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Council Meeting – June 21, 2022

Subject: Zoning Amendment - 161 Wellington Avenue, Delhi.
Report Number: CD-22-060
Division: Community Development
Department: Planning
Purpose: For Decision

Recommendation(s):

THAT application ZNPL2022024, affecting the lands described as 161 Wellington Avenue, Delhi, Norfolk County, to amend the Zoning By-Law 1-Z-2014 from “Central Business District” Zone (CBD) to “Central Business District” Zone (CBD) with a special provision, BE APPROVED, as shown in Attachment D to Report CD-22-060;

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

Executive Summary:

A new, three (3) storey, eighteen (18) dwelling unit apartment building is proposed within the Delhi Central Business District. The development applications were presented and heard at the May 3, 2022 Public Hearings Committee. The zoning by-law amendment to allow residential to occupy the entire first floor of a building instead of commercial or non-residential uses was deemed to conform to the Official Plan and thus the original application to amend the plan was no longer required. The purpose of this report is to make a recommendation in regards to the proposed zoning amendment.

Discussion -

See Public Hearing Committee report CD-22-039 <https://www.norfolkcounty.ca/wp-content/uploads/2022/04/CD-22-039-Public-Hearing-Committee-May-03-2022.pdf> for additional background information on the site, proposal and context.

Site Context:

As shown in the figure below, the subject lands are located on the north side of Wellington Avenue, east of Main Street of Delhi. The area of the subject lands is approximately 1,643 square metres, with approximately 32.67 metres of frontage on Wellington Avenue. As noted by the applicant’s planning justification report, the subject

lands have been undeveloped since the 1990s and are surrounded by a mix of commercial and residential uses. The surrounding development, including single-detached dwellings range between one to two and half storeys in height. The County recently sold this parcel of land.



Proposal Summary:

The applicant originally submitted a proposal to amend the Norfolk County Official Plan from “Downtown Designation” to “Downtown Designation” with a special policy area to permit a building of residential character with no commercial development on the ground floor and to amend Zoning By-law 1-Z-2014 from “Central Business District” to “Central Business District” including a special provision to permit dwelling units to occupy the entire useable floor area of the first floor to facilitate the construction of a three (3) storey, eighteen (18) dwelling unit apartment. Four units on the ground floor are proposed to be barrier free.

The applicant is proposing to construct a purpose built rental apartment with 16 parking spaces, inclusive of two accessible spaces on the site, on full municipal water and sanitary services. There are no natural heritage features located on the subject lands.

In support of the current application, the applicant has submitted the following:

- Survey;
- Conceptual Site Plan, Floor Plans and Building Elevations;
- Servicing Report;
- Geotechnical Report and Grading Plan;
- Planning Justification;
- Phase 1: Environmental Site Assessment;
- Shadow Analysis; and
- Traffic Brief.

Upon further review, the Official Plan Amendment was deemed not necessary for the proposal and subsequently withdrawn.

Consultation(s):

Technical Comments / Analysis:

The application has been circulated to various internal departments and external agencies for review and comments. Social Services & Housing notes that purpose built rentals within the downtown area of Delhi is helpful in addressing the community's need for rental housing and supports the inclusion of barrier free units. They are open to meet with the applicant to discuss possibilities to include affordable units within the development, including rent supplements and/or housing allowances.

The property is within proximity to a surrounding known or identified archaeological site and also is flagged for confirmation that the environmental nature of the site is appropriate for residential use. As such, an Archaeological Assessment and a Record of Site Condition are recommended to be completed prior to any zoning taking effect via a holding provision.

Additional technical design comments provided by commenting agencies (Attachment A) can be addressed through the site plan control process. Development Engineering has noted that full comments will be provided during the site plan control process, however noted that further design development is required regarding the functional servicing for the site including the water and wastewater modelling, servicing allocation, storm water management and drainage design that satisfy the Norfolk County Design Criteria.

Regard for Public Input and Statutory Public Hearing Committee Meeting:

The following is a summary of all of the public input received to-date, including the public submissions received at the Public Meeting held May 3, 2022. All original public comments are included as an attachment (Attachment B – Public Comments).

	Key Issues Identified	Staff Comments
1	Drainage of the site and area	Development Engineering has recently became aware that some neighbouring properties may be discharging storm water on to the subject lands. All external flows will be considered through future design work during the site plan process where staff will ensure that the Norfolk County Design Criteria is satisfied.
2	Parking	The subject lands are within the CBD Zone, where there are no parking requirements. As such, a development under the current zoning that could contain commercial businesses and residential units (including more development than what is proposed) would not have to provide any on-site spaces. With the amendment, there is an opportunity to ensure that at least some spaces are provided on-site via the site plan which is recommended. Staff are of the opinion that the applicants are providing a balanced number of parking spaces for the proposed 18 unit apartment as 16 spaces, including two accessible spaces, can be accommodated in the parking area. Additional spaces would impact the units, logistics of the building and project feasibility. The addition of new rental units in a downtown walkable environment is of prevalence and the proposed rate on the site concept plan is close to 1 space per unit.
3	Access to Sunlight and increased shadowing, particularly in winter months	Shadow analysis was submitted as part of the application and calculated the shadow length for the proposed building at four intervals of the year which included the spring equinox (March 20), the summer solstice (June 21), autumn equinox (September 23) and winter solstice (December 22). The conclusion of the analysis completed by J.H. Cohoon Engineering Limited states that there will only be a limited and short-term impact to the dwellings on Wellington Avenue to the west of the subject lands during the winter months, anticipated to be between two to

	Key Issues Identified	Staff Comments
		four hours. While there are no design guidelines in place, this is less than typically expected.
4	Reduction in the ability to enjoy a property	Through the site plan process, Planning staff will work with the applicant to ensure appropriate buffering and fencing is placed around the site to minimize the potential impacts to surrounding properties. The location of garbage, amenity space and balconies will take into consideration the surrounding context of the existing built form.
5	Construction may be detrimental to the health and welfare of the neighbourhood	Planning staff note that the construction of the site will be required to follow normal practices that mitigate against noise, dust and vibration to the surrounding neighbours.
6	Reduced property values	Often new developments increase the property values of surrounding neighbourhood as they are a sign of investment into the area.
7	Confirmation of the existing vacancy rate of commercial units in downtown Delhi	<p>The Delhi BIA does not keep a record of the vacancies within the downtown core as it is constantly changing, however noted that most properties along Main Street are occupied with two vacancies along King Street.</p> <p>The subject lands are located in the south end of the downtown designation, adjacent to the lands designated Mixed Residential/Commercial and Urban Residential. Wellington Avenue is primarily a residential street where a three storey apartment building is considered to be an appropriate use for a vacant lot.</p>

Planning Considerations:

A summary of planning considerations, including applicable provincial policy, Official Plan policy, and zoning provisions, is summarized below and a full analysis is contained in Attachment C.

Planning Act and Provincial Policy Statement

It is the opinion of planning staff that the proposed application meets the intent of both the *Planning Act* and the PPS.

Official Plan

The subject lands are located within the Downtown Designation of the Official Plan in the Delhi, which is recognized as the third largest urban area in the County. Section 7.8 notes that the Downtown Designation is expected to accommodate the largest and most diverse concentration of uses, including retail, office, residential and community activities. Compact development supporting the pedestrian scale are encouraged.

The applicants originally submitted an Official Plan Amendment to permit the residential uses within the entire ground floor, however, upon further review, it is staff's professional opinion that an Official Plan amendment is not required to facilitate the development. Official Plan policy 7.8.1 b) i) specifies that buildings of commercial character shall only permit residential uses above the ground floor and within the rear of the first floor provided the frontage is occupied by commercial. Additionally, policy 7.8.1 b) ii) notes that an existing building of residential character or uses is permitted provided the character of the building is maintained. Given the site has been vacant for a number of years there is no existing building with commercial or residential character to apply policies 7.8.1 b) i) and ii).

The proposal achieves a number of Norfolk County objectives regarding the development of housing in Urban Areas. It will contribute to Norfolk County's target of achieving 15% of all new housing be multi-residential that 25% of annual residential growth be accommodate through infill, intensification or redevelopment within existing urban areas.

In summary, it is the professional opinion of staff that the proposed development meets the overall intent and purpose of the Official Plan. The applicants have withdrawn the Official Plan Amendment application.

Zoning By-law

The subject lands are located within the "Central Business District (CBD) Zone". Permitted uses include, but are not limited to, an ambulance service, antique shop, automobile service and repair station, boutique, apartment, florist shop, hotel and hardware store. An apartment is permitted subject to subsection 6.1.4, which requires that a minimum of 50 percent of the useable floor area on the first storey and frontages are dedicated to retail, office or service commercial.

There are no parking requirements in the CBD zone. The applicants are proposing to include 16 spaces, including two barrier free spaces, to service the 18 units.

A Zoning By-law amendment is necessary to permit the entire first floor to be used for residential purposes. The proposal is to amend the zoning to permit residential uses up to 100 percent of the useable floor area of the ground floor.

A Holding (H) provision is recommended to ensure that environmental concerns are addressed, an archeological review is completed, water and wastewater capacity is available and allocated, as well as the approval of a site plan and registration of a site plan agreement are complete. The site plan application will review details such as landscaping, parking layout, garage location, buffering and approval of the final building elevations.

In summary, it is the professional opinion of staff that the proposed zoning by-law amendment meets the overall intent of the Zoning By-law.

This proposal is achieving the intent of the Development Charge By-law incentive to facilitate new residential development within the downtown.

Financial Services Comments:

This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessment of the property by the Municipal Property Assessment Corporation (MPAC). The property is currently assessed in the commercial vacant tax class. Additional assessment will offset enhanced services and future infrastructure replacement that will be required.

The proposed development is anticipated to be assessed in the multi-residential tax class. According to the current Development Charges By-law property located within the central business district is exempt from development charges. Based on the current development plan of 18 1-bedroom units, the total development charge exemption that taxpayers and current water and wastewater customers absorb, at current rates, is \$147,222 (\$100,206 rate, \$47,016 levy – based on 2022 rates). This amount would be expensed entirely at the time of building permit issuance. However, it should be noted that it is quite likely that there will not be sufficient funds in the operating budgets for levy and rate impacts.

Strategic Plan Linkage:

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

Explanation: Explanation: The application proposed to develop an underutilized site in downtown Delhi to provide 18 rental dwelling units. The additional units will support the vibrant character of Delhi and support the existing community and provide an alternative housing option.

Conclusion:

In conclusion, it is planning staff's opinion that the proposed infill development is consistent with the Provincial Policy Statement and conforms to the Official Plan. As noted above, an Official Plan amendment is not required to facilitate the development of

an 18 unit purpose built rental building on lot that has been vacant for a number of years in the Downtown Designation.

Staff recommend that the Zoning By-law Amendment to permit 100 percent of the ground floor useable floor area to be occupied by residential uses, with a holding provision, be approved as contained in Attachment D for the reasons set out in this report. The recommended wording provides flexibility if commercial uses are considered for the site in the future.

Attachment(s):

Attachment A -	Technical Comments
Attachment B -	Public Comments
Attachment C -	Planning Consideration Review
Attachment D -	Recommended Zoning By-law Amendment

Approval:

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