
HALDIMAND COUNTY

Report PDD-26-2019 Official Plan and Zoning By-law Amendment to Facilitate Infill Residential Development - DeHaan



For Consideration by Council in Committee on August 27, 2019

OBJECTIVE:

To present the subject proposal to establish permissions for a three storey, thirty unit (condominium) apartment dwelling house through an official plan and zoning by-law amendment along with a recommendation from Planning staff in order to assist Council in making a decision.

RECOMMENDATIONS:

1. THAT Report PDD-26-2019 Official Plan and Zoning By-law Amendment to Facilitate Infill Residential Development – DeHaan be received;
2. AND THAT application PLOP-HA-2019-052 to amend the Haldimand County Official Plan by re-designating the subject lands from ‘Community Commercial’ to ‘Residential’ be approved for reasons outlined in Report PDD-26-2019;
3. AND THAT the by-law attached to Report PDD-26-2019 to adopt the official plan amendment to the Haldimand County Official Plan be presented for enactment;
4. AND THAT application PLZ-HA-2019-053 to amend the Town of Dunnville Zoning By-law 1-DU 80 by rezoning the subject lands from ‘General commercial (CG)’ Zone to ‘Urban Residential Type 5 - Holding (R5-H)’ Zone and removing special provision 37.238 and adding special provision 37.581 be approved for the reasons outline in Report PDD-26-2019;
5. AND THAT the zoning by-law amendment attached to Report PDD-26-2019 to amend the Town of Dunnville Zoning By-law 1-DU 80 be presented for enactment;
6. AND THAT the holding provision by-law attached to Report PDD-26-2019 be presented for enactment and the General Manager of Community & Development Services be granted authority to remove the holding provision when all conditions relating to the matter are satisfactorily addressed;
7. AND THAT the applications are considered to be consistent with the Provincial Policy Statement (2014), Provincial Growth Plan (2019) and other matters of Provincial Interest.

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Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

DeHaan Homes Inc. is proposing to construct a three storey, thirty unit condominium building at 205 South Cayuga Street East, Dunnville. The property is located in an area that has been transitioning from industrial and commercial to residential. To facilitate the development, the proponent has

submitted a combined Official Plan and Zoning By-law amendment application to permit the condominium building and specific zoning provisions that align with the proposed building location which are in keeping with standards applied to other recent developments. All required parking is being provided onsite. Council held a public meeting on May 28, 2019 and no significant concerns were raised. Staff have reviewed the proposal against local and provincial policy and are recommending approval.

BACKGROUND:

Applications to amend the Haldimand County Official Plan and Town of Dunnville Zoning By-law 1-DU 80 have been received by Upper Canada Consultants (UCC) on behalf of DeHaan Homes Inc. (Arie DeHaan) to facilitate the construction of a three storey, thirty unit apartment dwelling house at 205 South Cayuga Street East, Dunnville (Attachments 1, 2, 3, 4, 5, and 6).

The dwelling units are proposed to have individual patios/gardenettes (ground floor units) or balconies (second and third floor units). The site (Attachment 2) will also feature two vehicle entrances (one on the west side of the apartment dwelling house and one on the east side), 42 owner parking spaces located along the north property line and east side of the building, 3 owner barrier free parking spaces located on the east side of the building, and 3 visitor parking spaces located on the east side of the building (48 parking spaces total). The site will also feature space for a garbage area in the northwest corner of the subject lands and amenity outdoor space in the southeast corner that will also accommodate snow storage in the winter.

Location, Description, and Surrounding Uses

The subject lands front onto the north side of South Cayuga Street East in the built-up area of Dunnville and are municipally known as 205 South Cayuga Street East, Dunnville (Attachment 1). The subject lands are currently vacant but in the past have contained a number of rail and commercial/industrial uses, with the most recent being a feed mill and garden center. The subject lands are 0.545 hectares (1.35 acres) in size.

The subject lands are located on the fringe of the designated 'Community Commercial' (downtown core) area in what is best characterized as an emerging mixed density residential neighbourhood. The subject lands abut the Wabasso condominium development to the north, the two Wabasso apartment buildings (3 storey, 6 units each) to the west, and are immediately surrounded by semi-detached dwellings and vacant lands to the east, and residential and commercial developments to the south. More generally, the downtown core is located south of the subject lands and residential development surrounds the subject lands from the north, east and west. The rail trail is located to the west of the subject lands beginning on Cedar Street. Some public open space and park area are located closer to the water at 206 Cedar Street (Dunnville Cenotaph) – 3 blocks away, 202 – 300 Main Street West (Dunnville Wingfield Park) – 5 blocks away, and 218 Main Street East (Dunnville Market/Waterfront Park) – 5 blocks away.

Previous Applications

Prior to 2003, the subject lands were designated (envisioned to be) 'Residential'. However, in early 2003, Council passed By-law 117-HC/03 at the request of HBK Holdings & WMN Holdings to amend the Former Town of Dunnville Official Plan from 'Residential' to 'Commercial' to recognize the existing use of the property for the retail sale of pet products, garden products, agricultural products and processing and warehousing of feed and to allow for the future expansion of the operation. The 'Commercial' designation applied to the subject lands was carried forward in the Haldimand County Official Plan as the 'Community Commercial' designation when it was created and passed, largely in recognition of the existing operation at that site.

At the same time, the subject lands were zoned 'General Industrial (MG)' Zone as a result of historical land uses. Council passed By-law 118-HC/03 at the request of the former property owners to amend the Town of Dunnville Zoning By-law 1-DU 80 to permit the existing operation and to allow for an expansion. The subject lands were rezoned from the 'MG' Zone to a site specific 'General Commercial (CG)' Zone to limit/scope the uses.

Current Applications

The subject lands were recently purchased by the proponent (Dehaan Homes Inc.). The proponent is proposing to construct an apartment dwelling house onsite which necessitates the subject planning applications.

To facilitate the development, the proponent is proposing to re-designate the subject lands from 'Community Commercial' to 'Residential' to permit purely residential development onsite to complete the residential block. The Haldimand County Official Plan permits apartment and townhouse units in the 'Community Commercial' designation provided they are incorporated into a commercial building and/or there is a (principal) commercial building and use located onsite. The absence of commercial space as part of this development is what necessitates the amendment to the Official Plan. The requested official plan amendment will be discussed and evaluated in Section 3.0.

The proponent is also proposing to rezone the subject lands from a site specific 'General Commercial (CG)' Zone to a site specific 'Urban Residential Type 5 (R5)' Zone to permit the apartment dwelling house and to permit customized zone provisions for the front yard setback, maximum floor area ratio, and location of the parking lot area relative to the apartment dwelling house and lot lines. The requested zoning by-law amendment and special provisions will be discussed and evaluated in Section 4.0.

To advise CIC of the details relating to the subject applications and to permit early public engagement and consultation in the planning process, planning staff presented Report PDD-17-2019 at the May 28, 2019 Council in Committee (CIC) meeting. No public comments were received prior to or at that CIC meeting. Subsequent comments have been received which will be discussed in the Stakeholder Impacts section below. The purpose of the subject report is to evaluate the proposal and to provide a staff recommendation in order to assist Council in making a decision.

Future Applications

If these applications are approved, the development will be subject to site plan control to ensure certain design aspects such as site layout, access, parking, grading/drainage, water and wastewater servicing, stormwater management, lighting, external works, etc. are reviewed in greater detail by staff and agencies. The following items will be required as part of the site plan process: execution of a development agreement which legally binds the proponent to certain conditions and financial obligations, securities for one hundred percent of the cost of the works to be completed within the County's right of way and landscaping, and a certificate of insurance. Site plans are reviewed by staff and agencies and approved by the General Manager of Community & Development Services. Planning staff recommends that a holding provision be affixed to the zoning to ensure that a building permit is not issued until site plan approval is granted.

Also, the tenure is intended to be condominium ownership, which is a form of property ownership involving multiple units in which there is separate and distinct ownership of individual units and joint ownership of common areas. Given the intended tenure, the project will need to proceed through the exemption from draft plan of condominium approval process. The exemption application/process recognizes that the proposed development has recently undergone technical *Planning Act* approvals (which per above will be in the form of site plan control) such that no further review, conditions, or securities are required and that sufficient safeguards are in place due to the execution of a development (site plan) agreement. Approval of the exemption application will allow registration of the condominium to take place such that units can be sold separately. This process will commence once the site plan is

approved and the building is under construction. The General Manager of Community & Development Services has the authority to approve exemption from draft plan of condominium applications.

ANALYSIS:

The key planning considerations are the following:

1.0. Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (PPS) provides direction on matters of provincial interest related to land use planning and development. The PPS speaks to directing, promoting, and sustaining development to meet the full range of current and future needs, achieving efficient development patterns, and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. The *Planning Act* requires planning decisions to be consistent with the PPS.

1.1. Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Pattern Policies

The PPS states that healthy, liveable and safe communities are sustained, in part, by accommodating a range of land uses such as housing, employment (including industrial and commercial), institutional, recreational, park and open space, and other uses to meet long-term needs. The proponent is requesting to remove the subject lands from the 'Community Commercial' designation and to include them within the 'Residential' designation. Removal of lands from the community commercial designation needs to be carefully evaluated to ensure the health of Dunnville's historic downtown core is sustained. Overall, it is Planning staff's opinion it is appropriate to re-designate the subject lands for the reasons discussed in Section 3.2. of the subject report. It is important to clarify that the subject lands are not considered to be (protected/core) employment lands and thus are a suitable candidate for conversion to another use, such as residential.

1.2. Settlement Area Policies

The PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available; and support active transportation. Land use patterns are also to be based on a range of uses and opportunities for intensification and redevelopment, taking into consideration existing or planned infrastructure and public service facilities required to accommodate projected needs.

The subject lands are considered to be a brownfield site located well within the built-up area of Dunnville. A brownfield site is an undeveloped or previously developed property that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant. The subject lands were previously used for a number of commercial and industrial uses including a railway depot, a feed mill, and a garden centre.

Redevelopment of brownfield sites is encouraged as they are often centrally located within communities such that redevelopment projects can tie into existing/surrounding infrastructure and their location promotes active transportation (walking, cycling, etc.). Redevelopment and intensification also places less pressure on continuously expanding the urban boundary to accommodate growth. The proposal to redevelop the site meets the intent of the PPS to promote intensification and redevelopment where it can be accommodated. This project will also contribute towards the County meeting its intensification targets.

1.3. Housing Policies

The PPS requires planning authorities to provide an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents, in part, by: permitting all forms of housing and residential intensification; directing new housing developments towards locations with appropriate levels of infrastructure and public service facilities; promoting efficient development patterns and supporting active transportation; and establishing development standards for residential intensification, redevelopment and new residential development. The subject proposal satisfies these policy requirements as it will introduce a needed housing type into the neighbourhood; it is compatible with the surrounding area in terms of density, form, and traffic; the building can connect into existing infrastructure; and the site is functional. Residents of the proposed building can use existing public services facilities in Dunnville (hospital, library, recreational programs, fire services, etc.). It will also serve to satisfy the energy conservation, air quality and climate changes policies which speak to promoting compact form and promoting active transportation between uses (e.g. place of residence and downtown).

1.4. Public Spaces, Recreation, Parks, Trails and Open Space Policies

The PPS identifies that healthy, active communities should be promoted, in part, by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity. The proposed development includes the extension of the sidewalk which currently terminates at the west property line across the entire frontage of the subject lands. This will create a safer street and provide greater opportunity for social interaction (along the sidewalk) and active transportation. The proposed building will be located closer to the street and will feature gardenettes and balconies. This will provide for a comfortable streetscape and provide some opportunities for social interaction. It will also provide outdoor space for the residents of the apartment dwelling house which will help to develop community.

Further, the proposed site will feature outdoor (common) amenity space, which was a request of staff. This will provide some opportunities to sit and play outside and for social interaction. Additional vegetation will also assist in satisfying the energy conservation, air quality and climate change policies.

The subject lands are also in walking distance to the rail trail beginning on Cedar Street and three parks/open space areas (located 3 – 5 blocks away) that the residents can visit, enjoy, and benefit from.

1.5. Infrastructure Policies

Municipal water and sewage services are the preferred form of servicing for development within settlement areas. The proposed building is intended to tie into existing water and sewage infrastructure, which also satisfies the efficient use and optimization policies. The existing watermain in the road allowance is large enough and has capacity to accept the proposed development. The existing sanitary main is anticipated to accommodate the proposed development. However, the County's Master Servicing Plan identifies some weakness in the downstream sanitary system, which will eventually require upgrades and is triggered by a number of other larger development opportunities upstream. Each development upstream is required to pay for a portion of the upgrade. At the site plan stage, the development will be further evaluated through the County's infrastructure modeling system to verify the current system can accommodate the development or determine if/what upgrades are required. Should any upgrades be required, those will be undertaken at the time of the other related project construction.

The PPS requires stormwater management to minimize, or where possible, prevent increases in contaminant loads; minimize changes in water balance and erosion; not increase risks to human health and safety and property damage; maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices, including stormwater attenuation and re-use, and

low impact development. Stormwater management will be discussed in Section 3.3.4. of the subject report.

The project will also utilize existing road infrastructure.

1.6. Significant Resources Policies

Given the location of the subject lands, the project will not impact natural heritage, water, agriculture, and mineral aggregate resources. Further, the site has been significantly disturbed via site alteration and construction for different land uses over the years and removal of soil as part of the Record of Site Condition (RSC) process such that an archaeological assessment was not required.

1.7. Protecting Public Health and Safety Policies

The subject lands are located outside of the floodplain area. The Grand River Conservation Authority (GRCA) was circulated on the subject applications given the property's proximity to the floodplain. The GRCA has no concerns with the project.

The site has accommodated a number of industrial and commercial uses in the past. The PPS requires that sites with contaminants in land or water be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there are no adverse effects. The proponent has hired G2S Environmental Consulting Inc. to complete a number of environmental site assessments and the firm has undertaken and completed the remedial work. The proponent will be required to finalize the Record of Site Condition (RSC) process with the Ministry of Environment, Conservation and Parks (MECP) prior to obtaining a building permit. Planning staff recommends that a holding provision be affixed to the zoning to ensure the MECP has issued final approvals prior to a building permit being issued.

Overall, it is Planning staff's opinion that the proposal is consistent with the PPS.

2.0. Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) seeks to address challenges related to the magnitude of growth that is expected over the coming decades for the Greater Golden Horseshoe (GGH) and to ensure the protection and effective use of finite resources. The Growth Plan builds on the PPS to establish a unique land use planning framework for the GGH that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. It establishes the long-term framework (to 2041) for where and how the region will grow, while recognizing the realities facing our cities and smaller communities and acknowledging what governments can and cannot influence. The *Places to Grow Act* requires planning decisions to conform to the Growth Plan.

The Growth Plan contains a number of guiding principles. Similar to the PPS and applicable to the subject proposal, the Growth Plan supports the achievement of complete communities, prioritizes intensification, and supports a range and mix of housing types. The proposal maintains the intent of these guiding principles, as the subject lands were not historically designated for commercial use (until 2003); the subject lands are located on the fringe of the downtown core of Dunnville which will provide shopping, service, and recreation opportunities; the location of the subject lands will promote some active transportation; the project is a redevelopment/infill project that provides intensification; and smaller dwelling units will be added to the housing stock.

Further, the new growth plan recognizes the County's existing intensification target of 32% which is to be revisited by the County when it undertakes its Municipal Comprehensive Review (i.e. five year Official Plan update). It is important to recognize that the County does not have a significant number of large vacant or brownfield sites within the built boundaries that are primed for development/redevelopment. The County also does not experience redevelopment of low density residential blocks into medium and high density blocks. As such, it is important that the County

encourages intensification where it can be accommodated on properties such as the subject lands. This project will contribute to the County's intensification quota, established by the Province.

The Growth Plan also contains other policies related to public spaces, infrastructure, protecting public health and safety, etc. that echo the PPS, which are not discussed but are satisfied. Overall, it is Planning staff's opinion that the proposal conforms to the Growth Plan.

3.0. Haldimand County Official Plan (2009)

The Haldimand County Official Plan (OP) creates the framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context.

The key planning considerations associated with the subject proposal are:

1. The loss of 'Community Commercial' opportunities onsite and its effect on the downtown core and larger community; and
2. The introduction of residential development into the mixed use neighbourhood from a compatibility perspective.

To expand on item two, the principle of compatibility refers to the ability of uses to co-exist with one another without causing undue discomfort or loss of enjoyment of property. It does not mean that there should be no impacts or that adjacent uses need to be the same, but rather that any impacts are reasonable. Where issues of compatibility are dependent upon the demonstration that acceptable mitigation can be achieved through reasonable measures, the public interest requires that a complete and proper assessment of the issue and the acceptability of any such mitigation be determined before a 'principle of use' decision is made. This detailed analysis is completed through the examination of various OP sections below.

3.1. Designation

As discussed in the 'Background' section above, the previous landowners submitted applications to amend the Former Town of Dunnville Official Plan to re-designate the subject lands from 'Residential' to 'Commercial' in 2003. The applications were approved. The subject lands are currently designated 'Community Commercial' in the Haldimand County Official Plan (OP). The proponent is requesting to amend the OP to re-designate the subject lands from 'Community Commercial' to 'Residential'.

3.2. Intent and Impact of Changing 'Community Commercial' Designation

The central business district in each urban community (including Dunnville) is identified by the 'Community Commercial' designation. The central business district provides the largest and most diverse concentration of commercial functions in the County, as well as a variety of institutional, recreational, and community activities. The community commercial areas are also primary intensification areas and are to accommodate a mix of commercial and residential uses.

Permitted uses in the 'Community Commercial' designation include 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. Residential uses, primarily in the form of apartments, are permitted in the 'Community Commercial' designation. However, residential uses are generally not permitted in the street level storefront portion of a building.

While residential use is generally considered compatible with commercial uses, the form in which it is proposed (i.e. stand alone residential) is outside of what the Official Plan currently considers. The policies are intentionally set up this way to maintain the commercial focus and character of the areas that are covered by the designation. In particular, the policies of the Community Commercial

designation set out that residential uses are to be located outside of the ground floor/street facing portions of any buildings. This is a measure that, as noted above, aims to preserve the commercial character and activity at the street. This is of particular benefit and importance in the downtown cores. The policies are intentionally set up this way to maintain the commercial focus and character of the areas that are covered by the designation.

The subject lands were included in the Community Commercial area via property owner request in 2003 to facilitate the expansion of an existing, non-conforming business. The subject lands were not always part of the Community Commercial area and were not identified through a comprehensive municipal review as a required Community Commercial area. As such, there is no strategic reason for their current designation and there is an opportunity to re-designate them to a more compatible land use.

Further, the subject lands are not within the downtown core and exist at the very edge of the Community Commercial designation within a predominantly, and emerging, mixed density residential area. The lot is enveloped on the west and north sides by recently developed residential projects and shares an easterly property line with future potential residential development. The southerly boundary is South Cayuga Street which effectively serves as a dividing line between a transition area to the south (mixture of residential and some commercial uses) and the emerging residential area to the north. All told, the subject lands exist within a residential area which lends support to examining alternative development scenarios, in this case, the stand alone residential development.

3.3. Introduction of Residential Development

The proponent is proposing to introduce residential development onto the subject lands. The following items will be reviewed below: noise considerations, criteria for medium density development, infilling and intensification policies, and supporting materials.

3.3.1. Noise Considerations

The OP permits the County to request a noise evaluation study for the siting of sensitive land uses (including residential development) adjacent to potential sources of excessive noise such as certain industrial facilities, transportation corridors, aggregate operations or auto racing facilities.

The subject lands are located directly across from the well established and longstanding Girling Auto Body & Collision business. Given that the proponent is seeking to introduce residential development directly across the road from the auto body business, planning staff requested that the proponent hire a qualified acoustical consultant to assess noise coming from the surrounding environment and to demonstrate whether noise control measures are needed to meet the Ministry of Environment, Conservation and Parks' (MECP) guidelines. The proponent hired Valcoustics Canada Ltd. to prepare an Environmental Noise Feasibility Study which addresses the potential noise impact from the existing environment onto the proposed residential development, and submitted it as part of the complete application package.

The Study identified that the significant transportation source in the vicinity is road traffic on Broad Street/Highway 3. The transportation noise guideline limits are predicted to be met without any mitigation measures.

The Study also identified that the significant stationary noise source in the vicinity is the Girling Auto Body shop to the south. The main activities within the auto shop consist of tire changes, vehicle repair and painting. The shop opens are 7:00 am operates until 6:00 or 7:00 pm Monday to Friday. The significant noise sources at this facility are the operation of tools inside the shop (air chisels and impact hammers) and the rooftop exhaust fan (associated with the paint booth). The Study states that the stationary noise sources guideline limits are predicted to be met if the auto body shop operates with the overhead doors closed. The study identified that the proponent and the auto body shop owners are

working on entering into a formal agreement to ensure the doors always remained closed during operation such that no additional mitigation measures were required.

While both groups have confirmed they have been in discussion regarding noise mitigation measures, an agreement on how to contain noise at the source (the auto body shop) has not been reached nor is there a legal mechanism to enforce it. Further, the Chief Building Official who holds a certificate from the MECP in Environmental Sound (EPA) has reviewed the Study and is of the opinion that the noise mitigation should be via permanent structural mechanisms.

The Chief Building Official has met with the proponent and his agent. Given that a suitable arrangement to contain noise at the source has not been reached, an alternative approach is required to mitigate impacts. In particular, the proponent is undertaking measures to mitigate the sound levels received from a source beyond his control (autobody shop) through the installation of sound mitigating windows and walls. Planning staff recommends that a holding provision be affixed to the zoning of the subject lands to ensure, among other items, that construction details relating to the sound mitigating windows and walls have been agreed to prior to issuance of building permits. This approach allows for compliance with the intent of the MECP guidelines and for the application to proceed at this time. The Chief Building Official is satisfied with this approach and effectiveness of the mitigation. The Chief Building Official's full comments are provided in the Stakeholder Impacts section below.

Overall, the proponent will be required to incorporate the proposed sound mitigating façade and windows into the site plan application and also the building permit application. The proponent will also be required to insert warning clauses in offers of purchase and sale to advise future owners of the residential units facing the auto body shop and that noise from the auto body shop may at times be audible. This will also be embedded in the condominium declaration which is registered on title. This would be addressed as part of the site plan agreement that accompanies the site plan application approval. This alternative approach serves to address the compatibility concern and meets the intent of the MECP's guidelines. The proponent should also continue to work with the auto body shop owners to mitigate noise at the source. If the two parties come to an agreement, it would provide additional benefit.

3.3.2. Criteria for Medium Density Development

Medium density residential development is defined as townhouses and low-rise apartments which *generally* do not exceed 40 units per gross residential hectare (GRH) and high density development is defined as apartment buildings which *generally* do not exceed 75 units per hectare. The OP clearly states that this measure is taken at the 'neighbourhood scale' which represents an area extending beyond an individual development site. This gives some level of flexibility to each development and is the driver to the word 'generally' not to exceed the stated measure. The proposed development, which envisions the construction of 30 dwelling units over 0.545 hectares (1.35 acres), represents a density of 55 units per hectares which puts this development in the high density development category. The criteria for assessing high density are the same as medium density, and these criteria, as opposed to absolute density numbers, serve as the compatibility test.

The OP states that the following matters are to be addressed when considering medium and/or high density residential development:

- a) The effect of the development on the overall housing needs of the community;

Planning Comment: According to the Haldimand County Population, Household & Employment Forecast Update 2011-2041 study completed on the County's behalf by Watson and Associates Economists Ltd. in April of 2014, approximately 7% of housing growth in the County is projected to occur in Dunnville. The draft update (2019) which the County and Watson and Associates Economists Ltd. are currently working through identifies the same housing growth share in Dunnville (7%).

The 2011-2014 study finds that future housing growth will be dominated by low-density housing forms; however, increased market opportunities will exist for medium and high-density housing as the local and provincial population base continues to age. Looking forward, this has implications regarding the need for both seniors and affordable housing.

While the 2014 study expects 9 apartment units to be constructed in Dunnville between 2011-2021, the draft update (2019) expects 70 apartments units to be constructed in Dunnville between this time period, representing 30% of the housing growth during this time period. It is clear that there is a demand for apartment dwelling units in Dunnville and this project will contribute to the supply.

Also, some of the residents that attended the private open house stated that there is a need for this housing type in Dunnville. While this is anecdotal information, it is worth noting that approval of this project will provide residents with a different type of home ownership (condominium) and a different, more compact, and accessible housing type. It will also provide senior residents the opportunity to 'age in place' (in Dunnville) should residents choose to purchase a unit and sell their current property.

- b) The effect of the use on neighbouring residential development with respect to the density, form, height and arrangement of buildings and structure;

Planning Comment: Planning staff are generally satisfied that the subject development satisfies this requirement for the following reasons:

1. When compared to the condominium buildings to the immediate west, the proposed apartment dwelling house will be shorter by approximately $\frac{1}{2}$ of a storey. As such, it maintains established height in the area.
2. There is a similarly sized, three storey apartment building located south of the subject lands that exists on a smaller site.
3. The subject lands are located at the northern fringe of the downtown core and the proposed building will interface with the 'Community Commercial' designation/intensification area which requires a *minimum* density of 40 units per hectare. As such, if the area to the south redevelops for commercial and mixed use purposes, the County can expect to see higher density development to the south. Thus, this project will 'blend' with the anticipated and planned for development type to the south.
4. The development is considered to be a gradual 'step-up' from surrounding development on the block. There are existing semi-detached dwellings on the northern and western portion of the block. There are townhouse units south of the semi-detached dwellings and two, three storey, six unit apartment dwelling houses to the west of the subject lands on the block. If the subject applications are approved, the built form will increase in density and height as it gets closer to the 'Community Commercial' area, which is considered appropriate and compatible. Planning staff are recommending that a cap be placed on the number of dwelling units (i.e. 30) in the proposed zoning to ensure that what is permitted onsite is appropriate in the locational context and to provide certainty and clarity in terms of development potential.
5. The proposed building will be located close to the street with the parking area to the rear. The adjacent townhouses are located north of a private road. Not only will the arrangement of the building and parking provide for a consistent streetscape/building line with existing development, which is considered to be 'good' urban design, it will also provide adequate separation space between the proposed building and the existing townhouse units. Staff are recommending 'build to' lines as part of the proposed zoning. This means that the location of the building will be regulated and the building will be required to locate in the manner shown in Attachment 2.

6. The subject development can be accommodated onsite without compromising other aspects of the site such as ingress/egress, parking, landscaping buffer, garbage storage, amenity space, etc.
 7. If the subject applications are approved, the project will be subject to site plan control which is one of the key implementation tools to address site design and layout, building arrangement, etc. and to include mitigation measures such as perimeter landscape screening or buffering, lighting controls, location of visitor parking, outdoor amenities, etc. It is expected that perimeter landscaping/visual screening (e.g. fencing, trees) will be requirements of the development in order to minimize impact to abutting lands in terms of visual appearance, privacy, etc.
- c) The ability of the site to provide adequate parking facilities for the use in a manner that does not compromise the provision of other amenities and facilities such as outdoor common areas, landscape buffers, garbage storage enclosures and emergency vehicle access;

Planning Comment: The proposed development includes the provision of 42 owner parking spaces, 3 owner barrier free parking spaces, and 3 additional parking spaces reserved for visitors. One and a half (1.5) parking spaces are provided for every dwelling unit, with three parking spaces being barrier free. One (1) visitor parking space for every ten (10) dwelling units is provided. The overall parking provided is in accordance with the zoning provisions. Parking will be located north of the building (to the rear) and on the east side of the building. Barrier free and visitor parking will be located on the east side of the building, close to the building.

The required parking can be accommodated while still providing outdoor common areas (as per the amenity space identified on the site plan in Attachment 2, which doubles as snow storage area in the winter), landscape buffers (along the west and north property lines, which require plantings), garbage storage enclosures (located in the northeast corner of the lot), and emergency vehicle access (via the proposed fire route).

Staff acknowledge there is a history of on-site parking issues in this area which are primarily related to the apartment complex at the corner of Chestnut and South Cayuga Streets, immediately south of the subject lands. The issues stem from a previous approval for the development which allowed a significant reduction in parking provisions. The subject project is not anticipated to exacerbate the issue nor will it result in any displacement of current parking permissions associated with the existing residential apartment building.

- d) The proximity of the use to arterial or collector roads in order to reduce the need to direct additional traffic to local streets within stable, low density residential areas;

Planning Comment: The subject lands are located on South Cayuga Street East, which is a local road. Local roads are intended to distribute traffic from collector roads to individual properties. Local roads are designed to discourage high speed traffic.

However, the subject lands are located in close proximity to Cedar Street (west of the block which the subject lands are located) and Tamarac Street (one block to the east of the subject lands) which are collector roads. Collector roads are identified as those roads that distribute traffic from the arterial road network to local roads.

The subject lands are also located two blocks north of Broad Street which is an arterial road. Arterial roads are generally recognized as the principal traffic through fares within the County.

Further, the OP permits the County to request traffic studies for any development proposal where it is determined that the development may have an impact on the road network. Only those development proposals that can reasonably be accommodated within the existing road system are permitted. Where improvements to the road network are necessary to accommodate development, the County requires that developers improve the system at their own expense or

make financial contributions to the improvements. The proponent hired Paradigm Transportation Solutions Limited to prepare a Traffic Impact Study (TIS) and submitted it as part of the complete application package.

The TIS finds that the proposed development is forecast to generate 11 trips during the weekday AM peak hour and 14 trips during the weekday PM peak hour. The TIS analyzed the 2025 horizon which is five years beyond the expected site completion in 2020. The TIS finds the study area intersections (Chestnut Street/South Cayuga Street East, South Cayuga Street East/Maple Street, and Maple Street/Alder Street) will continue to operate at acceptable levels during AM and PM peak hours. Left-turn lanes are not warranted on South Cayuga Street East at the two site driveways under 2020 and 2025 traffic conditions. Sight distances from the two site driveways exceed the minimum required sight distances for left and right turns from stop conditions. Based on the findings of the TIS, no remedial measures are required to accommodate the increase in traffic due to the proposed development. The County's Transportation Engineering Technologist has reviewed the TIS and is in agreement with the methodology, analysis, and conclusions.

- e) The proximity of the use to public parks and other open space amenities and pedestrian access to these amenities; and

Planning Comment: The subject lands are located on the fringe of the downtown core and are connected via direct pedestrian connection (i.e. sidewalks). Also, the rail trail is located to the west of the subject lands beginning on Cedar Street. Some public open space and park area are located closer to the water at 206 Cedar Street (Dunnville Cenotaph) – 3 blocks away, 202 – 300 Main Street West (Dunnville Wingfield Park) – 5 blocks away, and 218 Main Street East (Dunnville Market/Waterfront Park) – 5 blocks away.

Further, each dwelling unit will have private amenity space (i.e. gardenettes or balconies) and the site will feature common amenity space in the south east corner.

Given the proponent is not providing public parkland to the County, the proponent will also be required to pay cash-in-lieu of parkland to the County. The funds will be placed in an account to purchase or refurbish parkland elsewhere.

- f) The adequacy of community services and facilities, including special needs facilities, to accommodate the needs of the residents of the use.

Planning Comment: Given the location of the subject lands and the compact/developed nature of the downtown core, there are adequate community services and facilities to the meet the needs of the residential.

Overall, the proposal conforms to the OP's medium and high density development criteria. Not only does the development make sense for the area (being on the fringe of the downtown core) and 'fits' with surrounding development, it will also provide convenient access to shopping, public open spaces, recreation facilities, personal/health services and other urban amenities.

3.3.3. Infilling and Intensification Policies

Residential intensification is generally supported by the OP. Intensification reduces the need to expand urban boundaries and uses existing services more efficiently thereby helping to minimize the costs of providing services. The subject proposal is viewed as an ideal opportunity to provide intensification within a mixed use/transitioning area provided the development is done in an appropriate manner. The OP sets out that intensification shall be permitted within stable residential neighbourhoods provided that such intensification respects and reinforces the stability of the residential neighbourhoods, is not out of keeping with the physical character of those neighbourhoods, and is of a scale and built form that reflects the surrounding neighbourhood. These policies are typically applied to properties that are

within the heart of such a neighbourhood. The subject lands are located within a mixed use area (commercial/industrial and residential)/transitional area at the periphery of the downtown core. However, the development also interfaces with adjacent residential development. As such, Planning staff have evaluated the subject proposal with respect to important compatibility criteria relating to intensification to provide additional assessment regarding the suitability of the subject proposal. The OP states that new dwellings on lots within stable residential neighbourhoods shall:

- i) Limit building heights to reflect the heights of adjacent housing;

Planning Comment: The proposed building will be three stories in height, and will be in line (and shorter) than the two, three storey, six unit apartment dwelling houses to the west in the Wabasso development. The proposed building will be located along the built line of the Wabasso apartment dwelling houses, such that there will be a buffer from the one storey townhouses to the north. There is also an existing, three storey apartment building located to the south of the subject lands at 415 South Cayuga Street East.

While there are two storey dwellings located across the road at 220 South Cayuga Street East and 414 Maple Street, these houses are located in the identified 'Community Commercial' area. As such, these lots are permitted and expected to redevelop in the future for commercial and higher density commercial and residential development.

- ii) Provide for a similar lot coverage to adjacent housing to ensure that the massing or volume of the new dwelling reflects the scale and appearance of adjacent housing;

Planning Comment: The lot coverage will be similar to the Wabasso development lot coverage to the rear. Also, the lot coverage will be less than the apartment building lot coverage at 415 Chestnut Street (immediately south) and the autobody shop and warehousing lot coverage at 216 South Cayuga Street East.

- iii) Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge and character;

Planning Comment: The existing apartment dwelling houses to the west are setback 6 metres from the property line. The subject building is proposed to be setback 5.8 metres from the front lot line, with the front entrance setback 3.3 metres from the front lot line. The proposed building will generally be in line with the existing apartment dwelling houses. There are no established developments to the east which would be impacted in any manner and it is expected that future development of those lands could mimic the established setbacks along the north side of South Cayuga Street. Also, the front yard setback is similar to other developments in the County (i.e. Harrison Flatts on Haddington Street in Caledonia).

- iv) Provide for similar side yard setbacks to preserve the spaciousness on the street;

Planning Comment: Two drive aisles will be located on either side of the building such that the side yard setbacks will be large and will preserve the spaciousness of the street.

- v) Provide a built form that reflects the variety of façade details and materials of adjacent housing, such as porches, windows, cornices and other details;

Planning Comment: Elevation plans are included as Attachment 3. The proposed building will include a stone pitched front, arches, and gardenettes and balconies which will improve upon some of the building types present in the area. The proposal is reflective of what staff consider high quality urban design and all faces of the building will accommodate enhanced design features. This creates an attractive building view from all directions.

Also, the proposed building will blend well with the Wabasso apartment dwelling houses to the west, which have stone exterior and balconies.

- vi) Include provisions for landscaping and screening if required;

Planning Comment: Landscaping and screening (i.e. fencing) will be required through the site plan approval process with particular emphasis on the west and north perimeter to provide visual buffering between the subject development and the abutting development. In addition, landscaping and potentially furniture will be required in the amenity space on the south east portion of the lot.

- vii) Provide a limitation on the width of a garage so that the dwelling reflects the façade character of adjacent housing;

Planning Comment: There will be no garages provided with the proposed building. Instead, onsite surface parking will be provided to the rear (north) and east of the building. Any required buffering (to augment what has been installed on the abutting Wabasso site) can be addressed through the site plan approval process. No parking will be located in front of the building.

- viii) Provide for a consistent arrangement of parking in terms of amount, size and location of parking areas; and

Planning Comment: The proposed development will provide the required number parking spaces (48) including three (3) barrier free and three (3) visitor parking spaces of required dimensions to address the parking needs of the residents and visitors. The barrier free and visitor parking spaces will be located to the east of the building to provide a convenient and accessible path of entry along the sidewalks to the entrances. The parking spaces do not interfere with common areas, garbage areas, landscape buffers, or emergency vehicle access.

- ix) Ensure that any increased traffic movements and activity are appropriate for the area.

Planning Comment: This was addressed in Section 3.3.2. under item d) of the subject report.

Overall, the proposal conforms to the OP's infilling and intensification policies. It should also be noted that the County encourages the development of medium and higher density uses within and adjacent to the intensification areas of the County as these areas provide convenient access to shopping, public open space, recreation facilities, and other urban amenities. The downtown core ('Community Commercial' designation) is a planned intensification area for Dunnville. Permitting a higher density residential use across from the intensification area on a large site is considered compatible.

3.3.4. Supporting Materials

The OP permits the County to request certain reports/studies be submitted as part of a complete application to ensure that the development complies with Provincial and County policy and to demonstrate that it is functional before a principal of land use planning decision is made. The proponent submitted the following:

1. A Planning Justification Report (PJR) prepared by UCC which provides an overview of the applications, how their intent conforms and aligns with applicable Provincial and County land use planning policies and by-laws, and how the proposed development is appropriate for the subject lands.

Overall, UCC is of the opinion that the 'Community Commercial' designation was applied to the subject lands to reflect existing uses (i.e. feed mill) and was not done as part of a comprehensive strategy to strengthen the downtown. UCC is also of the opinion that the uses reflected in the current zoning are not reflective of what is currently permitted in the 'CG' Zone and do not align with the types of commercial uses that are promoted or contribute to the development of

complete, mixed use communities. Such restrictions implies that the former use was considered temporary, perhaps with an understanding that other uses (including residential) would be brought forth through future amendments. A change in the designation and zoning should not be viewed as inappropriate or incompatible. Further, UCC finds that the development is considered to be appropriate and complies with the medium/high density development criteria, intensification and infilling policies. The customized zoning provisions are considered appropriate.

Planning Comment: Planning staff finds UCC's analysis acceptable and agree that the proposal is consistent with and conforms to Provincial and County policy.

2. A Functional Servicing Report (FSR) prepared by UCC which identifies domestic and fire protection water servicing needs, sanitary servicing needs, and stormwater needs for the site.

Water Servicing: The FSR proposes to connect a water service from the proposed apartment dwelling house to the existing 150mm diameter watermain located in the South Cayuga Street East road allowance. The size and location of the proposed water service will be determined upon further completion of the detailed design (via the site plan control process) for the proposed building. A fire hydrant will be required within 45 metres of the principal entrance. The fire protection demand is dependent on the building construction and will be determined via the *Ontario Building Code* requirements prior to the building permit application.

Sanitary Servicing: The FSR proposes to connect a 200mm diameter sanitary sewer from the proposed apartment dwelling house to the existing 300 mm diameter sanitary sewer in the South Cayuga East road allowance. The FSR finds that there is adequate capacity for the proposed development in the existing 300mm diameter sanitary sewer.

Planning Comment: The County's Development & Design Technologist has reviewed the FSR and suggests that the proponent's engineer connect into another area which offers a deeper outlet (and offers suggestion on the connection area). This matter can be reviewed during the site plan approval process.

Also, the 2009 Master Servicing Plan recommends that part of the downstream sanitary collection system be upgraded/replaced. This recommendation is triggered by development (such as the subject proposal) upstream of the existing sanitary collection system. As such, the proponent will be required to cost-share for the installation of the new infrastructure. This matter will be addressed through the site plan approval process which includes the execution of a site plan agreement and payment of fees (such as these) and securities. It should be noted that the Wabasso development was also required to provide monies to the County for their share of the new sanitary collection system.

Further, the proponent will be required to make a request for water and wastewater allocation during the site plan approval process. The General Manager of Community & Development Services has the authority to grant servicing allocation through the site plan approval process. Planning staff recommends that a holding provision be affixed to the zoning of the subject lands to ensure that a building permit is not issued until servicing allocation has been granted.

Stormwater Management: The FSR finds that the total impervious area (asphalt, buildings, etc.) of the site will be reduced from 81% to 68.8%. This reduction in impervious surfaces will directly result in a reduction of stormwater flows being conveyed from the subject lands to the existing 200mm diameter storm sewers in the South Cayuga Street East road allowance. It is the professional engineer's (UCC's) opinion that stormwater quantity controls (storage) will not be required for the proposed development and the existing storm sewers will have adequate capacity.

In terms of quality controls, UCC is proposing a manhole oil/grit separator (OGS). An OGS removes heavy particulates, floating debris and hydrocarbons from stormwater before it outlets.

Planning Comment: The County's Development & Design Technologist has reviewed the FSR and finds that the existing storm sewer is a substandard size. As per modelling data provided with the 2009 Master Servicing Plan, the existing storm pipes in the South Cayuga Street East road allowance are surcharging/bottlenecking during a two year storm event and during all other events. This means that any rain/snow that falls statistically every two years or more is flowing on the road surface and creating ponding which reaches depths of 7.4cm (two year storm event) to 11.7cm (100 year storm event). The County's Development & Design Technologist requests that UCC reduce the stormwater release rate (i.e. control stormwater flow onsite) to the achievable minimum (for example 1.5 year predevelopment rate) and try to manage/release stored stormwater during dry time (after the stormwater event). While this will not fix the existing stormwater issue (which the development is not expected to do), it will ensure that the development is not further contributing to the issue. The requirement for stormwater management controls was clearly expressed at the two pre-consultation meetings that were held prior to application submission and provided in writing in the pre-consultation note packages. The Manager of Engineering Services was also consulted and has confirmed that stormwater management quantity controls are required onsite for this project.

Further, the County's Development & Design Technologist finds that the manhole that UCC is proposing to connect into is not appropriate but connection into the next junction may be considered.

These items can be addressed during the site plan control process. Staff intends to meet with the proponent and his team to overview stormwater management requirements and options. Staff is confident that there are engineering solutions that can be employed in this development and the engineering consultant (UCC) is developing a series of options for the County to review.

Also, during the site plan process, the stormwater design will be sent to Stantec (author of the County's Master Servicing Plan and developer of the stormwater model) to update the County's stormwater modelling and provide advice/recommendations, at the proponent's cost. This is a standard process for infill developments that were not expected/captured in the Master Servicing Plan. Regardless of these matters, there are stormwater management solutions that can be utilized to permit this project to proceed. The actual stormwater management solution will need to be agreed upon and technically reviewed prior to site plan approval.

3. A Transportation Impact Statement (TIS) prepared by Paradigm Transportation Solutions Limited which assesses current and future site conditions in the vicinity of the proposed development, forecasts additional traffic that will be generated by the proposed development, and analyses the impact that this traffic may have on the adjacent roadway network.

Planning Comment: Findings and recommendations were provided in Section 3.3.2. under item d) of the subject report.

4. An Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. to address the potential noise impact from the existing environment onto the proposed residential development.

Planning Comment: Findings and recommendations were provided in Section 3.3.1 of the subject report.

5. A number of plans including the proposed site plan (Attachment 2), site servicing and grading plan, existing storm drainage area, proposed storm drainage area, proposed floor plans (Attachments 4, 5, and 6), and proposed elevation plan (Attachment 3).

Also, as mentioned in Section 1.7 of the subject report, the proponent submitted various Environmental Site Assessments prepared by G2S Environmental Consulting Inc. to address the soil quality onsite as it relates to previous rail and commercial/industrial uses which are necessary for the Ministry of Environment, Conservation and Parks (MECP) Record of Site Condition (RSC) process. The RSC process is required to certify that the lands are suitable for development of a sensitive land use such as residential. The proponent has filed a RSC, but the final RSC cannot be filed until the property has progressed through the land titles process to obtain the correct legal description for the subject lands. Planning staff recommends that a holding provision be affixed to the zoning to prevent the issuance of a building permit until the MECP has issued final approvals. This will allow Council to make a decision on the subject applications and for the applicant to proceed through the site plan approval process while working through this process. No building permits can be issued until the MECP issues the final RSC and the holding provision is removed by the General Manager of Community & Development Services.

Overall, it is Planning staff's opinion that the subject development conforms to the Haldimand County Official Plan. A draft official plan by-law has been included as Attachment 7.

4.0. Town of Dunnville Zoning By-law 1-DU 80

The OP sets out the County's general policies for future land use. The Town of Dunnville Zoning By-law 1-DU 80 (together with the other two zoning by-laws) puts the OP into effect, provides for its day-to-day administration, provides a legal way of managing land use and future development, and provides protection from conflicting and possibly dangerous land uses. The Zoning By-law controls the use of land in the County by stating how land may be used; where buildings and other structures can be located; the types of buildings that are permitted and how they may be used; and the lot sizes and dimensions, parking requirements, building heights and setbacks from the street. Construction of new development that does not comply with the Zoning By-law is not allowed and the County cannot issue a building permit. Where development does not comply, a zoning by-law amendment becomes a tool to help facilitate the project by establishing the principle of land use.

4.1. Zoning

The subject lands are currently zoned a site specific 'CG' Zone, which only permits the retail sale of pet products, garden products, agricultural products and the processing and warehousing of feed. The proponent is requesting to rezone the subject lands to the 'Urban Residential Type 5 (R5)' Zone to permit the construction of the three storey apartment dwelling house.

The subject lands are part of a block that previously contained a number of industrial and commercial uses (Wabasso factory, rail depot, feed mill and garden centre, etc.). The rest of the block has been redeveloped for residential purposes. Rezoning the subject lands from a scoped commercial/industrial zone to a residential zone will prevent future incompatibility issues between the existing residential development on the block and the subject lands. Also, it is preferable that feed mills and garden centres be located in business parks rather than existing and emerging residential areas. The subject application serves as an opportunity to "get things right" from a land use permissions perspective and improve upon a current situation. The subject zoning amendment will also legally implement the official plan amendment.

4.2. Zoning Relief

If a proposal does not conform exactly to the provisions of the Zoning By-law, but follows the general intent, relief can be granted. However, the degree of deviation and appropriateness of the relief needs to be assessed. The proponent is also requesting relief from the Zoning By-law to permit customized zone provisions, as follows:

Development Standard	Required	Proposed	Deficiency
Minimum Front Yard Setback to Building	9 m	5.8 m	3.2 m
Minimum Front Yard Setback to Building Entrance	9 m	3.3 m	5.7 m
Minimum Front Yard Setback from Canopy to Front Entrance	7.5 m	2.3 m	5.2 m
Maximum Floor Area Ratio	0.66	0.77	0.11
Minimum Setback From Parking Lot to Apartment Dwelling House	3.0 m	1.5 m	1.5 m
Minimum Setback from Parking Lot/Driveways to Rear Yard Lot Line	3.0 m	1.1 m	1.9 m
Minimum setback to from Parking Lot/Driveways to Interior Lot Line	3.0 m	2.0 m	1.0 m

A zoning deficiency chart is attached as Attachment 8.

Planning staff considers the requested relief to be appropriate for the following reasons:

- Front Yard Setbacks:** The purpose of a front yard setback is to ensure a consistent building line, to protect the boulevard and utility corridors, and to protect the maintenance and operation of the road.

The current Zoning By-law is old (it was passed in 1980) and does not account for contemporary urban design principles and construction approaches. The proposed building setback will 'frame the street' and provide a street presence and animation (as the interactive spaces such as the windows, entryways, balconies, etc. will be located closer to the street). The definition of the public realm and building line will be clear. 'Good' urban design principles will be employed through the reduced front yard setback.

At the same time, the setback will be sufficient to maintain required setbacks to the hydro poles and lines (4.8 metres) and will not affect the operation and maintenance of the road. Also, there will be sufficient space to permit some landscaping and pedestrian connections from the sidewalk to the development.

The reduced setback will also permit adequate space for the drive aisle, parking spaces, and landscape buffer to the rear of the building.

Requiring the building (excluding the building entrance area and canopy) to be setback 5.8 metres from the front lot line will ensure that the entire building is not constructed 3.3 metres from the front lot line without staff review and public consultation, and will add architectural interest to the building.

For comparison, the draft comprehensive zoning by-law is proposed to permit reduced front yard setbacks to apartment dwelling houses (3.0 metres or to the established building line on the block, whichever is less) and reduced setbacks to canopies (1.5 metres). This proposal is in line with where the draft by-law intends to position apartment dwellings.

- Floor Area Ratio (FAR):** FAR is the ratio of total floor area of a building to the lot area. A higher ratio is more likely to indicate a dense or urban construction. The purpose of the FAR is to ensure the development is compatible with the surrounding development and to ensure there is adequate space for other components of the development including access/egress paths, parking, garbage collection, and amenity space.

According to the Planning Justification Report submitted by UCC (project consultant), the increase in FAR makes the apartment building feasible from a cost of development perspective. Also, the third floor assists in achieving the intensification and density targets set out by the Province. In this regard, it is key to note that the current Zoning By-law is old and does not take into account intensification and density requirements. For comparison, the draft comprehensive zoning by-law is proposed to permit a maximum floor area ratio of 1.5 which is greater than what is proposed. It will however, require that amenity space to be provided at a rate of 20 square metres per dwelling unit which includes landscaped open areas, unenclosed patios, decks, balconies or unenclosed porches, communal lounges, swimming pools, recreation facilities, etc. That would equate to an area of 600 square metres for a project of this size. By comparison, the amenity area proposed is over 600 square metres for this project.

It is Planning staff's opinion that increasing the FAR is appropriate as the proposed development will be located directly across from the downtown area/intensification corridor, the development is close to the rail trail (which provides opportunities for recreation), all features (including parking) can be accommodated and are considered functional, and the development will contribute to the intensification targets set out by the Province.

- **Setback from Parking Lot/Driveways to Dwelling House:** The purpose of the setback from the parking lot/driveways to the dwelling house is to ensure that the building is setback from the parking lot via sidewalks and landscaping. This is to allow maintenance space, some use separation, and area for snow storage. The majority of the site can maintain the required setback with the exception of the area near the north west and north east corners of the building. The setback is proposed to be reduced in these areas to accommodate the drive aisle and fire route. Planning staff have no concerns, as the reduction will have no affect on privacy and other landscaped (both around the parking and building) and common areas can accommodate snow storage.
- **Setback from Parking Lot/Driveways to Lot Lines:** The purpose of the setback from the parking lot/driveways to the lot lines is to ensure that the proposed development is setback and buffered from adjacent residential uses. The draft comprehensive zoning by-law proposes to reduce the landscape buffer from 3.0 metres to 2.0 metres. The proposed landscape buffers approximate this requirement. Planting and screenings will be reviewed through the site plan approval process and staff are satisfied that the proposed buffer is appropriate given it can accommodate suitable landscaping and the fact that a similar buffer strip exists on the abutting property, put in place as part of the Wabasso redevelopment project a number of years ago.

In addition to the site specific provisions requested through the application, staff are recommending the following:

- A maximum front yard setback of 7.0 metres;
- A minimum rear yard setback of 19.3 metres; and
- A maximum apartment dwelling house height of 3 storeys with a maximum of 30 units.

These site specific provisions will ensure that the development proceeds in a manner similar to what has been presented in this report. In particular, the height, massing, location, and setbacks of the building will align with the plans presented herein.

It is Planning staff's opinion that the proposal maintains the general intent and purpose of the Town of Dunnville Zoning By-law 1-DU 80. A draft zoning by-law has been included as Attachment 9.

4.3. Holding Provision

Holding provisions may be applied to an amending zoning by-law to delay development until certain items required to facilitate the development have been completed/are in place. This allows Council to pass official plan and zoning by-laws before the conditions are fulfilled to streamline the approval process. A building permit cannot be issued until the conditions have been fulfilled and the holding provision has been removed. With regards to this development, Planning staff are proposing that a holding provision be applied to the subject lands to ensure:

1. The General Manager of Community and Development Services approves the site plan application;
2. The General Manager of Community and Development Services issues water and wastewater servicing allocation;
3. The Ministry of Environment, Conservation and Parks issues the final Record of Site Condition; and
4. The Chief Building Official approves the noise mitigating windows and walls to be installed in the apartment dwelling house.

The holding provision will be affixed to the zoning through passage of the zoning by-law (Attachment 9). A holding provision removal by-law has been included as Attachment 10. This by-law will allow the General Manager of Community and Development Services to remove the holding provision once all conditions of the holding provision have been satisfied. Delegation of the holding provision removal process recognizes that the process is mostly technical in nature and streamlines the development process.

5.0 Conclusion

It is Planning staff's opinion that the proposal is consistent with the PPS (2014), conforms to the Growth Plan (2019), and meets the general intent and purpose of the OP and Town of Dunnville Zoning By-law 1-DU 80. The proponent's team has also proven that the development is feasible. Based on the foregoing, Planning staff recommend approval of these applications.

FINANCIAL/LEGAL IMPLICATIONS:

The County cannot issue a building permit until the proponent has fulfilled the conditions of the holding provision and it has been removed from the subject lands.

The proponent will be required to provide securities to the County for 100% of the works to be completed within the County's right of way and landscaping through the site plan approval process. The securities will be refunded to the proponent once the work is completed and approved, and the warranty period has expired.

The proponent will be required to contribute monies (approximately \$2,000) towards the new sanitary infrastructure as part of the site plan process, as the infrastructure upgrade is triggered by development. Since the proponent is not providing any public parkland, the proponent will be required to pay cash-in-lieu of parkland so that the County has funds available to obtain/refurbish parkland elsewhere in the County.

The proponent will be required to enter into a development agreement with the County as part of the site plan approval process to legally bind the proponent to certain conditions and financial obligations. An authorizing by-law will need to be passed by Council to authorize the County to enter into a development agreement with the proponent as part of the site plan approval process. The proponent is currently working through the land titles process to fix the property's legal description. As such, an authorizing by-law cannot be passed at this point in time and has not been included as an attachment to the subject report. The authorizing by-law will be presented for enactment at a future Council meeting (it is not required to go through CIC/a public meeting). Once the site plan application is nearing

approval, the site plan agreement will be prepared for review and signature by the proponent, Mayor, and Clerk.

Also, the proponent will be required to pay development charges at the time of building permit application.

STAKEHOLDER IMPACTS:

Bell Canada: No comments received.

Canada Post Corporation: Please note that Canada Post does not have any comments on the zoning changes of this property. Should this application pass and an apartment building be constructed, please be advised that a mail panel will be required to be installed by the developer/owner of the building at their own expense for mail delivery. Canada Post will comment on that application at the time when it is submitted.

Grand River Conservation Authority (GRCA): There are no resource features onsite. The development will be located out of the floodplain (which is in close proximity) provided the elevation of the property is above 178.2 metres. There are no legislative/policy requirements and implications or additional information/suggestions provided in an advisory capacity.

Ministry of Municipal Affairs and Housing (MMAH): MMAH does not have any comments.

Ministry of Environment, Conservation and Parks (MECP): The Planning Justification Report prepared by UCC has correctly identified that due to the change to a more sensitive land use, a RSC prepared in accordance with the requirements of O. Reg. 153/04 must be uploaded to the Registry before the County is able to issue building permits.

We encourage the County to explore energy and water conservation options in the site planning and design and construction of the building as noted on page 17 of the PJR.

The FSR also prepared by UCC notes that the development of the 0.54 hectare site will include the building, asphalt parking lot, concrete curb, catch basins, storm sewers, sanitary sewers and a watermain. The FSR has not confirmed that adequate water and sewage treatment is available to service the development and has only focused on the ability of the existing conveyance infrastructure to accommodate the flows that will be generated. County Public Works should confirm that there is adequate reserve capacity for both drinking water, and sewage treatment.

Planning Comment: The proponent will be required to apply for servicing allocation and must be granted allocation as part of the site plan approval and holding provision removal processes. Report PDD-09-2019 'Servicing allocation – 2018 Year End Update and Recommendation' states that the Dunnville water treatment plant and wastewater treatment plant have adequate capacity to service future infill and greenfield projects. There will be no issues in terms of treatment capacity availability for this project.

The developer is exempt from the requirement of a Section 53 approval for the stormwater management works for this redevelopment.

Mississaugas of the Credit First Nation: No comments received.

Six Nations Council: No comments received.

Hydro One: No objections. The proposed setbacks from the hydro pole meet the electrical safety authority code of 4.8 metres and are sufficient for Hydro One. The hydro pole at the eastern entrance will need to be relocated at the customers' expense. Service is available under Hydro One's Conditions of Service.

Union Gas: No comments received.

Emergency Services: No objections.

Engineering & Capital Works – Water & Wastewater: Engineering and Capital Works supports the applicants' proposal and will work with the proponent to ensure the design and construction of all water and wastewater servicing meets the County's Design Criteria.

Prior to any construction/excavation work within the County's road right of way, approval in the form of a Road Excavation Permit from the County's Roads Operations Division must be obtained.

As per Haldimand County Design Criteria, only one set of services is permitted per property. Therefore, the proponent will be required to remove and replace or reuse the existing water and/or sanitary service.

The Capital Project Technologist offers further comments that are technical in nature and will be captured through the site plan approval process.

Planning & Development – Development & Design Technologist: The Development & Design Technologist has provided a list of comments that the proponent's engineer will need to address through the site plan process. Overall, the Development & Design Technologist is satisfied with the proposed official plan and zoning by-law amendments. However, the proponent's engineer should amend the sanitary connection location and stormwater quantity controls will be required. These items will be worked through by the proponent's team and County staff.

Engineering & Capital works – Transportation & Engineering Technologist: No objections.

Finance Division (Treasurer): Development charges will apply at the rate in effect at the time of building permit issuance.

Haldimand-Norfolk Health Unit: Health and Social Service (H&SS) has a vested interest in new developments in Haldimand County from a number of perspectives that can impact the health of the community. Our comments for this proposal are as follows:

Active Transportation: It has been noted in the PJR that sidewalks and bicycle parking will be established to facilitate active transportation. The Health Unit has provided bike parking options for review. Comments from the previous pre-consultation meeting in 2018 have been addressed by this report, amenity space and establishment of sidewalks and bicycle parking will continue to be encouraged by the Health Unit.

Access to Healthy Eating: The Health Unit encourages developments that make it easier for people to make healthy food choices. Access to healthy food benefits the health of a community. These residents are less than 1 kilometre to both a grocery store and a farmer's market, which enables future residents to access fresh, local and healthy foods.

Housing: The proposed development indicates the development of a 3-storey 30-unit apartment building. It is not clear if these will be rental or ownership units. Within Haldimand County there is an acute need for affordable housing, in particular rental housing. Provided the proposed development complies with applicable policies, by-laws and codes, Housing Services is supportive of the development of higher density housing options that provide for new and affordable options, particularly those that are safe, appropriate, and accessible. Please contact Housing Services in regards to housing programs if needed.

Environmental Health: No comments at this time. However, future comments from the Health Unit may be warranted based on the ESA results once made available.

Building & Municipal Enforcement Services – Chief Building Official (CBO): The CBO is satisfied that the Noise Study accurately indicates that the sound levels received at the proposed development will not be in compliance with the County's Noise By-law or the Ministry's Noise publication NPC 300.

He is also satisfied that the proponent is undertaking measures to mitigate the sound levels received from a source beyond their control. It must be noted though, that these sound levels which are sourced from a garage to the south and so received at the location of the proponent's proposal, however mitigated, are expected to be in excess of the acceptable limits.

The CBO has indicated he is further satisfied that the source of sound (the garage operations) through prediction methodology, would already not comply with the County's Noise By-law or the Ministry's Noise publication NPC 300 for other residential uses in the area. However, County records do not indicate any complaints regarding the noise from the garage (200 South Cayuga Street East). Should a complaint have been received about the sound levels from the garage operations, steps would have been taken in order to bring the garage into compliance with Noise publication NPC 300. In order for the garage to have come into compliance with Noise public NPC 300, the CBO has indicated that he agrees with the observations noted in the Noise Study provided by the proponent, which compliance with Noise Publication NPC 300 would be obtained simply by closing the vehicle access doors of the garage.

The CBO has concluded that the garage does not have the ability to claim to be excluded from the applicable and already existing noise regulations. In fact, they have an obligation to comply with the sound level limits established in Noise publication NPC 300.

Building & Municipal Enforcement Services – Building Inspector: No objections.

Municipal Property Assessment Corporation (MPAC): No comments received.

Environmental Operations – Solid Waste: If the intention of the Owner is that the property is to be serviced privately for their waste then Environmental Operations has no comments in regards to the application. If the intention is to be serviced by Haldimand County then the following needs to be considered:

- Haldimand County does not have the equipment to service moluks or bins at this time;
- Haldimand County would provide curbside collection at the public right of way for this property to a maximum of 90 bags.

Additional information has been provided to the proponent.

Facilities, Parks, Cemeteries & Forestry Operations: No comments.

Roads Operations: No concerns.

Public: The proponent and his team held a private open house on Thursday, April 25, 2019 from 6:00 – 8:00 pm at the Dunnville Library to overview and discuss the project with interested parties. Seven (7) residents attended the private open house. Most of the residents expressed no concerns but were generally interested in whether the development would be rental or condominium, the timing of development, and the cost per unit. One resident asked questions regarding site lighting (to be reviewed via a photometrics plan at the detailed site plan stage) and had concerns regarding existing traffic at the corner of Maple Street and South Cayuga Street East (no action required at this point in time).

The County held a public meeting on May 28, 2019 to advise Council in Committee of the details relating to the subject applications and to receive and consider any public input in advance of preparing staff recommendations on the merits of the proposal. A notice of public meeting was circulated to the applicant and neighbours (assessed persons within 120 metres (400 feet) of the site) two weeks prior to the public meeting. No public members provided written or oral submissions prior to or at the May 28, 2019 public meeting.

Following the public meeting, John Lupson (area resident) provided a letter outlining his concerns regarding the proposal and proposals for the County, Girling Auto Body and Collision, and DeHaan

Homes Inc. The letter is included as Attachment 11. Mr. Lupson also met with staff to overview his concerns. Mr. Lupson's concerns/requests are the following:

- Stormwater is a concern in this area. He would like the County to invest in the street, stormsewers, and curbs on the south side of the street.

Planning Comment: Mr. DeHaan will be required to contain stormwater onsite at pre-development levels. The request for street, stormsewers and curbs was sent to the Manager of Engineering. There are no upgrades scheduled within the 10 year capital improvements schedule/budget. Any upgrades will need to be reviewed by the Manager of Engineering Services and approved by Council, should Council wish to pursue this.

- Vehicles drive over the sidewalk at South Cayuga and Maple Street.

Planning Comment: The request for curbs was sent to the Manager of Engineering Services. There are no upgrades scheduled within the 10 year capital improvements schedule/budget. Any upgrades will need to be reviewed by the Manager of Engineering Services and approved by Council, should Council wish to pursue this.

- Does the County have a plan to examine where, if at all, low-streaming, sensor street lighting will be required for the many vehicles that will be using the development parking lot and extra parking spaces?

Planning Comment: The proponent will be required to submit a photometrics plan, prepared by a qualified, professional engineer through the site plan approval process. Photometric plans demonstrate the light output over a given area (i.e. the site). The proponent's engineer will be required to demonstrate that there will be zero light spillage at all property lines before the site plan can be approved.

- Is there a plan for Haldimand County to have curbs and sidewalks put into place on both sides of South Cayuga Street? If so, when and at what distance from the streets and developments?

Planning Comment: There are no upgrades scheduled within the 10 year capital improvements schedule/budget. Any upgrades will need to be reviewed by the Manager of Engineering Services and approved by Council, should Council wish to pursue this.

- Does Haldimand County know of the existence of many handicapped persons who live in the former cheese factory? Walkers and motorized wheelchairs use that street and that area daily. Will the County post signs protecting the slow moving pedestrians and seniors pushing walkers? The Cedar Street variety store is convenient to those renters.

Planning Comment: No comment – not related to this application.

- Mr. Lupson requested that a number of items be put into writing and that an agreement between all parties and the County be signed.

Planning Comment: Noise mitigating façade and windows for the apartment dwelling house will be reviewed and agreed upon through the site plan process. Warning clauses will be required in agreements of purchase and sale. Stormwater management design will also be reviewed through the site plan approval process and design/construction approach committed to by way of plan approval and site plan agreement. It is the responsibility of the Auto Body business to come into compliance with the MECP noise requirements.

- Mr. Lupson requested that DeHaan Homes Inc. purchase items to assist with mitigating noise from the Auto Body business.

Planning Comment: This is a private matter between the two parties (DeHaan Homes Inc. and the Girlings).

Staff also met with the owners of the Auto Body business. Their concerns related to noise, stormwater management, and building form, density, and location. Although the subject site and the Wabasso lands have accommodated industrial/commercial development in the past, there are existing residential lots surrounding the Auto Body business. As stated above, it is the responsibility of the Auto Body business to come into compliance with the MECP noise requirements. Additional measures (including noise mitigating façade and windows and warning clauses) will be reviewed and agreed upon through the site plan process. Stormwater management will also be reviewed through the site plan approval process. The form, density, and location of the development on the lot is considered appropriate for the reasons contained in the subject report.

A second public meeting will be held on August 27, 2019 to present the subject report. A notice of public meeting was circulated to the applicant, neighbours (including the Girlings), and Mr. Lupson.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Site Plan.
3. Elevation Plan.
4. Ground Floor Plan.
5. Second Floor Plan.
6. Third Floor Plan.
7. Draft Official Plan By-law.
8. Zoning Deficiency Chart.
9. Draft Zoning By-law.
10. Holding Provision Removal By-law.
11. Public Comments – John Lupson.