
HALDIMAND COUNTY

Report PDD-02-2020 Information Report – McClung South Zoning Implementation



For Consideration by Council in Committee on January 14, 2020

OBJECTIVE:

To request that Council consider a proposed amendment to the Town of Haldimand Zoning By-law 1-H 86 to facilitate the development of the McClung South Plans of Subdivision.

RECOMMENDATIONS:

1. THAT Report PDD-02-2020 Information Report – McClung South Zoning Implementation be received;
2. AND THAT applications PLZ-HA-2014-020 and PLZ-HA-2018-075 to amend the Town of Haldimand Zoning By-law 1-H 86 by Park and McClung Limited and McClung Properties Limited be approved for reasons outlined in Report PDD-02-2020;
3. AND THAT the By-law attached to Report PDD-02-2020 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
4. AND THAT the Holding (H) provision removal by-law attached to Report PDD-02-2020 be passed 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;
5. AND THAT the application is 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:

Two draft plans of subdivision and accompanying zoning by-law amendment applications were submitted to facilitate a residential development known as “McClung South” in the northeast quadrant of Caledonia between Park Street and Avalon in March of 2018. Collectively, the development will consist of a maximum buildout of 163 dwelling units (single detached, semi-detached, and townhouse dwellings). The subdivision will also include conveyance of a parkette, stormwater management pond, and naturalized open space to Haldimand County to own and maintain. The proposal was presented to Council on September 18, 2018 and an amended proposal (to address matters of public interest) was presented to Council on August 27, 2019. The development satisfies Provincial and County policy frameworks, is considered feasible from an engineering perspective, and addresses matters of public interest. The draft plans of subdivision have received draft plan approval. The proposed zoning request

will implement permissions for the overall development and will include special provisions allowing for a range of alternative setbacks, lot area, and frontage standards. Planning staff recommends approval of the zoning amendment applications and passage of the attached zoning and Holding (H) provision removal by-laws.

BACKGROUND:

In March of 2018 Empire's consulting team submitted two draft plans of subdivision that are collectively known as "McClung South" and implementing zoning by-law amendment applications. On September 18, 2018 the County held a Public Meeting to overview the proposed development. Staff provided an information report (PED-PD-36-2018) and presentation that examined the development details which included a planning assessment of the proposed draft plans of subdivision and zoning by-law amendment applications. As a result of the Public Meeting, Council and staff received concerns from the public that focused on traffic infiltration into the existing neighbourhood to the south, implementation of new stormwater management infrastructure technologies, and the public involvement and engagement process. To that end, Council received the previous report (PED-PD-36-2018) as information and requested that the proponent work with staff and the public to address the concerns raised.

On August 27, 2019 the County held a second Public Meeting to overview the proposed changes to the draft plans of subdivision. Staff provided a second information report (PDD-25-2019) and presentation that introduced a revised subdivision layout that addressed the public concerns/interest. This report and the related applications were supported by Council. The overall development is approved to consist of a maximum of 163 dwelling units, and a parkette and naturalized open space to be conveyed to the County. The subdivision layout includes the termination (dead ending) of Seneca and Cayuga Street and prohibition on connections to these streets (except for emergency services). A traditional stormwater management is approved internal to the subdivisions to capture and treat stormwater runoff and is proposed to be conveyed to the County for future maintenance. The revised subdivision layout continues to meet Provincial and County policy frameworks and is considered technically feasible. No additional public concerns were raised at or following the second Public Meeting.

Following the second Public Meeting, the draft plans of subdivision were formally approved by the General Manager of Community & Development Services. As part of the draft plan approval process, a series of conditions were established. One of those conditions requires that Council pass an implementing zoning by-law to amend the zoning of the McClung South Lands to align the zoning with the draft plans of subdivision. The purpose of this report is to present the amending zoning by-law to establish the necessary zoning to facilitate the development of the approved McClung South development and to satisfy the aforementioned condition.

Land Location and Description

The subject lands are located in the north east quadrant of Caledonia, north of Park Street and south of Avalon (Attachment 1). The subject lands consist of the following three properties:

1. Part 1 has no municipal address and is approximately 2.54 hectares (6.27 acres) in size. Part 1 surrounds Part 2B, fronts onto the north side of Park Street, and abuts McClung Road to the east. Part 1 is owned by Park and McClung Limited (also referred to as Park and McClung/Corrado). Part 1 is vacant.
2. Part 2A is municipally known as 31 Seneca Street and is approximately 6.15 hectares (15.19 acres) in size, and fronts onto Seneca Street. Part 2A is owned by McClung Properties Limited (also referred to as Empire). Part 2A recently contained a dwelling which has been demolished.

3. Part 2B is municipally known as 654 Park Street, is approximately 0.09 hectares (0.22 acres) in size, and fronts onto the north side of Park Street. Part 2B is surrounded by Part 1. Part 2B is owned by McClung Properties Limited. Part 2B recently contained a dwelling that has been demolished.

Two draft plans of subdivision and zoning by-law amendment applications were submitted – one for Part 1 (Attachment 2) and one for Parts 2A and 2B (Attachment 3). While two applications were submitted for the McClung South lands, the overall development will function as one subdivision and was reviewed comprehensively as one subdivision. Also, one zoning by-law can be passed for the McClung South lands (the “subject lands”). As mentioned above, the overall proposal is referred to as “McClung South” and is illustrated in Attachment 4. The overall land size is approximately 8.78 hectares (21.68 acres).

ANALYSIS:

All matters pertaining to Provincial and County policy frameworks were reviewed and appropriately addressed as part of the previous information reports PED-PD-36-2018 and PDD-33-2019. Also, the General Manager of Community & Development Services has granted draft plan approval for McClung South. Since there are no issues with the principle of land use, a detailed planning analysis was not required for this report. Instead, only a zoning overview is provided below.

Town of Haldimand Zoning By-law 1-H 86:

The Town of Haldimand Zoning By-law 1-H 86 regulates the use of land in the County by stating exactly: how land may be used; where buildings and other structures can be located; 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. New development that does not comply with the Zoning By-law is not permitted.

The subject lands are currently and predominately zoned ‘Agricultural (A)’ Zone. The west portion of the subject lands associated with the Seneca Creek Valley System is currently zoned ‘Hazard Lands (HL)’ Zone. The proponents are requesting to rezone of the subject lands to the following (see Attachment 5):

1. “Urban Residential Type 1-B (R1-B)” Zone for Part 1 to permit single detached and semi-detached dwellings with special provisions for customized setbacks, lot area and frontage, etc.
2. “Urban Residential Type 4 (R4)” Zone for Part 2 to permit townhouse dwellings and, as an alternative, single detached and semi-detached dwellings with special provisions for customized setbacks, lot area and frontage, etc.
3. “Open Space (OS)” Zone for Part 3 with a special provision to permit only a parkette and stormwater management pond.
4. “Hazard Land (HL)” Zone for Part 4 with a special provision to prohibit site alteration and development to ensure natural feature protection, floodplain protection, and archaeological resources protection.

In general, the customized zone provisions for the single detached, semi-detached, and townhouse dwellings are intended to allow for efficient use of land; a more dense approach to development to meet required standards and targets; and, design that allows living space to be closer to the street (with garages recessed) to create a stronger street presence, sense of community, and eyes on the street effect. Tables including current by-law requirements, proposed provisions (customized zone provisions), and staff comments are included as Attachment 6. These tables were included in staff report PED-PD-36-2018, and they were amended as necessary. The zoning request is identical to the zone provisions permitted for the Avalon development immediately to the north. Overall, Planning staff

continues to be supportive of the zoning amendment applications, including the customized zone provisions. The amending zoning by-law is included as Attachment 7.

The customized zone provisions for the hazard land area are intended to preserve the Seneca Creek Valley System as natural space and to ensure that the Ministry of Tourism Culture and Sport's (MTCS) archaeological concerns are addressed (i.e. that no site alteration or development occur in this area unless the lands are properly assessed and approved by the MTCS). This portion of the subject lands will be conveyed to the County to own and maintain.

Further, Planning staff recommends that a 'Holding (H)' provision be affixed to the zoning of the subject lands to ensure development does not occur (i.e. building permits are not issued) until such time as:

1. There is confirmation of availability of water and wastewater capacity;
2. The MTCS has approved the archaeological assessments; and
3. Conditions of draft approval for the subdivision are addressed and the subdivision agreement is registered.

The 'H' provision removal by-law has been included as Attachment 8. This by-law will grant the General Manager of Community & Development Services the authority to remove the holding provision to allow for development to proceed when the conditions of the 'H' provision have been satisfied. This is an in-house process that recognizes that the subdivision approval process is predominately technical in nature and aids in expediting development. Registration and buildout of the subdivision can only take place when all draft plan conditions are fully met and the 'H' provision has been removed.

Planning Conclusion:

Council has heard and considered the proposal for McClung South at two Public Meetings. The development satisfies Provincial and County policy frameworks, is considered feasible from an engineering perspective, and addresses matters of public interest. The draft plans of subdivision have received draft plan approval. The proposed zoning request will implement permissions for the overall development and will include special provisions allowing for a range of alternative setbacks, lot area, and frontage standards. Planning staff recommends approval of the zoning amendment applications and passage of the attached zoning by-law and 'H' provision removal by-law.

FINANCIAL/LEGAL IMPLICATIONS:

All commenting agencies and departments have provided their input regarding the principle of land use during the processing of the draft plans of subdivision applications, and all technical items (servicing, grading, etc.) will be addressed through the subdivision approval process. Further, the required statutory Public Meeting was held on September 18, 2018 and an additional Public Meeting was held on August 27, 2019. The draft plans of subdivision and zoning requests were presented to Council in Committee at that time. The Notice of Public Meeting was provided to area residents two weeks prior to the meeting in accordance with the requirements of the *Planning Act*. Public concerns that were raised at the September 18, 2018 meeting were addressed by the proponent's team through private engagement and consultation with the public (including two private neighbourhood meetings) and the redesign of the subdivision layout. The General Manager of Community & Development Services approved the draft plans of subdivision as they satisfy Provincial and County policy frameworks, are considered feasible from an engineering perspective, and addressed the public's concerns (following redesign).

Following Council approval of the Zoning By-law Amendment, Notice of Passing of the Zoning By-law will be circulated to all parties as required under the *Planning Act*. The required 20 day appeal period will apply to the zoning amendment.

STAKEHOLDER IMPACTS:

Same comments as listed in the 'Financial/Legal Implications' section.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Draft Plan for Part 1.
3. Draft Plan for Parts 2A & 2B.
4. Overall Plan for McClung South.
5. Zoning By-law Map.
6. Zoning Request and Staff Comments.
7. Amending Zoning By-law.
8. Holding (H) Provision Removal.