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# HALDIMAND COUNTY

## Report PDD-18-2022 Eastway Subdivision Zoning By-law Amendment For Consideration by Council in Committee on May 10, 2022

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### OBJECTIVE:

To consider a Zoning By-law Amendment application to amend the Haldimand County Zoning By-law HC 1-2020 to facilitate a redline revision to a previously approved plan of subdivision and permit residential development on a block that is currently zoned to for a park.

### RECOMMENDATIONS:

1. THAT Report PDD-18-2022 Eastway Subdivision Zoning By-law Amendment be received;
2. AND THAT application PLZ-HA-2021-238 to amend Haldimand County Zoning By-law HC 1-2020 to permit residential development on the subject lands be approved for the reasons outlined in Report PDD-18-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, and the Growth Plan for the Greater Golden Horseshoe;
4. AND THAT the by-laws attached to Report PDD-18-2022 be presented for enactment.

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**Reviewed by:** Shannon VanDalen, MCIP, RPP, Manager of Planning and 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 subject application is required to facilitate residential development on Block 139 as identified in Draft Plan 28T-9-1007 (Attachment 2), and lots 92 and 93 on the concurrent redline revision application for the subject lands (Attachment 3). The subject lands are currently zoned "Open Space (OS)" and was intended to act as a park for the development when it was approved in 1994. The subject application is seeking to re-zone the lands to "Urban Residential Type 1-B (R1-B)" with a "Holding (H)" provision, to permit single family detached dwellings, in line with the surrounding area.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2020, complies with the Provincial Growth Plan 2020, conforms to Haldimand County's Official Plan and maintains the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of the amendment for the reasons set out in this report.

A public notice sign was posted at the site and was visible when the Planner conducted a site visit.

## **BACKGROUND:**

The proposed zoning amendment is required to permit residential development on the subject lands. The subject lands are currently vacant and form part of a Draft Plan approved subdivision (28T-9-1007) – formerly known as the Savage Star Subdivision. The subdivision was purchased by a new developer, who has proposed some plan changes (referred to as ‘red-line revisions’) to increase the number of lots and establish a more efficient subdivision layout. It is also now known as the Eastway Subdivision. The proposed changes would result in 156 total single detached dwelling lots where 133 total lots were previously draft approved. The increase in lots is largely a result of reducing the proposed lot frontages, within the subdivision. The current R1-B zone requires a minimum frontage of 12 metres, where the previous zoning for the subdivision required larger frontages. The conversion of the park into additional residential lots accounts for four (4) additional lots. The residential lots within the subdivision are all zoned R1-B, permitting the construction of single detached dwellings. The red-line revision includes a mix of lot frontages ranging between 12 - 17 metres, with majority of the lots meeting the minimum zone requirement of 12 metres.

The zoning (and associated red-line revision) is specific to the park block that was set aside in the plan. That block, as well as the balance of the subdivision lands, are currently vacant and will have frontage along a proposed street within the subdivision, which gains access from King Street East. The parcel is located within the Urban Boundary of Hagersville and legally described as Concession 2 Part Lot 17 in the former geographic township of Walpole. The surrounding land uses include Hagersville Secondary School to the west, existing residential dwellings to the north and agricultural lands to the east and south. The General Location map can be found in Attachment 1; with the overall configuration being shown on Attachment 2 and 3 (Owner’s Sketch 1 and 2).

Attachment 2 (Owner’s Sketch 1) depicts the previously approved Draft Plan of Subdivision, formerly known as Savage Star. Attachment 3 (Owner’s sketch 2) shows the subdivision configuration following the concurrent redline revision (PLRL-2021-237). The redline revision adjusts the lot configuration to align with the current R1-B zone minimum size requirements. Pertinent to the subject application, the redline revision has created lots in place of the previously approved Block 139. These lots form the lands where the proposed zoning amendment would apply.

## **ANALYSIS:**

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

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS), states that settlement areas, such as Hagersville, shall be the focus of growth and development. Section 1.1.3.4 states, “Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.” The proposed zoning by-law amendment will provide additional units within the development and will promote minor intensification in a compact form.

Section 1.5 of the PPS speaks to the need for public space, recreation, parks, trails and open space. The subject application will remove a park from the subdivision and replace it with additional dwellings. The applicants will be required to provide cash in lieu of a parkland dedication for the overall development. Accepting cash in lieu of parkland is a common practice and the funds can be used to ensure policies within section 1.5 of the PPS can be upheld.

It is the opinion of Planning staff that the subject application conforms to the PPS.

## **A Place to Grow, 2020**

The policies of the A Place to Grow, generally echo those of the PPS and aim to create complete communities that are designed to support healthy and active communities, and intensification within communities to ensure the efficient use of lands. As part of an efficient use of lands it encourages the provision of publicly accessible parkland, open space and trails in a co-ordinated approach.

The subject application will facilitate additional dwelling units in a more compact and efficient form than the previously approved draft plan. When the draft plan was approved in 1994 there was not a coordinated or comprehensive approach to green space and parks. As stated above, in the absence of a parkland dedication the proponents would be required to provide cash in lieu, which the municipality can use to ensure the policies of A Place to Grow can be satisfied.

It is the opinion of Planning staff that the subject application conforms to A Place to Grow.

## **Haldimand County Official Plan**

The subject lands are designated Residential in the Official Plan. The predominant use within the residential designation shall be for residential purposes and the Official Plan supports the use of the lands for residential purposes. Further, the lands are located within an urban area (Hagersville) and are to be the focus of growth and intensification.

Section 6 of Haldimand County's Official Plan speaks to Leisure, Heritage and Culture, including Parks and Open Space. Section 6 A.2 states, "Haldimand County will ensure that there is an adequate supply of parks, open spaces and recreation facilities to serve people of all ages and abilities." Further, section 6 B.1 (b) permits the County to accept cash-in-lieu in place of a parkland dedication, and use the funds to establish parks elsewhere.

The subject lands were originally approved within the subdivision as a parkette to serve the development. The property is located immediately adjacent to Hagersville Secondary School and is shown on Attachment 2. Also in the vicinity is the Hagersville Elementary School, Hagersville Park, and the parks and trails proposed as part of the Livingston and Smith Farms subdivisions. Given the subject land is located in proximity to greenspace associated with the High School, is small in size and not centrally located amongst the local development, greater impact could be obtained through collecting cash-in-lieu as opposed to a land dedication. This change in use of the block in the subject lands has been reviewed with various County Divisions, including Facilities, Parks, Cemeteries & Forestry Operations with full support.

It is Planning staff's opinion that the subject application complies with the Haldimand County Official Plan.

## **Haldimand County Zoning By-law HC 1-2020**

The subject lands are currently zone 'Open Space (OS)' and the balance of the development is currently zoned 'Urban Residential Type 1-B (R1-B)' subject to a Holding (H) provision. The applicant is seeking to rezone the OS portion of the property to R1-B to match the balance of the property and to lift the holding provision.

The existing Holding (H) provision is in place to ensure that all requirements of Haldimand County are addressed through a Subdivision agreement. The Holding (H) provision will be eligible for removal when the subdivision agreement is registered. A draft holding removal by-law is included as Attachment 5.

The applicants have submitted a concurrent redline request to bring the draft approved lots in line with the current standards of the R1-B zone requirements. The redline request is also seeking to convert the existing park block to lots for residential development. The proposed lots will meet the minimum lot area and frontage requirements for the R1-B zone.

It is the opinion of Planning staff that the subject application maintains the intent and purpose of the Zoning By-law.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Six Nations of the Grand River** – Concerns related to the elimination of a park at a time when development is occurring at an unprecedented rate.

Planning Comment: In place of a parkland dedication the proponent would be required to provide the County with cash-in-lieu to be used for other green spaces.

**Project Manager Forestry – Facilities, Parks, Cemeteries & Forestry Operations** – Forestry has no concerns with the proposed zoning application.

**Manager – Facilities, Parks, Cemeteries & Forestry Operations** – Facilities has no objections with the rezoning a portion of the subject lands and supports accepting cash-in-lieu payment for parkland.

The lands that are designated would not greatly benefit the community in whole. It is Facilities recommendation for parkland to be centrally located within development. The proposed location does not meet that criteria.

It is Facilities recommendation to incorporate a more substantial park land in the area in the future.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Owners Sketch 1 (Approved Draft Plan).
3. Owners Sketch 2 (Requested Redline).
4. Draft By-law.
5. Draft Holding Removal By-law.