
HALDIMAND COUNTY

Report PDD-04-2022 Information Report – Zoning By-law Amendment to Permit Townhouse Development



For Consideration by Council in Committee on March 29, 2022

OBJECTIVE:

To inform Council of a Zoning By-law amendment application to facilitate the development of 39 stacked townhouse units (condominium) within the urban area of Dunnville and to hold the statutory public meeting required under the *Planning Act*.

RECOMMENDATIONS:

1. THAT Report PDD-04-2022 Information Report – Zoning By-law Amendment to Permit Townhouse Development be received.

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Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & Development

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

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

EXECUTIVE SUMMARY:

The Richardson Group is proposing to develop a 39 unit stacked townhouse condominium on the subject lands. The development will consist of two blocks, one with six sections and 18 units, and the other with seven sections and 21 units. The subject lands are located at 114 Cross Street East in Dunnville. In order to facilitate the development, the proponents are seeking to amend the existing zoning to the “Urban Residential Type 4 (R4) zone with special provisions for parking, building height, and lot frontage. A standard condominium application will be submitted pending approval of the proposed Zoning By-law amendment. The purpose of this report is to provide information to Council regarding the application and to hold the statutory public meeting required under the *Planning Act*. A recommendation report including a fulsome policy analysis will be brought forward in the future.

BACKGROUND:

An application to amend Haldimand County Zoning By-law HC 1-2020 has been received to facilitate the development of a 39 unit 3-storey stacked townhouse condominium in the form of two buildings located at 114 Cross Street East in Dunnville (Attachment 1). A stacked townhouse is defined in the Zoning By-law as “a building containing 3 or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule, or landing”. Essentially, a stacked townhouse is a cross between a low rise condominium apartment and a townhouse; they are multi-unit buildings that “stack” the residential units on top of each other and each unit has its own separate entrance. Concept elevations and massing are included as Attachments 5 and 6 to provide a visual

representation and clarification for the proposed building design. There are three proposed floorplans for the units, with gross floor areas of 62.7 square metres (675 square feet), 68.7 square metres (740 square feet), and 119.8 square metres (1,290 square feet). Two of the floorplans include two bedrooms, and one of the floorplans includes three bedrooms. The smaller units would be ideal as starter homes or for retirees looking to downsize, and the larger units would be suitable for families.

The proponents are requesting relief from the following:

- Five spaces from the minimum required number of parking spaces of 78 to permit 73 spaces. The required number of four visitor spaces and one accessible space would be provided. This would result in 34 units having two resident spaces each, and five units having one space each.
- One space from the minimum number of loading spaces of one, to allow for no loading spaces.
- 2.21 metres (7.2 feet) from the minimum required lot frontage per block of 8 metres (26.2 feet) to permit a frontage of 5.79 metres (19 feet).
- 2.3 square metres (24.8 square feet) from the minimum required gross floor area of 65 square metres (699.7 square feet) to permit 62.7 square metres (675 square feet) for some of the units.
- One metre from the maximum permitted building height of 11 metres (36 feet) to permit a maximum height of 12 metres (39.3 feet).

The subject lands are approximately 0.59 hectares (1.46 acres) in size, and are designated 'Residential' in the Haldimand County Official Plan. The subject lands are generally surrounded by residential uses to the north, east and west, and the County's Dunnville Multi-Purpose Building to the south. The dwelling that exists on the subject lands is to be demolished to facilitate the extent of development that is proposed for the site. The lands contain a registered easement that is used by property owners to the west to access the rear of their lots, which is to be retained and integrated into the development.

The subject lands are the site of a previous planning approval which permitted a three storey, 2,728.5 square metre (29,369.3 square foot) 50 bed nursing home, with a future two storey second phase building that would include 10 beds and function as a dementia care unit. The proposed elevations and site plan are included as Attachments 7 and 8. The implications of the approved nursing home are very similar to the potential impacts of the subject application from the standpoints of massing, site activity and traffic generation. Both proposals include three storeys and involve a significant amount of surface parking. A reduced rear yard setback was proposed for the nursing home, which is not part of the stacked townhouse proposal.

ANALYSIS:

Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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. 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 subject application would result in new housing opportunities in the Urban Area of Dunnville. Applicable PPS policies are outlined below.

1.1.3 Settlement Areas

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 currently underutilized, containing a single detached dwelling and detached garage. They are located within the existing built-area of Dunnville and the proposed development would serve as an infill and intensification opportunity for the community. Redevelopment and intensification use existing services without the need to expand into greenfield areas. The proposal to redevelop the site meets the intent of the PPS settlement area policies. This project will also contribute towards the County meeting its intensification targets.

1.4 Housing

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 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 would introduce a medium density housing type into the neighbourhood; it is compatible with the surrounding area in terms of density, form, and traffic; the development can use existing infrastructure; and the site would be functional. Residents of the proposed development could use existing public services facilities in Dunnville (hospital, library, recreational programs, fire services, etc.). It would 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. the close distance between the place of residence and downtown).

1.6 Infrastructure and Public Service Facilities

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. A functional servicing report (FSR) has not yet been received, but will be required prior to the completion of a recommendation report. The development will be further evaluated through the County's infrastructure modeling system to verify that the current local collection system can accommodate the development. The functional servicing report submitted with the previous nursing home application outlined that the lands could be appropriately serviced via Forest Street East. If any upgrades or financial contributions are required, that will be addressed as part of the site plan process. There is sufficient water and wastewater capacity available in Dunnville to service the property.

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. The FSR that is to be submitted will provide an assessment and preliminary stormwater management plan to demonstrate functionality of the project.

1.8 Energy Conservation, Air Quality and Climate Change

The PPS states that energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate shall be supported through the promotion of compact form and a structure of nodes and corridors, and through the promotion of active transportation and transit.

2.6 Cultural Heritage and Archaeology

The PPS does not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the resources have been conserved. Through the County's review process, including the Province's screening tool for evaluating archeological potential, due to the significant disturbance of the subject lands (previous use as a textile factory), no archaeological studies were requested. If this changes and archaeological resources are required to be addressed, further requirements can be implemented through the site plan process.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan) seeks to address challenges related to the 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 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 for where and how the GGH will grow, while recognizing the realities facing cities and smaller communities, and acknowledging what governments can and cannot influence.

The *Places to Grow Act* requires that all planning decisions conform to the Growth Plan. The Growth Plan directs the majority of growth to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. Within settlement areas, growth is to be focused within delineated built-up areas, strategic growth areas, and areas with existing or planned public service facilities. The Growth Plan requires that Haldimand County establish a minimum percentage of all residential development occurring annually that will be within the delineated built-up area, based on maintaining or improving upon the minimum intensification target contained in the Official Plan. Haldimand County's intensification target is 20%.

Haldimand County Official Plan

The Haldimand County Official Plan (OP) provides the framework for guiding land use in the County to 2026. The OP also provides the avenue through which the Provincial Policy Statement and Growth Plan are implemented locally.

The subject lands are designated 'Residential' in the OP. Stacked townhouses are classified as medium density, which generally permits 40 units per gross residential hectare. The OP states that this measure is taken at the neighbourhood scale which represents an area extending beyond an individual development site. The proposed development of 39 dwelling units over 0.59 hectares (1.46 acres) represents a density of 65.9 units per hectare. When factored into the surrounding neighbourhood and various development styles and sizes, the density measure is met. The OP requires that the following matters are 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 2019 study completed on the County's behalf by Watson and Associates Economists Ltd., approximately seven percent of housing growth in the County is projected to occur in Dunnville. The Watson 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. The projections anticipate that there will be a mixture of densities required to meet the needs of an aging population. Additionally, specific regarding massing, orientation and screening would be evaluated as part of a required site plan application.

- 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: The proposed development is located within a mixed density area of Dunnville. The building locations and design would be reviewed as part of the Site Plan application; however, it is noted that the placements on the property are such that they maximize separation from existing and established residential dwellings and will minimize any shadowing effects on those properties. Additionally, through the Site Plan process, screening and buffering through fencing and landscaping will be taken into consideration to mitigate vehicle lights and privacy impacts for neighbouring properties.

- 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 1.87 resident spaces per unit (73 spaces) instead of 2 resident spaces per unit (78 spaces), one barrier free parking space, and 4 visitor parking spaces. The applicants have justified the reduction of five resident spaces based on the following:

- 1) This allows for the full number of visitor spaces to be provided;
- 2) The proposed units are small in nature, and it is unlikely that each will require two spaces; and,
- 3) In the event of period overflow (i.e. birthday party, etc.) the surrounding area has sufficient on-street parking on a periodic basis.

Given the uniqueness of the units (somewhere in between traditional townhouse and apartment), it is not unreasonable to consider alternative parking requirements that better align with the anticipated demand and need. The parking stalls would be unitized, meaning you would purchase a unit with either 1 space or 2 assigned to it. As such, a purchaser is aware of what is available and would make their decision accordingly. The intent is to maintain the required number of accessible and visitor parking spaces.

- 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 Cross Street East. The density of the proposed development density is not sufficient to trigger the need for a formal traffic impact study, however, this was provided by the proponent. Haldimand County's Transportation Engineering Technologist has reviewed the traffic impact study and advised that the existing road network is able to accommodate the traffic generated without improvements.

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

Planning Comment: The subject lands are located in proximity to a linear park that serves as a connecting link to other greenspaces within Dunnville. Further, the project site will include amenity space for residents in addition to the landscaping and greenspace that are proposed throughout the site.

- 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 meet the needs of the residential development.

The OP states 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. The subject proposal has been evaluated with respect to compatibility criteria outlined in the OP relating to intensification. 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: Three storeys (12 metres/39.3 feet) is higher than what is typically seen in Haldimand County; however, it is not excessive and only exceeds the maximum height provision by one 1 metre (3 feet). Site plan control applies to the R4 Zone and will ensure that the site is designed in such a way that impacts on neighbouring properties are mitigated.

- 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 proposed structures will be taller than the surrounding area, but the lot coverage will be similar to development that has taken place in this neighbourhood.

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

Planning Comment: The shape of the subject lands makes it difficult to establish development near the front of the subject lands. Haldimand County staff intend to require a landscaped entrance to the development to beautify this feature of the project.

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

Planning Comment: The front yard and side yard setbacks in the surrounding area are quite small. The proposed development is intended to be set back from the street in an effort to minimize the visual impact that the project will have on the streetscape, and due to the lot configuration. This is a departure from the trend of the neighbourhood; however, given the size and scale of the proposal, it is a logical design. The setbacks on the east and south sides of the property are minimum 8 metres to abutting residential property lines and a minimum of 4.5 metres to the rear property lines of residential lots to the north. Landscaping is proposed along the frontage of the property which will provide buffering from headlights, as well as soften the increase in height that the proposed development would exhibit.

- 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: Dunnville does not have a cohesive architectural style; the town contains a wide variety of architectural styles from Victorian to 21st century typical small-town construction. The proposed building will include wood and metal finishes and balconies. The proposal is reflective of what staff consider quality urban design and all faces of the building will accommodate enhanced design features. This creates an attractive building view from all directions.

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

Planning Comment: Landscaping and screening would be required through the site plan approval process with particular emphasis on the entrance from Cross Street East.

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

Planning Comment: There are no garages provided with the proposed building.

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

Planning Comment: The proposed development will be required to provide a sufficient number parking spaces to meet the expected need. The barrier free and visitor parking space will be located close to the buildings to provide a convenient and accessible path of entry along the walkways 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: Based on information that was provided through a Traffic Impact Study and staff analysis completed, the traffic movements appear appropriate for the area. The traffic impact study has been accepted by staff. Traffic movements appear to be appropriate for the area.

While the proposed use generally complies with the Official Plan infill policies, another important component regarding development proposals is servicing and ensuring that a proposed development is feasible and can achieve functionality. New development and redevelopment in urban areas shall proceed where the development is fully serviced by municipal water, sanitary sewers, adequate drainage and stormwater management facilities. Through the original retirement home application, basic functionality regarding services was reviewed, however, with the change in proposed use and the physical form of the development an evaluation of servicing capacity and the ability of the system to accommodate the 39 townhouses, as well as stormwater management accommodation, needs to be assessed. At this point, this analysis has not been completed. This is a critical part of the application review process and will need to be completed prior to staff bringing a final recommendation report to Council.

Haldimand County Zoning By-law HC 1-2020

The subject lands are currently zoned 'Neighbourhood Institutional (IN(H))' with a site specific provision with a small strip of 'Urban Residential Type 2 (R2(H))' along the west side of the property. The lands are primarily IN(H) which permits a range of institutional uses and an assisted living facility, but does not permit the proposed stand-alone residential use. The proponent requested to amend the zoning of the subject lands to 'Urban Residential Type 4 (R4)' to permit the construction of the 39 stacked townhouse units. Further, the proponents are requesting relief from some of the R4 and parking provisions as follows:

Development Standard	Required	Proposed	Deficiency
Minimum Lot Frontage Per Block	8.0 m (26.2 ft.)	5.79 m (19 ft.)	2.31 m (7.6 ft.)
Maximum Building Height	11.0 m (36 ft.)	12.0 m (39.4 ft.)	1.0 m (3.3 ft.)
Minimum Gross Floor Area Per Unit	65 sq. m (699.7 sq. ft.)	62.7 sq. m (675 sq. ft.)	2.3 sq. m (24.8 sq. ft.)
Resident Parking	2 spaces per unit 78 space total	1.87 units per unit 73 spaces	5 spaces
Number of Loading Spaces	1	0	1

Conclusion

Planning staff are generally supportive of the proposed amendment. However, additional information is required (including a functional servicing report) before a recommendation can be made. The FSR serve to demonstrate the suitability of the project scale relative to the site and infrastructure capabilities. That in turn provides the justification for alternative zoning standards – if the FSR supports the project, then alternative zoning can be considered; whereas, not having the FSR makes any decision on alternative zoning standards premature. Staff will consider the information provided by the public at the statutory public meeting, as well as direction provided by Council, prior to issuing a recommendation. It is noted that a draft zoning amendment is included (Attachment 3) for information purposes but is not being recommended at this time and is subject to change based upon the above.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Forestry:

General Comments

There is a County owned Silver Maple (130cm DBH) that is located in front of the existing residence and wasn't identified during the pre-consultation.

Tree Protection Plan

The Silver Maple as well as the tree protection measures will be required to be shown on the site plan to protect this tree during the development of the site. It appears that the tree will be located within the planting area along the north side of the parking lot adjacent to Cross Street West. Please contact the Haldimand County Project Manager, Forestry for Tree Protection Specifications.

Street Tree Planting Plan

Street trees provide many community benefits such as sequestering carbon, reducing storm water run off, shade, filtering air pollution, wildlife habitat and contributing to beautiful communities. Each development must make a positive contribution to the urban environment to help sustain and enhance the quality of our urban forest. Street trees shall be planting at the following densities:

- a. Minimum (1) tree per residential dwelling planted within right-of-way.
 - Minimum (2) trees shall be planted for residential dwellings on corner lots.
- b. Minimum (1) tree per 10 lineal meters of right-of-way frontage for lot-less, multi-residential, commercial and institution lots planted within right-of-way.

Haldimand County recognizes the difficulties in coordinating tree planting within the development process and has instituted a cash-in-lieu process whereby the developer will participate in providing a street tree planting plan during the planning stage of the development and Haldimand County will implement the tree planting along County owned right-of-ways. The developer shall be responsible for planting trees along private roads.

The Street Tree Planting Plan shall be prepared by an International Society of Arboriculture Certified Arborist, Ontario Ministry of Training, Colleges and Universities Arborist Journey Person Class, Landscape Architect or Registered Professional Forester and shall be submitted with the planning application for review by staff.

Please contact the Haldimand County Project Manager, Forestry for the terms of reference for the Street Tree Planting Plan.

Canada Post:

Service type and location

1. Canada Post will provide mail delivery service to this development through centralized Community Mail Boxes (CMBs), unless;
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance of 3 or more units, the developer must supply a mail panel, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications. If there are over 100 units, a mail room will be required.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this development application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin so that we can plan for equipment. Finally, please provide the expected installation date(s) for the CMB(s).

Planning & Development, Development and Design Technologist: No objections. Technical details to be reviewed through the Site Plan Application.

Emergency Services: No objections.

Grand River Conservation Authority: No objections.

Mississaugas of the Credit First Nation: Comments are included as Attachment 4.

Note: Haldimand County Planning & Development staff provided the requested information on December 22, 2021, and followed up on January 10, 2022 to confirm whether additional comments would be provided. No further correspondence has been received.

Engineering Services, Transportation Engineering Technologist: The traffic study prepared for the townhomes proposed at 114 Cross St. in Dunnville outlines the following: There are 39 units proposed. The trip generation calculated using land use code Multifamily housing is appropriate and is found to be 35 trips in the morning peak and 38 trips in the evening peak. This development is being proposed in an established residential area no trip reductions were made. Generated trips were distributed as per existing patterns and this is acceptable. The existing road network is able to accommodate the traffic generated without improvements.

Public:

A neighbourhood petition has been submitted to staff stating the concerns regarding the increase in traffic on the street will raise concerns for safety of the pedestrians, cyclists and skateboarders that utilized the roadway. The proponent has submitted a traffic impact study which was reviewed by the County's Engineering, Transportation Engineering Technologist. It was confirmed that the existing road network is able to accommodate the traffic generated without improvements.

Concerns were raised regarding use of the existing easement currently used by property owners to the west to access the rear of their lots. This easement will remain in place and will continue to be used by neighbours.

A neighbourhood meeting was hosted via Zoom by the proponent on Tuesday, November 30, 2021 at 6:00 p.m. The following concerns were raised by attendees and addressed by the proponent:

- Soil (contamination);
- Services buried underground and servicing capacity;
- Traffic, new residents parking on the street & truck parking on the street during construction;
- Rights/access to the private lane/lane snow removal, safety concern from an existing resident that parallel parks of the lane;
- Light pollution;
- Overlook/privacy issues, one neighbour suggested exploring the use of screening on the side of the balconies;
- Concerns of overdevelopment;
- Intended use of the amenity area and its impact on the abutting properties; and
- Impact of the new development on the trees located on the abutting properties.

These concerns are noted and are being included as part of the Development Review and Land Use Assessment.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Draft Zoning By-law Amendment.
4. Mississaugas of the Credit First Nation comments.
5. Concept Elevation.
6. Concept Massing.
7. Nursing Home Site Plan.
8. Nursing Home Elevations.