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Council Meeting – June 21, 2022

Subject: Zoning By-law Amendment Application - 76 Evergreen Hill Road.
Report Number: CD 22-059
Division: Community Development
Department: Planning
Purpose: For Decision

Recommendation(s):

THAT application ZNPL2021200, affecting the lands described as Part Block F, Plan 37M15, municipally known as 76 Evergreen Hill Road, Simcoe, Norfolk County to amend the Norfolk County Zoning By-Law 1-Z-2014 from Neighbourhood Commercial Zone (CN) with special provision 14.815 to Neighbourhood Commercial Zone (CN) with special provision 14.952 and a holding provision, BE APPROVED with a Holding (H) Provision as shown in Attachment C to Report CD 22-059;

AND THAT all public input received for this application was considered as part of the decision.

Executive Summary:

An application has been received to change the zoning of the subject land from Neighbourhood Commercial (CN) Zone, with special provision to Urban Residential Type 5 (R5) Zone, with special provisions, to permit a 4 storey residential apartment which is proposed to include 15 rental units. A site plan application (SPPL2021201) is also associated with this submission which is under review at this moment.

Pursuant to the Planning Act, R.S.O. 1990, C. P. 13, a Public Hearing was held by the Public Hearings Committee on September 7, 2021 to provide information and receive comments about the proposed development. The purpose of this report is to make recommendation in regards to the proposed development.

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

Discussion:

See Public Hearing Committee report CD 21-83 (<https://www.norfolkcounty.ca/wp-content/uploads/2021/09/CD-21-83-ZNPL2021200-and-SPPL2021201-Info-Report-Final.pdf>) for additional background information on the site, proposal and context.

Site Characteristics:

As shown in the figure below, the property is located in the Simcoe Urban Area, east of Queen Street South and south of Evergreen Hill Road. The subject lands are primarily surrounded by low to medium density residential developments including single-detached, semi-detached, duplex and townhouse developments. The closest commercial uses are within 600 metres to the south along Norfolk Street South. Holy Trinity Catholic High School and the Simcoe Recreation Centre are also within proximity. The rectangular-shaped land has a total area of 0.16 Hectares and a lot frontage of 54 metres along Evergreen Hill Road. Historically this property has been used for residential purposes, although it has recently been vacant for some time.



Figure 01. Surrounding Land-use of the Subject Land

Proposal Summary:

The subject lands are currently zoned as 'Neighbourhood Commercial (CN)' with a special provision (14.815) which allows a 139.4 sq.m. restaurant in a mixed use development. In 2017, the applicant received a Site Plan approval for this property to develop the site with a two-storey mixed-use (commercial and residential) building. The proposal included a 377 square metre of commercial space on ground floor and 4 residential units on second floor.

Original Proposal

The applicant proposes to replace the previously approved mixed-use, 2-storey building with a 4 levels of rental apartment. The proposed building was originally intending to offer 14 rental units on four levels with a mix of units from bachelor to 2 bedrooms. The footprint of the building will remain unchanged from the original proposal previously

approved by the County. In support of the proposed development, the applicant has submitted the following drawings and reports:

- Planning Justification Report prepared by *Landpro Planning Solutions (April, 2021)*
- *An Addendum of the PJR by Landpro Planning Solutions (Feb, 2022) *
- Stormwater Management Report and Additional Storm Sewer Design Information by *MC Engineering (April 2017)*
- Traffic Report by *F.R. Berry & Associates (June 7, 2021)*
- An addendum of the parking assessment by *F.R. Berry & Associates (October 5, 2021)*
- Functional Servicing – Sewage and Water Usage by *MC Engineering (March 2021)*
- *Water & Sanitary Data by Fred Jewett and MC Engineering dated Nov 1, 2021*
- Site Plan, Engineering and Landscape Drawings by *MC Engineering (March 2021)*

The Planning Justification Report dated April 2021, prepared by Land Pro Planning Solutions, stated that the applicant re-considered their development plans for the property and determined that commercial space is no longer viable due to the current COVID situation.

Revised Proposal

The following tables illustrate the changes that have been proposed from the initial concept presented in the Public Hearing on September 7, 202.

Table 1: Comparison between the initial and revised proposal after the Public Hearing

Planning Features	Initial Proposal	Revised Proposal	Required as per R5 Zone
Total Number of Units	14	15	No requirements
Floor Area Ratio (FAR)	0.93	0.86	0.72
Residential Parking spaces	21	17	23 (1.5 space/unit)
Visitor Parking space	0	5	5
Parking Aisle	6 m	7.3 m	7.3 m
Building Height	3.5 storeys	4 storeys	5 storeys

The revised proposal included 5 visitor parking spaces whereas the initial proposal did not provide any visitor parking. The revised proposal included more one bedroom and

bachelor units to reduce the demand for more residential parking spaces. The following table illustrates the changes of type of units:

Table 2: Changes of type of units with an intention to reduce the residential parking space and provide more visitor parking space.

Type of Units	Initial Proposal	Revised Proposal
Bachelor Units	0	1
1 Bedroom Units	3	11
2 Bedroom Units	11	3
Total	14	15

The following are the proposed residential parking ratio:

Table 3: The required and proposed residential parking ratio.

Type of Units	Required parking ratio	Proposed parking ratio	Total Parking
Bachelor Units	1.5 space/unit	1 space/unit	1X1=1
1 Bedroom Units	1.5 space/unit	1 space/unit	11X1=11
2 Bedroom Units	1.5 space/Unit	1.5 space/Unit	3X1.5=4.5
Total			17

A revised site plan has been submitted by *Architectural Design Inc. (October 2021)* with the identified changes. The site plan application is under review at this moment. Details of the revised, proposed development are provided in Attachment D.

Consultation(s) -

Technical Comments / Analysis:

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

The following are key items addressed in the technical comments:

- Water modelling has identified that the water distribution system would provide sufficient pressure and be available for Fire Flow to the proposed building with a metal frame and core slab.
- Wastewater Modelling also indicates that the existing sanitary collection system has adequate conveyance capacity to carry peak design flows from the proposed development to the Wastewater Treatment Plant. All costs to connect with the municipal services will be borne by the Developer.
- Water / wastewater allocation will not be issued as part of the zoning by-law amendment.
- A Holding (H) provision should be added to the lands and remain in place until an agreement has been executed and registered on title.

Regard for Public Input:

Planning Staff received a number of public comments in relation to this proposal along with those raised by the community and Council during the Public Hearings on September 7, 2021. While most appreciate the need to develop this remaining vacant land parcel, there are a number of concerns raised that can be summarized as follows:

1. Lack of safe parking facilities within the neighbourhood;
2. The proposal of zero (0) visitor parking space;
3. Increased traffic
4. Compatibility of rental apartment within the neighbourhood
5. Building Height compatibility

A revised Planning Addendum and updated drawings were provided by the Applicant on February 8, 2022, with a revision of the concept plan to address the issues and concerns raised by the Council and the members of the community. The addendum also noted that a total of 15 units are ultimately proposed to make the project financially viable.

The following is a summary of the primary comments and with a response provided using the context of the revised development proposal:

	Public Comment	Response
1	Building height and type Should be consistent with the surrounding residential developments	The proposed development has a gradual transition from high to medium and then to low density developments. A small 4 levels of apartment dwelling along two collector roads with appropriate setbacks should be acceptable considering no overshadowing will occur. The building materials and character should be compatible which will be further reviewed during the site plan stage.
2	Parking should be sufficient not to over burden surrounding areas	The revised concept plan fulfilled the requirement of visitor parking spaces. The residential Parking spaces are re-configured based on the number of beds per unit and are expected to have an insignificant impact on surrounding public streets.
3	Drainage should not be directed to any neighbouring property	The Storm Water Management report indicates that the storm water will be managed within the property before

		directing to municipal services. The Development Engineering will perform a detailed review of the storm water management report and drawings. Storm water run-off will not be permitted to be directed to any adjacent properties.
4	Residential development is preferable than having a food outlet/convenience store as approved before; however density should be consistent with the neighbourhood.	It is Staff's opinion that the proposed four-storey rental housing along the collector roads has an appropriate gradual transition to the adjacent medium density townhouses and then to the low density single-detached houses. Public school, recreation facilities, parks & open spaces and secondary commercial uses are within walking distance which makes this proposal appropriate for this location.

Planning Considerations:

Planning Act and the Provincial Policy Statement, 2020 (PPS):

it is 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 (OP) policies relevant to this development has been analyzed and the following key issues are identified:

Reflecting the Official Plan-Housing policies, the proposed 15-unit rental apartment will contribute to the County's 15% target for multi-residential developments. It is the Staff's opinion that the proposed development is consistent with the residential intensification policies.

Staff reviewed the high density residential development policies and confirms that the proposed development meets the policy criteria of high density residential development.

It is also Staff's opinion that the proposed development satisfies OP policies related to provision for increased height and density by providing 15 rental housing units which will contribute to the county's much needed rental housing supply.

A detailed review and compliance of the applicable policies is attached in Attachment C (Planning Consideration Review).

In summary, it is the professional opinion of the staff that the proposed zoning change conforms to the Official Plan.

Zoning By-law Amendment:

Existing Zoning: Neighbourhood Commercial (CN) Zone.

Existing Special Provision 14.815: Currently, there is a special provision in place that allows a florist shop and a restaurant in addition to what is permitted in a CN zone.

Proposed Zoning: Urban Residential Type 5 (R5) Zone.

Uses permitted in the “Urban Residential Type 5 (R5) Zone” as outlined in the Zoning By-law 1-Z-2014, include apartment dwellings.

Although the current zoning allows a mixed use development, the proposed development intends to eliminate the commercial component of the permitted uses due with a fact that the market has changed during the COVID-19 era, and a commercial use is no more financially feasible for the development. It is the Planning Staff’s opinion that neighborhood scale commercial uses are gradually decreasing County-wide which plays an important role catering various services at local level. While the proposal of 15 rental units would provide an important contribution to County’s rental housing supply, Staff also believes that any future provision for a commercial use at ground floor level should be kept available. Staff, therefore, recommends that commercial uses are also permitted in the R5 zone through a special provision.

In addition to the permitted use in R5 zone, Staff recommends the following uses are permitted at grade on the subject lands:

- Clinic or Doctors’ Offices, Pharmacy, Convenience Store, Laundromat, Personal Service Shop, Office, and Restaurant.

In addition to permitted uses the following site specific zoning provisions are proposed:

- Evergreen Hill Road shall be considered as front lot line;
- Parking spaces can be located within zero meter setback from any dwelling on the lot or of any interior lot line abutting another residential Zone;
- Parking provisions:

Residential:

- Bachelor: 1 space/ dwelling unit
- 1 bedroom: 1 space/ dwelling unit
- 2 Bedroom: 1.5 space/ dwelling unit

Commercial:

- 1 parking space for every 50 square metres.

The above mentioned site specific special provisions will replace the current special provision 14.815.

The proposed Zoning By-Law amendment includes a reduction of residential parking spaces which will result an overall parking ratio of 1.13 spaces/dwelling unit. Planning Staff examined various parking rates in other neighboring municipalities which are illustrated in the following table:

Municipalities	Residential Parking Ratio of Apartment Dwellings
Haldimand County	1.25 per unit
Brant County	1 Space for 1 bed unit 1.25 for 2 bed unit
Guelph	1.25 per unit
Hamilton	1.25 per unit
Waterloo	1.1 – 1.25 per unit

While two-bedroom units are still proposed with a parking ratio of 1.5 parking spaces/unit, smaller units such as one bedroom and bachelor units in a rental housing environment are common to have one parking space with additional bike-parking facilities. The zoning amendment will still permit commercial uses such as clinic or doctors' offices, pharmacy, convenience store, laundromat, offices and restaurant at ground level with a parking ratio of 1 parking space for every 50 sq.m.

A Holding (H) provision is also recommended until the site plan agreement is executed and registered on title. The recommended Zoning By-Law Amendment can be found in Attachment C.

Financial Services Comments:

Revenue collected through planning application fees are accounted for in the approved operating budget. Development Charges would apply to this development and would be collectable entirely at the time of building permit issuance, based on the rates in effect at that time. While previous development approval had been given, no building permit was issued, and therefore no Development Charges revenue was collected previously, so no redevelopment credits would be factored into the calculation.

While it is expected that this development will drive an increased assessment value, and therefore additional taxation revenue for the County, the specific amount is not

known at this time as it is dependent on the value assessed by MPAC. Additional assessment will offset enhanced services and future infrastructure replacement that will be required.

Interdepartmental Implications:

None identified.

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 conclusion, the proposed Zoning By-law Amendment incorporated commercial uses at grade as a provision and addressed the previous visitor parking deficiency according to what is required by the Zoning By-law 1-Z-2014. Through the policy analysis, it is identified that the Official Plan allows density and height increase to the level that does not significantly impact the surrounding areas and offers specific uses that the County has strategic interests such as rental housing units.

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 22-059.

Attachments:

Attachment A- Technical Comments
Attachment B-Public Comments
Attachment C Planning Considerations Review
Attachment D-Conceptual and Updated Site Plan
Attachment E-Recommended Zoning By-law Amendment

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