the Minor Variance application to be submitted. The Applicant's intention to apply for a Minor Variance must obtain Council consent given site-specific Zoning By-law Amendment (By-law 2020-0028) was passed to permit the residential development less than two years ago (May 2020).

It should be noted the proposed Minor Variance application is also intended to apply to Building 1 on the site, to reduce the resident parking rate from 1.5 space per unit to the same 1.35. However, Council approval is not required prior to the submission of an application for Building 1 (6-storey condo with 78 units) as the site-specific by-law for that building was approved in July 2017.

Planning staff has reviewed the request from the Applicant to apply for a Minor Variance. Information provided by the Applicant notes the following:

- The Applicant submitted a Parking Study Update prepared by Lea Consulting in support of their variance request. The Parking Study suggests the variance should be supportable given the proximity of the site to the Georgetown GO Station, walkability of the community, and anticipated vehicle ownership of unit occupants, amongst other reasons.

- If the Applicant waits until May 2022 to file the Minor Variance application they will not require Council consent as the 2-year window following the site-specific by-law approval for Buildings 2 and 3 will have passed.

On this basis, Planning staff has no objection with the Applicant filing an application for Minor Variance. However, analysis of the merits of the proposed variance will take place by Planning, Transportation, Engineering and other internal departments upon submission and circulation of the application. Following which, staff will provide a recommendation to the Committee of Adjustment for their consideration prior to making a decision on the application.

**STRATEGIC PLAN ALIGNMENT:**

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

**RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

**PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

**INTERNAL CONSULTATION:**

Planning staff have consulted with the appropriate Town Departments in preparation of this report.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Jeff Markowiak, Director of Development Review

John Linhardt, Commissioner of Planning and Development

Chris Mills, Chief Administrative Officer