
HALDIMAND COUNTY

Report PDD-32-2019 Zoning By-law Amendment to Fulfill a Condition of Consent – Miller Land and Livestock Ltd.



For Consideration by Council in Committee on October 8, 2019

OBJECTIVE:

To consider a proposal to amend the City of Nanticoke Zoning By-law NE 1-2000 to fulfill a condition of consent to rezone lands to 'Neighbourhood Institutional' (IN).

RECOMMENDATIONS:

1. THAT Report PDD-32-2019 Zoning By-law Amendment to Fulfill a Condition of Consent – Miller Land and Livestock Ltd. be received;
2. AND THAT application PLZ-HA-2019-105 to amend the City of Nanticoke Zoning By-law NE 1 2000 to rezone lands from Agriculture (A) to Neighbourhood Institutional (IN) Zone be approved for reasons outlined in Report PDD-32-2019;
3. AND THAT the Zoning By-law attached to Report PDD-32-2019 be presented for enactment;
4. AND THAT the proposal is deemed to be consistent with Provincial Policy Statement 2014 and the Provincial Growth Plan.

Prepared by: Justin Miller, Planner

Respectfully submitted: Mike Evers, MCIP, RPP, General Manager of Community & Development Services

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

EXECUTIVE SUMMARY:

An application has been received to amend the City of Nanticoke Zoning By-law NE 1-2000, by rezoning lands from 'Agriculture' to 'Neighbourhood Institutional (IN)'. The application is connected with a recently approved severance application that seeks to add lands to an existing school in Jarvis. The purpose of the zoning amendment is to satisfy a condition of consent by rezoning lands to reflect the proposed institutional (school) use. The proposed IN Zone and the 'Residential' Official Plan designation permit the elementary school use.

Staff has reviewed the proposed zoning amendment on the subject lands against Provincial and County policy frameworks and the principle of land use is consistent with each. Planning staff recommends approval of this proposal for the reasons set out within this report.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent within severance application PLB-2019-107. Application PLB-2019-107 was heard and conditionally approved by Committee of Adjustment on August 13, 2019. The applicants sought to boundary adjust approximately

1.3 hectares (3.21 acres) to an existing school to be used as amenity space and to provide space to allow the existing school to be expanded to the south (not in the lands to be added). To facilitate the proposed institutional use, this proposal will rezone the subject lands from 'Agriculture' to 'Neighbourhood Institutional', which permits an elementary school. Lands currently zoned 'Hazard Land' within the boundary adjusted area will remain zoned 'Hazard Land' to reflect the continuing hazards associated with the on-site watercourse.

The subject lands are located on the south side of Talbot Street East, immediately east of the existing school (Jarvis District Christian School) and related church. The site is legally described as Part Lots 5 and 6, Concession 7, Walpole, Urban area of Jarvis, 2144 Highway 3. A general location map can be found in Attachment 1, with the overall lot configuration being shown in Attachment 2 (the owner's sketch).

ANALYSIS:

Planning staff have determined key planning issues related to this application. They are as follows:

Provincial Policy:

Provincial Policy Statement

The Provincial Policy Statement (PPS) 2014 directs growth and development to settlement areas and promotes the vitality and regeneration of those areas. The proposed boundary adjustment is intended to allow an existing elementary school to expand while maintaining its amenity space; the proposed boundary adjustment will allow more Jarvis and Haldimand County community members to be served by the existing school. The proposal generally complies with the PPS.

Provincial Growth Plan

Places to Grow was also reviewed in relation to the subject application. The Growth Plan, to protect prime agricultural lands, directs growth to existing settlement areas and encourages intensification to promote complete communities that are compact, vibrant and optimize infrastructure. This proposal represents an expansion of an existing school within an existing settlement area. Planning staff are confident that the application does not conflict with the Growth Plan and that the proposal is consistent with the general intent of the Growth Plan.

County Policy:

Haldimand County Official Plan

The subject lands are designated 'Residential' within the Haldimand County Official Plan. The 'Residential' designation permits community-oriented, institutional uses such as schools, subject to a number of criteria:

- a) The use should be generally located in proximity to an arterial or collector road;

Planning Comment: The subject lands are located on the south-side of Talbot Street E., which is an arterial road that becomes Highway 3 outside of the urban boundary of Jarvis.

- b) Adequate on-site parking must be provided, including provision for drop-off and pick-up facilities, where required;

Planning Comment: The proposal is to add amenity space to an existing school. Adequate on-site parking and drop-off/pick-up facilities have been provided through the existing school site layout.

- c) Screening and buffering shall be implemented in accordance with subsection 5.F.1)1 of this plan, as appropriate; and

Planning Comment: Subsection 5.F.1)1 addresses possible impacts of new uses adjacent to sensitive land uses. The proposed boundary adjustment is not intended to create a new use but to add to an existing school. The existing school is immediately adjacent to an existing church; however, the church and school currently form a campus and are not negatively impacted by each other.

- d) Buildings are designed in a manner that reflects the character of the neighbourhood in which it is proposed, including consideration of the nature, scale and density of existing development in the vicinity.

Planning Comment: No new buildings are proposed at this time. Any future additions/building expansions would be assessed for compatibility through the site plan control approval process.

The proposed expansion to the existing school is consistent with the 'Residential' designation of the Official Plan.

City of Nanticoke Zoning By-law NE 1-2000:

The subject lands are zoned 'Agriculture' (A) in the City of Nanticoke Zoning By-law NE 1-2000. The main intent of this proposal is to fulfill a condition of consent by rezoning the subject lands to 'Neighbourhood Institutional'. The existing portions of the boundary adjusted lands zoned 'Hazard Land' will remain zoned 'Hazard Land' to reflect the continuing hazards associated with the watercourse (a tributary to Sandusk Creek). The conditionally severed and retained lands conform to the zoning provisions of the 'Neighbourhood Institutional' and 'Hazard Land' zones, and the rezoning is required to recognize the intended institutional (school) use. No new construction is proposed within the boundary adjusted lands.

The school is planning a future expansion to the south that will utilize a portion of the existing amenity/outdoor space; the proposed boundary adjustment is intended to replace that amenity space. When a proposal comes forward for a future addition, Haldimand County will review the application through the site plan process to insure that suitable setbacks, parking, drop-off/pick-up areas, etc. exist to insure the continued functionality of the school. At this time, no formal site plan submission has been made to the County.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building and Municipal Enforcement Services – No objections.

Hydro One – No objections.

Long Point Region Conservation Authority – No objections, provided the portion zoned Hazard Land remains zoned Hazard Land.

Roads Operations – No objections.

Planning and Development (Development & Design Technologist) – No objections.

Emergency Services – No objections.

Municipal Property Assessment Corporation – No objections.

No comments were received from the Mississaugas of the Credit First Nation, Six Nations Council, Union Gas or the public.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Draft Amendment to Zoning By-law.
4. Zoning Review Chart.