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Council Meeting – May 03, 2022

Subject: ZNPL2022013 – An application has been received to change the zoning from Urban Residential Type 1 (R1-B) with a Holding (H) to Urban Residential Type 2 (R2) to permit 6 semi-detached units. BROOK GREEN GROUP INC. on behalf of BROOK GREEN GROUP INC. and agent G. DOUGLAS VALLEE LTD. has put forth the application affecting the lands described as Part Lot 1, Block 17, Plan 19B, Urban Area of Waterford, Norfolk County.

Report Number: CD 22-050
Division: Community Development
Department: Planning
Purpose: For Decision

Recommendation(s):

THAT the zoning amendment application ZNPL2022013 by BROOK GREEN GROUP INC. on behalf of BROOK GREEN GROUP INC. and agent G. DOUGLAS VALLEE LTD. affecting the lands described as Part Lot 1, Block 17, Plan 19B, Urban Area of Waterford, Norfolk County to amend the Zoning By-Law 1-Z-2014 from Urban Residential Type 1 (R1-B) with a Holding (H) to Urban Residential Type 2 (R2) with a Holding (H), BE APPROVED as identified as Attachment C.

Executive Summary:

The application proposed a rezoning to the subject lands from Urban Residential Type 1 zone (R1) with a Holding (H) to Urban Residential Type 2 zone (R2) to permit 6 semi-detached units. A Holding provision is also recommended with this zoning change to ensure an appropriate development agreement is registered and executed to the satisfaction of Norfolk county.

Pursuant to the Planning Act, R.S.O. 1990, C. P. 13, a Public Hearing was held by the Public Hearings Committee on April 5, 2022 to provide information and receive comments about the proposed development. The purpose of this report is to make recommendation in regards to the proposed zoning change.

The subject application is consistent with the Provincial Policy Statement, 2020, and conforms to the intent of the Official Plan.

Site Characteristics:

The subject lands are approximately 0.5 acres (0.2ha) located within the urban settlement area of Waterford at the intersection of Mechanic Street West and Norfolk Street. The subject lands are a part of the total land of 2.56 acres owned by the applicant. The remaining land is on the east side of the subject lands. The surrounding areas are predominantly residential with singles, semis and townhouse dwellings. There are also few commercial uses on the east side of the subject lands.



Figure 1: The subject lands and the surrounding land uses



Figure 2: The subject Lands

Proposal Summary:

The proposal is for six semi-detached units within three blocks. In order to implement the development, a rezoning is required from Urban Residential Type 1-B zone (R1-B) with a Holding (H) to Urban Residential Type 2 zone (R2).

Individual lots will be created by the exemption of Part Lot Control at a later date.

The Holding Provision was imposed in 2001 through Zoning By-Law 21-Z-2011 to complete an Environmental Impact Study and Drainage and Stormwater Management Report. The pre-consultation report dated May 26th, 2021, identified the Stormwater Management Report as a requirement for the whole site. However, considering the absence of any natural heritage features or significant woodlands, Staff did not request an Environmental Impact Study for the subject lands.

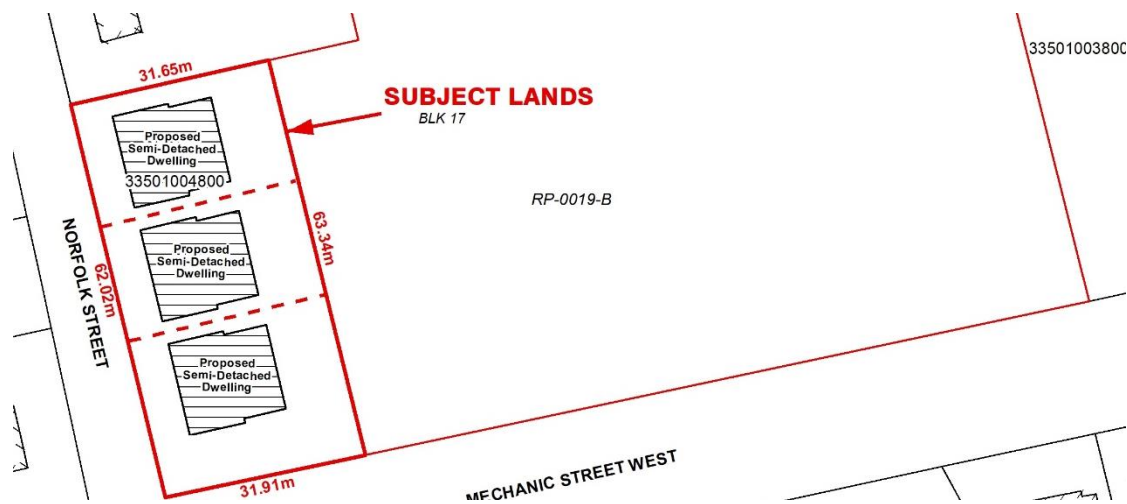


Figure 2: Three semi-detached dwelling comprises with six units

In support of this application, the following reports are submitted by the applicant:

- A Planning Justification Report, by *G. Douglas Vallee Limited*, dated November 15, 2021;
- A Traffic Impact Brief, by *RC Spencer Associates Inc.*, dated October 2021;
- A Functional Servicing Report, by *G. Douglas Vallee Limited*, dated October 21, 2021

Severance Application (BNPL2021371): The applicant has also submitted a severance application to sever the subject lands from the original 2.56 acres of land to facilitate this development. The severance application will be put forward to the Committee of Adjustment upon approval of this zoning amendment. The remaining lands will be subject to a future planning application for a condominium development.

Planning Considerations:

Planning Act: Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development and
- (r) the promotion of built form that is well-designed.

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

The Provincial Policy Statement, 2020 (PPS): The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario.

The PPS policies are intended to be complemented by local policies addressing local interests. The PPS policies that are relevant to this site are related to Settlement Area policies and Housing policies.

A detailed review of the applicable policies is attached in Attachment E (Planning Considerations and Applicable Policies).

In conclusion, it is the staff’s opinion that the proposed application meets the intent of both the Planning Act and the PPS on the basis that it encourages growth and development in the settlement areas and supports appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs.

Official Plan: The subject lands are designated as ‘Urban Residential.’ Official Plan policies relevant to this development include the criteria of residential intensification and land use policies related to ‘Urban Residential’ designation.

A detailed review and compliance of the applicable policies is attached in Attachment E (Planning Considerations and Applicable Policies).

In summary, it is the professional opinion of the staff that the proposed zoning change complies with the Official Plan and meets the intent and purpose of the related policies.

Zoning By-law Considerations:

The subject lands are primarily zoned as Urban Residential Type 1-B zone (R1-B) with a Holding (H). Permitted uses include:

- a. dwelling, single detached
- b. bed & breakfast, subject to Subsection 3.4
- c. home occupation
- d. accessory residential dwelling unit, subject to Subsection 3.2.3.

The Holding provision applies to complete an Environmental Impact Study and Drainage and Stormwater Management Report.

The proposed zoning is Urban Residential Type 2 zone (R2). Permitted uses include:

- a. dwelling, single detached
- b. dwelling, semi-detached
- c. dwelling, duplex
- d. bed & breakfast, subject to Subsection 3.4
- e. day care nursery
- f. home occupation
- g. accessory residential dwelling unit, subject to Subsection 3.2.3.

The proposal complies with all zoning provisions. Therefore no special provision is requested.









There is an existing Holding (H) on the subject lands to be removed upon completion of a satisfactory Environmental Impact Assessment (EIS) and Stormwater Management Report. Considering the absence of any natural heritage features and re-alignment of the LPRCA regulate area, Staff believes an EIS is not required anymore. The Stormwater Management for these 6 units will be reviewed through a development agreement.

Therefore Staff recommends the removal of the existing 'Holding (H)' and impose a new 'Holding (H) provision. The newly created 'Holding' provision will be removed upon successful execution of a development agreement that includes the following requirements:

- A letter from Environmental and Infrastructure Services Division indicating that the water and sanitary sewer connections have been installed to the severed lands AND that payment for any previously installed services have been received;
- a letter from Development Engineering that a drawing was received and reviewed to identify the proposed restoration within the Norfolk Street ROW;
- an entrance permit as per Norfolk County By-law 2016-32;
- Section 65 Report to identify the alterations made to the Drainage areas (if required);

- Water and Wastewater Modelling to the satisfaction of the County.

Development Considerations:

Key Items		Preliminary Review
Park / Trails		There are multiple parks and trails located within the close proximity to the subject lands. These amenities include Waterford Lions Park, Blue Line Mill Parkette and Shadow Lake Trail across Waterford Pond Street. The abutting Waterford Pond is also used as a canoe route. Staff recommend cash-in-lieu of parkland dedication for the proposed development as per Parkland Dedication By-law 2016-126
Parking		The proposed development requires 2 parking spaces as per section 4.9 of the zoning by-law 1-Z-2014. As per the concept plan the proposal meets the parking requirements.
Natural Heritage (EIS)		The proposed townhouse development is not within 120 m of the Provincially Significant Wetlands (PSW). Therefore, an Environmental Study was not requested for the proposed development.
Transportation (TIS)		A Traffic Impact Study (TIS) Report, prepared by RC Spencer Associates Inc is reviewed. Development Engineering do not have any further comments. Planning staff suggests an updated TIS will be required with a comprehensive review of all adjacent infill development for the adjacent future condominium development.
Housing		The proposed low to medium density development will meet the current housing need within the locality. The compatibility of any future condominium development will be further investigated during the future planning applications.
Building Height		The proposed two storey towns will be consistent with the building height of the surrounding residential dwellings.
Roads		The proposed development is fronting Norfolk Street. A re-construction of Norfolk Street Right-of-Way (ROW) will be required to provide sanitary and water services to the proposed development. The Applicant will bear all costs associated with the re-construction. A development agreement is recommended to ensure appropriate standards of the re-construction.
Servicing (W & WW)		The Sanitary and water modelling will be required to the satisfaction of the Development Engineering. This will be a condition of the recommended Holding (H)

		provision. It is expected that the propose development will be serviced municipally. However, according to the County's existing policy, the allocation of services will only be confirmed during the development agreement.
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Technical Analysis / Circulation Comments:

The application was circulated to various internal departments and external agencies for review and comment. All technical comments are identified in attachment F.

The following are key items addressed in the technical coments:

The development of 6 semidetached units will require a significant re-construction of Norfolk Street Right-of-Way (ROW). A detailed review of the restoration drawing will be required with particular focus on all proposed services, location of new entrances, restoration of the existing road base, asphalt, curb and gutter and the grading / drainage of all lands to ensure no changes to Municipal Drainage areas and overall standards of the Public ROW.

Therefore, Engineering Staff proposed a development agreement to be registered on tile for the subject lands with the following conditions:

1. Receipt of a letter from Environmental and Infrastructure Services Division indicating that the water and sanitary sewer connections have been installed to the severed lands AND that payment for any previously installed services have been received.
2. a receipt of a letter from Development Engineering that a drawing was received and reviewed to identify the proposed restoration within the Norfolk Street ROW, paying particular attention to the location of all proposed services, location of new entrances, restoration of the existing road base, asphalt, curb and gutter and the grading / drainage of all lands to ensure no changes to Municipal Drainage areas.
3. As per Norfolk County By-law 2016-32, an entrance permit and installation of entrance will be required for the retained parcel.
4. Norfolk County Drainage Department may require a future Section 65 Report to identify the alterations made to the Drainage areas. Drainage Superintendent, Norfolk County will confirm if this is required.
5. Water and Wastewater Modelling is required for proposals such as the concept that was presented.

Staff recommends a Holding provision to be imposed with the condition of registration and execution of a development agreement that includes the above-mentioned conditions.

Regard for Public Input:

No public input has been received for this application and therefore was not considered as part of this recommendation.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation: The proposed development will facilitate and promote residential intensification with appropriate growth and density.

Conclusion:

In summary, it is staff's professional opinion that the proposed development meets the intent of the Official Plan, and is consistent with the PPS. Staff, therefore, recommends approval of this application as described in the report CD 22-050.

Attachments:

Attachment A Context / Key Map
Attachment B Official Plan Map
Attachment C Zoning Bylaw Amendment
Attachment D Conceptual Plan
Attachment E Planning Considerations and Applicable Policies
Attachment F Technical Comments
Attachment G Planning Justification Report

Approval:

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