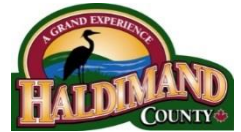


---

# HALDIMAND COUNTY

## Report PDD-21-2019 Zoning By-law Amendment to Permit Commercial Uses - Baird



For Consideration by Council in Committee on June 18, 2019

---

### OBJECTIVE:

To rezone the subject lands from Urban Residential Type 2 to General Commercial to increase potential for development opportunities.

### RECOMMENDATIONS:

1. THAT Report PDD-21-2019 Zoning By-law Amendment to Permit Commercial Uses - Baird be received;
2. AND THAT application PLZ-HA-2019-032 to amend the Town of Haldimand Zoning By-law 1-H 86 to change the zoning of the subject property from 'Urban Residential Type 2' (R2) to 'General Commercial' (CG) be approved for reasons outlined in Report PDD-21-2019;
3. AND THAT the Zoning By-law Amendment attached to Report PDD-21-2019 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
4. AND THAT the Removal of Holding Provision By-law attached to Report PDD-21-2019 be presented for enactment and the General Manager of Community & Development Services be granted the authority to remove the holding provision when the conditions relating to the matter are satisfactorily addressed and after public notification to neighbouring properties is provided outlining the proposed commercial site plan;
5. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2014, Provincial Growth Plan 2019 or other matters of provincial interest.

**Prepared by:** Benjamin Kissner, Planner

**Reviewed by:** Mike Evers, MCIP, RPP, BES, Director of Planning and Development

**Respectfully submitted:** Craig Manley, MCIP, RPP, General Manager of Community & Development Services

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The subject proposal affects lands that are located in urban Cayuga at 21 Talbot Street East, at the intersection of Talbot Street and Thorburn Street. The proposal that has been reviewed by Planning staff is to amend the Town of Haldimand Zoning By-law 1 H-86 with respect to the subject property, such that the zoning will be changed from 'Urban Residential Type 2' (R2) to 'General Commercial' (CG) to permit a greater extent of permitted uses for the site. At this point in time, there are no definite plans with regard to the precise use or any scale of redevelopment that may occur on the site. This zoning by-law amendment is being brought forward to prepare the site for future development opportunities and once a proposal takes shape, any development at the site would be regulated by site

plan control to ensure there is appropriate design and mitigation of any off site impacts. The proposal aligns with Provincial Policy and the County Official Plan, and as such, is supported.

## **BACKGROUND:**

The applicants propose to rezone the property to 'General Commercial' (CG), from the current zoning which is 'Urban Residential Type 2' (R2). The lands are shown in Attachments 1 and 2, and a broader perspective showing the neighbouring properties is shown in Attachment 5. This will result in a broader range of uses, that are envisioned to take place on the lands via the Community Commercial designation that is in place. There is a portion of the site that is subject to the Riverine Hazard Lands designation, however the Grand River Conservation Authority has not raised concerns through their review of this application. No buildings are proposed to be constructed at this point in time and there are no plans for a particular use at the site. Rather, the owners wish to establish a broader suite of permitted uses to make the lands more attractive and to increase opportunities for future development. In essence, the owners are 'pre-zoning' the lands for development as opposed to reacting to a specific development proposal/interest.

The subject lands have an area of approximately 0.16 hectares (0.4 acres), and front onto Talbot Street East, at the intersection of Talbot Street and Thorburn Street in the urban area of Cayuga. The lands contain an existing dwelling, and detached garage and both of these structures are used for residential purposes. These structures are proposed to remain until such time as they are no longer of use, and are recognized through a site specific provision to permit the residential use until such time as a commercial use is located at the site.

On the property directly to the north of the subject lands there is an established commercial use, in the form of a plaza including a pharmacy, bank and grocery store. To the west of the subject lands there is a County owned emergency services building and to the east and south of the subject lands are residential properties.

## **ANALYSIS:**

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides direction for municipalities to establish and support opportunities for economic development, through providing an appropriate mix and range of employment and institutional uses as well as a diversified economic base. This proposal represents an opportunity to broaden the permitted uses that are allowed for the subject lands by permitting a broad range of both commercial and institutional uses.

Further, the PPS directs that municipalities shall intensify development in places where sufficient infrastructure already exists such that expansions of road networks, or water and wastewater services are not necessary. In this instance, the subject lands have frontage to a municipal road, and there are water and wastewater services already installed across the frontage of the property. Providing a broader range of development options for the lands, gives greater opportunity to utilize this infrastructure efficiently.

Finally, the PPS directs that municipalities will ensure that new development is compatible with the existing land uses on neighbouring properties. The properties to the north of the subject lands are zoned to permit the same suite of uses as what is proposed for the subject lands. Further, the application of site plan control to the property (for all development that could take place at the site) gives opportunity to regulate various aspects of design and compatibility, including grading/drainage, landscaping, etc.

## **Growth Plan**

The Growth Plan for the Greater Golden Horseshoe provides similar planning direction, in that economic growth be supported by directing growth to existing areas dedicated for this type of use. This land has been designated 'Community Commercial' within the Haldimand County Official Plan, and lengthening the list of permitted uses ensures that there is opportunity for a wide variety of uses to become established on the subject lands.

## **Haldimand County Official Plan**

### **Policy Overview**

The subject property is predominantly designated 'Community Commercial', with a portion of the site being designated 'Riverine Hazard Land' within the Haldimand County Official Plan. The Official Plan (OP) designation provided the intent that the property will over time redevelop from a residential use to a commercial use. The Community Commercial designation permits a full range of commercial uses such as: retail and service commercial facilities, business, personal and professional offices, recreation and entertainment facilities, communication and transportation services, hotels, restaurants, private clubs, government offices, community and cultural facilities and public and private institutions. This proposal has been circulated to the Grand River Conservation Authority for review, and no concerns were raised with respect to natural hazards relating to the designation.

At present, the zoning on the site is 'Urban Residential Type 2' (R2) which was placed on the property to recognize the existing residential use. By changing the zoning to General Commercial, it serves to accomplish a number of things:

- It brings the zoning into conformity with the Official Plan (and by extension, with both Provincial policy plans);
- It establishes a principle of land use that will help facilitate the goals and objectives of the Official Plan for this area (i.e. a wide range of commercial development); and
- It sets out an appropriate range of uses to better facilitate development and which can benefit from existing municipal investments in infrastructure (water and sanitary). Thus, it serves to address the OP policy relative to utilizing designated serviced lands in an efficient manner.

### **Land Use Compatibility**

The land uses that surround the subject property are varied in nature. There are residential uses, institutional uses and commercial uses within the vicinity of the subject property. A more detailed description is provided below, and the description is illustrated by Attachment 5, which depicts the larger neighbourhood to provide a broader context.

The properties abutting the subject lands on the north, east and west are designated 'Community Commercial' as well. The property to the north has been developed as a pharmacy, bank and grocery store, the lands to the west contain a County Emergency Services building while the lands to the south and east are used for residential purposes. Staff are confident that broadening the range of permitted uses on the subject property will not introduce a land-use conflict, but rather will serve to create a consistent range of land use permissions across the area. Given the topography and constraints on the lands to the east and that the commercial designation on the subject property ends at the southerly lot line, it is anticipated that only this property has the capacity to be developed for commercial purposes.

The lands to the south of the subject property are designated 'Residential' and developed as such. The lands adjacent to those subject to this application have little buffering at this time, however once a formal development proposal is received, staff will have an opportunity to ensure that appropriate separation of the uses is established and buffering methods such as landscape/fence screening are employed where appropriate. This would be implemented through the site plan control process which is described in more detail below.

## **Water and Wastewater Servicing**

The subject property exists within the urban boundary for Cayuga, and as such, benefits from the provision of municipal water and wastewater servicing. Servicing allocation is determined relative to a specific project and will be assessed once a development is brought forward to staff for review.

## **Site Plan Control**

Site Plan Control is applied to a variety of zones throughout Haldimand County to regulate development. The 'General Commercial' zone is one of these zones, and as such once development is proposed for the site, staff will carry out this technical review.

As noted above, Site Plan Control is the process through which staff review the site specific, technical details relative to a particular project. Through this review staff analyze aspects of a development such as stormwater management, ingress/egress, parking layout, site lighting and buffering between land uses. This review is tailored to suit each project, and as the proponent has not provided staff with a proposed building and use at this time, a thorough site plan review has not been initiated.

## **Zoning By-law**

The zoning on the subject property is currently 'Urban Residential Type 2' (R2), and the proponent is seeking to convert it to 'General Commercial' (CG). This will broaden the range of permitted uses to better suit the policy direction provided in the Official Plan.

At present, the 'Urban Residential Type 2' zone supports establishing a single family or two family dwelling house, which does not represent what is envisioned for the site according to the Community Commercial designation. By replacing the 'R2' zone with 'CG', the range of permitted uses will not only become more extensive, but also better align with the direction provided under the Haldimand County Official Plan, and the applicable levels of Provincial Policy.

It is important to note that the properties to the north are also zoned 'General Commercial (CG)', and lands in the vicinity are zoned 'Community Institutional' and 'Urban Residential Type 2'. It is staff's opinion that the changes proposed for the subject lands will not negatively impact the land uses that are permitted for these neighbouring lots.

The proponents are not seeking relief for any other zoning provisions relating to lot area, frontage, or yard setbacks. The subject property is large enough to satisfy the requirements of the current zone, as well as the zone that would apply should this application be approved. Staff have examined properties in the surrounding area that contain commercial uses, and the subject lands have dimensions that compare very closely to other properties with existing commercial uses. These other properties contain uses such as food establishments, a gas station and institutional uses. The subject property represents a standard lot in the context of the community, in terms of the overall area and dimensions, and for this reason staff are satisfied that potential uses for the site are not likely to be hampered by the size of the subject lands.

The lands contain an existing dwelling, and detached garage and both of these structures are used for residential purposes. These structures are proposed to remain until such time as they are no longer of use, and are proposed to be recognized through a site specific provision to permit the residential use until such time as a commercial use is located in the building. At this time, any residential use occurring on the site must comply to the zoning standard of the CG zone (up to 4 dwelling units may be permitted in the commercial building above the ground floor).

Additionally, to ensure that matters are addressed prior to development, staff are recommending that a Holding provision be placed on the property that will require the developer to address the following prior to construction: notification of details of the commercial development are provided to neighbours,

approval of a site plan and confirmation of servicing allocation. While notification to neighbours typically does not occur with site plans, it is being recommended by staff in this situation given the lack of details for a design concept (with this zoning application), the uncertain timeframe for development, potential for ownership changes and the need to ensure compatibility of development. This approach will allow for consideration of any specific site compatibility matters/concerns, but does not allow for an appeal or any veto authority. A draft by-law describing these amendments is included as Attachment 3 to this report, and staff have proposed that the General Manager of Community & Development Services receive authority to remove the Holding at such time as the requirements are met. This by-law is presented as Attachment 4.

## **Conclusion**

Planning staff recommends that the Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the Provincial Policy Statement, 2014, conforms to the Provincial Growth Plan, 2019 and maintains the intent and purpose of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1-H 86 with respect to the additional uses.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Emergency Services** – No objections.

**Planning and Development (Development and Design Technologist)** – Future development may require widening or traffic improvements.

**Building & Municipal Enforcement Services** – No objections.

**Hydro One** – No comments.

**Ministry of Municipal Affairs/Ministry of Housing Ontario** – No comments.

**Six Nations** – No comments received.

**Mississaugas of the Credit First Nation** – No comments received.

**Road Operations** – No objections.

**Haldimand-Norfolk Health Unit** – No objections.

**MPAC** – No objections.

### **Applicant led Public Engagement Summary:**

In order to satisfy the requirement for applicant led public engagement, the property owner contacted the neighbouring lots that are located immediately adjacent next to the subject lands, including residential property owners. After contacting the 4 property owners and explaining the intent of the amendment, the applicant has indicated that no concerns were raised.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

**ATTACHMENTS:**

1. Location Map.
2. Owners Sketch.
3. Zoning By-law Amendment.
4. Removal of Holding By-law.
5. Surrounding Area Map.