

Stratford (City) Zoning By-law 73-91 (Re)

IN THE MATTER OF Section 34(18) of the Planning Act, 1983

AND IN THE MATTER OF an appeal by 586862 Ontario Limited
against Zoning By-law No. 73-91 of the Corporation of the City of Stratford

Ontario Municipal Board Decisions: [1992] O.M.B.D. No. 107
File No. R 910300

Ontario Municipal Board
R.W. Rodman, T. Yao
January 28, 1992

COUNSEL:

R.R. Arblaster, for the City of Stratford.
Wilfrid P. Gregory Q.C., for Tri-County Mennonite Homes.
MEMORANDUM OF ORAL DECISION delivered by T.

YAO AND
ORDER OF THE BOARD:--

Tri-County Mennonite Homes wishes to build a multipurpose seniors residence containing 84 apartments, 59 nursing beds, a chapel, and a seniors day centre. The project requires rezoning from R2, a designation permitting single family, duplex and triplexes and schools but not apartments, to R3 which permits apartments.

The sole appellant is 586862 Ontario Limited, which was represented by its president, Mr. Karl H. Saley. Mr. Saley is an experienced and successful developer who has built 652 units in 41 buildings in Stratford. His company owns 5 sites near the Tri-County site which contain 116 units. He objects on these grounds:

- this is a massive amount of additional R3 which will "make the pot of (existing) R3 overflow, causing a mess",
- the parking demand for the project has been understated
- the massing and design produces a 800' long "dragon" shaped building,
- there are insufficient density controls in the by-law with respect to the remaining undeveloped Tri-County lands.

The Board rejects all of these arguments except the last one.

This project has wide support - in the Greenwood

neighbourhood, at Stratford Council, at the Ministry of Community and Social Services and among other agencies providing seniors care. Only one person who actually lived in the area spoke against the project and his concern was more with speeding and tires squealing, rather than with the effect of the Tri-County project.

If there is substance to Mr. Saley's argument about a tipping point being reached which will render this area incompatible with the "small town" atmosphere that prevails in Stratford, it must be based on tangible effects. The only physical change that could occur, based on the evidence, could be the traffic.

Tri-County's traffic consultant, Bryan Haigh, stated that there is an "A" (i.e. best) rating for all relevant intersections and that this will be unchanged with the Tri-county building and development of all other vacant parcels in the area. In fact the previous R2 zoning would produce 120 homes generating 4 times the traffic the Tri-County building will create and the secondary school 10 times.

With respect to the "dragon" objection, this design respects the fact that this is a transitional site, between conventional looking low-rise apartment buildings and single detached homes. The architect has articulated the roof lines and used pitched roofs in order to achieve the look of a cluster of homes, rather than an institutionalized building. Although the design may not be to Mr. Saley's taste, we think the design responds well to the needs of the occupants who will not need to venture outside to get nursing care.

Finally, we think that Mr. Bryan's judgement in estimating the parking demand should be respected. He thought the parking provided was adequate for the "worst-case scenario" and overly generous in any other case.

Therefore the Board orders that the appeal is allowed in part and By-law 73-91 is amended to limit the density of the lands to 50 dwelling units per hectare and to stipulate that section 9(3)(1)(o) of By-law 79-79 does not apply to these lands. In all other respects the appeal is dismissed.

R.W. RODMAN, Member
T. YAO, Member