
HALDIMAND COUNTY

Report PDD-13-2023 Zoning By-law Amendment to Permit 16 Townhouses -
154, 168 and 170 Caithness Street West, Caledonia



For Consideration by Council in Committee on June 20, 2023

OBJECTIVE:

To provide a Recommendation Report to inform Council and the general public, and provide recommendations on an application received for a Zoning By-law Amendment application to facilitate the development of a 2.5 storey 16-unit stacked townhouse building, with 35 parking spaces, 29 of which are provided below the building and 6 of which are provided as surface parking.

RECOMMENDATIONS:

1. THAT Report PDD-13-2023 Zoning By-law Amendment to Permit 16 Townhouses - 154, 168 and 170 Caithness Street West, Caledonia be received;
2. AND THAT application PLZ-HA-2022-134 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the subject lands from the "Urban Residential Type 2 (R2)" Zone to the "Urban Residential Type 4 – Holding (R4 (H))" Zone with Special Exception R4.5 be approved for the reasons outlined in Report PDD-13-2023;
3. AND THAT the General Manager of Community & Development Services be authorized to remove the Holding (H) provision on all lands when all conditions have been satisfied;
4. AND THAT the application is considered to be consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth plan for the Greater Golden Horseshoe, 2020 and the Haldimand County Official Plan, and has sufficient regard for matters of Provincial interest under the *Planning Act*;
5. AND THAT the by-laws attached to Report PDD-13-2023 be presented for enactment.

Prepared by: Spencer Skidmore, MCIP, RPP, Senior Planner, Planning and Development

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

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

Approved: Cathy Case, Interim Chief Administrative Officer

EXECUTIVE SUMMARY:

MHBC Planning (agent), on behalf of Ronald, Nancy and Marylana Fitzhenry (owners), has submitted a Zoning By-law Amendment application to rezone the subject lands from an "Urban Residential Type 2 (R2)" Zone to an "Urban Residential Type 4 (R4-H)" Zone with a Holding Provision and Special Exception. The purpose of the Zoning By-law Amendment application is to permit a stacked townhouse development consisting of 16 dwelling units with 35 parking spaces (including 2 accessible spaces) in an enclosed parking structure beneath the proposed residential units and at grade along Queen Avenue. The proposed development has a maximum height of approximately 11 metres (36 feet),

however, due to the grade change on the property, the building height of the Queen Avenue façade is 9 metres (29.6 feet).

The subject lands are currently zoned the “Residential Type 2 (R2)” Zone, which permits single detached, semi-detached and duplex dwellings. The subject Zoning By-law Amendment is required to introduce the proposed stacked townhouses as a permitted use.

Planning staff are of the opinion that this proposal has regard for matters of Provincial interest under the *Planning Act*, is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow: Growth plan for the Greater Golden Horseshoe, 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 this amendment for the reasons outlined in this report. Staff are also recommending that a Holding Provision be applied to the lands, which requires that the applicant satisfy certain noise and vibration criteria requested by CN Rail and enter into a Development Agreement with the County.

The proponent posted the public notice sign on the subject lands. Planning Staff observed the notice sign on a site visit.

BACKGROUND:

The subject lands are located in Caledonia on the north side of the Grand River. The ±0.30 hectare (0.74 acre) site currently contains a single detached dwelling and is located on the northeast corner of the intersection of Blair Street and Caithness Street West. The lands are municipally known as 154, 168 and 170 Caithness Street West and are legally described as Caledonia Plan 52 Lots 16, 17 & 18 and Part of Lot 19, in the Urban Area of Caledonia. The lands have an approximate frontage of 49.9 metres (163.7 feet) along Blair Street, with 64.3 metres (210.9 feet) of flankage along Queen Avenue and 73 metres (239.5 feet) of flankage along Caithness Street West. The lands fall within the regulated area of the Grand River Conservation Authority. Please refer to Attachment 1 for a Location Map of the subject lands.

Previous Site Plan Submission and Public Meeting

In 2020, the proponent submitted a Site Plan Application for a 24 unit, 4 storey apartment building on the subject lands. The County provided preliminary technical feedback on the proposal, along with significant feedback from a land use planning perspective related to compatibility. Specifically, the County advised that the proponent would be required to submit a Zoning By-law Amendment on the lands to rezone the lands to facilitate an intensified residential land use on the property. The proponent also held a developer-led public meeting on June 9, 2021. Many of the comments raised at the June 9th meeting were addressed in the initial Zoning By-law Amendment submission, discussed further below.

Initial Zoning By-law Amendment Submission

On September 15, 2022 the proponent submitted the required Zoning By-law Amendment Application to rezone the subject lands from the “Residential Type 2 (R2)” Zone to the “Residential Type 4 (R4)” Zone to permit a stacked townhouse development. The application was deemed complete under the *Planning Act* on September 22, 2022. The proposal submitted for the Zoning By-law Amendment was significantly modified from the original Site Plan Application and included a reduction in the size of the building, number of units, and overall building height. The proposal was also modified in terms of dwelling type from an apartment to a stacked townhouse building. The initial submission contained a total of 16 stacked townhouse dwelling units and 28 parking spaces. The initial submission also exceeded the maximum building height (11m) permitted within the Zoning By-law and included a 3m

rear yard setback adjacent to the eastern property line. Internal Staff and agencies provided feedback on the initial submission.

Proponent-led Public Information Session

Following the initial submission of the Zoning By-law Amendment, the proponent held virtual Public Information Session on November 23, 2022. The Information Session was attended by six (6) members of the public. The public comments received primarily related to the adequate provision of on-site parking, and the traffic generated by the proposal. Comments were also received that pertain to the proposed building's height/massing and the preservation of mature trees on the lands. The abutting neighbour to the east also brought up concerns related to privacy and overlook of their rear yard amenity area. How these public comments, among others, were addressed by the proponent is discussed further in the Stakeholder Impacts section below.

Second Zoning By-law Amendment Submission

On February 16, 2023 the proponent provided a second submission with a revised development concept. The development was revised in a number of ways, which included 7 additional parking spaces (35 total), a reduction in height of the building to conform to the maximum building height of the R4 Zone (11 metres/36 feet), and a shrinking of the building to increase the setback of the building along the eastern property line (from 3 metres/9.8 feet to 5.5 metres/18 feet). The revised proposal also removed the pedestrian walkway along the east of the building, and incorporated mature landscaping adjacent to the eastern property line to help further mitigate any privacy and overlook impacts on the adjacent lands and existing residential uses. A number of technical matters were also addressed. Please refer to Attachment 2 for the revised Conceptual Site Plan and Attachment 3 for the Architectural Package.

Following some further clarification on the submitted materials, staff are satisfied that the revised concept appropriately addresses staff and agency comments/concerns as well as those raised by members of the public. The outstanding concerns related to noise/vibration are being addressed via the proposed Holding Provision, and the technical/engineering design of the proposal will be further evaluated through the Site Plan process.

Notice of Public Meeting was sent out to all neighbours within 120 metres (394 feet) of the subject lands, and a public notice sign was posted on all street frontages (Caithness Street West, Blair Street, Queen Avenue).

ANALYSIS:

Planning staff completed an analysis of the proposed Zoning By-law Amendment application against the applicable Provincial and County land use planning policy documents and legislation. The summary of this analysis is below:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) states that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns that accommodate an appropriate affordable market-based range and mix of residential housing types. The subject lands are located within a settlement area, as defined by the PPS, which are identified as the areas of focus for growth and development. The PPS states that growth within settlement areas shall efficiently use land and resources, be appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

The proposed development is also considered a form of residential intensification, as the lands are located within the existing built-up area. The PPS directs municipalities to promote appropriate

development standards that facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The PPS also directs development to areas outside of hazardous lands, including hazardous lands adjacent to a river or stream. The hazard lands policies of the PPS will be discussed later herein.

The proposed development is located within the Caledonia Urban Area and contributes to the range and mix of housing types while being compatible with adjacent development in terms of height, built-form and transition. The development is proposed on full municipal services and contributes to the optimization of existing infrastructure in the area, while representing an appropriate form of residential intensification.

Section 3.1 of the PPS deals with natural hazards. The proposed development has been circulated to the Grand River Conservation Authority (GRCA), who confirmed that the portion of the lands proposed to be developed is located within a riverine hazard. The PPS generally directs development away from natural hazards in order to protect public health and safety. This includes not permitting development and site alteration within the floodway. One exception to this is where the development is located in a two-zone concept for flood plains. The two-zone concept allows for the creation of the floodway and flood fringe. The flood fringe is the area outside of the floodway that is less likely to be adversely impacted by flooding events. Development in the flood fringe of a two-zone concept is permitted under Policy 3.1.6 of the PPS, provided the development is subject to the appropriate floodproofing to the flooding hazard elevation or appropriate standard.

The proposal is identified as being within the “Flood Fringe” and outside of the “Floodway” on Schedule B.1 (Caledonia Urban Area Land Use Plan) of the County Official Plan. Per GRCA staff, the lands are located within a “Candidate Two Zone” floodplain in the Urban Area of Caledonia. GRCA staff have confirmed that the proposal meets the criteria of a two-zone floodway/flood fringe concept. Accordingly, development in the flood fringe can be permitted provided it’s appropriately restricted and meets certain criteria. These criteria are outlined in both the County’s Official Plan and within the Grand River Conservation Authority’s policy documents and include:

- the building or structure is floodproofed to the elevation of the Regulatory flood;
- all new dwelling units are above the elevation of the Regulatory flood;
- all habitable floor space and electrical, mechanical and heating services are above the elevation of the Regulatory flood;
- no basement is proposed, or where the building contains multiple units, the basement is floodproofed to the elevation of the Regulatory flood to provide parking below grade or common amenities; and
- ingress and egress to the building or structure is “dry” where this standard can be practically achieved, or floodproofed to an elevation which is practical and feasible, but no less than “safe”.

The subject lands have “dry” vehicular and pedestrian access via Blair Street and Queen Avenue, which is located outside of the floodplain. All habitable floor space is currently located above the Regulatory Flood Elevation and GRCA has requested that the finished floor elevation for the parking garage be revised to be above the Regulatory Flood Elevation as well. This will be further confirmed through the subsequent Site Plan Application. Accordingly, the proposal meets the criteria for development in the flood fringe of a two-zone floodplain concept and is consistent with the PPS.

Planning staff conclude that the proposed development is consistent with the PPS.

A Place to Grow: Growth plan for the Greater Golden Horseshoe, 2020

Similar to PPS policy direction, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) directs the vast majority of growth and development to settlement areas. Furthermore,

the Growth Plan directs growth within settlements areas to be focused within the delineated built-up area in the form of intensification, and directs development away from hazardous lands.

The Growth Plan also supports the achievement of compact, complete communities that feature a diverse mix of land uses, including residential land uses and a diverse range and mix housing options. This includes additional residential units and affordable housing to accommodate people at various stages of life, household sizes, and incomes. Furthermore, the Growth Plan requires that municipalities establish a minimum intensification target throughout the delineated built-up area. Through its Official Plan, the County has established an intensification target of 20 percent of new dwelling units to annually be provided through intensification. The proposed development is located within the built-up area and contributes towards the achievement of this objective.

The proposed development is located within a settlement area and consists of a more compact built form that supports the achievement of complete communities and adds to the range and mix of housing types in the neighbourhood. The proposal is also a compatible form of residential intensification that will help the County in achieving its established residential intensification target.

Planning staff conclude that the proposed development conforms to the Growth Plan.

Haldimand County Official Plan

The Haldimand County Official Plan (HCOP) contains goals, objectives and policies to manage and direct change and its effects on the social, economic and natural environment of the municipality. The Haldimand County Official Plan incorporates land use information that will guide and direct planning and development within Haldimand County.

Hazard Lands

A portion of the lands are identified as Riverine Hazards Lands, and are regulated by the Grand River Conservation Authority. The proposal is identified as being within the “Flood Fringe” and outside of the “Floodway” on Schedule B.1 (Caledonia Urban Area Land Use Plan) of the HCOP. Policy 2. C. 1) 4. of the HCOP allows for the application of a two-zone (floodway/flood-fringe) concept for selected portions of the floodplain in the urban area of Caledonia. Development that may be permitted in the flood fringe area will need to be protected to the level of the Regulatory Flood, provided the applicable Conservation Authority has reviewed the proposal and is supportive. Policy 2. C. 1) 7. of the HCOP identifies uses that are permitted in the Flood Fringe and states that the appropriate conservation authority shall be consulted and consideration given to the following factors before development is allowed in the Flood Fringe:

- a) the nature and scale of the development proposed;
- b) the flooding effect of the proposal on upstream and downstream areas;
- c) the feasibility of employing flood damage reduction measures or flood proofing (feasibility of placing fill to attain desired lot elevation, feasibility of construction on organic soils, increased structural requirements, sump pumps, one-way valves, availability of suitable outlets for storm sewers, weeping tile, drains, etc.; and
- d) uses permitted in the underlying designations.

The Grand River Conservation Authority (GRCA) has provided comments and completed an internal engineering review of the proposed development. Per GRCA staff comments, the lands are located within a “Candidate Two Zone” floodplain in the Urban Area of Caledonia. GRCA staff have confirmed that the proposal meets the criteria of a two-zone floodway/flood fringe concept. The GRCA has stated that their requirements to support the proposed zone change for the residential development were specified in our pre-consultation letter dated February 11, 2022, and the GRCA is now satisfied that all habitable space will be raised above the Regulatory Flood Elevation (190.9 metres CGVD2013), and that the underground parking structure has been raised closer to the RFE than in previous conceptual

designs. Safe vehicular access to Blair Street and dry pedestrian access to Queen Street are accomplished as well.

The GRCA will require more detailed information pertaining to parking structure floodproofing in support of the site plan application, along with a topographic survey to confirm existing grades on the property. A GRCA permit will also be required prior to grading and construction on the lands.

Accordingly, the proposal meets the HCOP policy as it relates to hazard lands and development in the “Flood Fringe” of a two-zone concept.

Intensification Target

As the proposal is within the built-up area, it is considered intensification under the HCOP. Policy 4. B. 5. of the HCOP establishes a target of 20 percent of all new dwelling units annually to be provided through intensification or redevelopment within the existing built boundaries of the urban areas. In support of this target, the County’s Intensification Strategy (Policy 4. B. 8.) encourages intensification throughout the built-up area of the urban areas, including the Caledonia Urban Area. This includes intensification within the stable residential neighbourhoods of the urban areas provided 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 tests of appropriate intensification shall be determined through the compatibility criteria set out in Section 4. B. 2) 11. These criteria are discussed below. The proposed development is a compatible form of intensification that will help the County achieve its intensification target.

Residential Designation

The subject lands are designated as “Residential” on Schedule B.1. – Caledonia Urban Area Land Use Plan of the HCOP. Section 4 B. 2) of the HCOP contains the policies for the ‘Residential’ designation. Policy 4 B. 2) 2. states that the “Residential” designation permits all forms of residential development.

The policies of the ‘Residential’ designation establish general maximum residential densities for certain types of development (Policy 4. B. 2) 5.). The proposed development would be considered a “Medium Density” development as it consists of a type of townhouse. The density for “Medium Density” development is a general maximum density of 40 units per gross residential hectare. The subject lands have an approximate density of ±54 units per gross residential hectare. Although slightly above the permitted general maximum density, the term “general” within the policy allows from some discretion and flexibility when interpreting the policy for conformity, provided all other policies of the HCOP can be satisfactorily addressed. In staff’s opinion, the increase in the permitted density is minimal and the proposal otherwise satisfies all other policies of the HCOP in particular those that govern medium density development criteria and development in stable residential neighbourhoods. Accordingly, the proposal conforms to this policy.

Development Criteria for Medium and High Density Development

Policy 4. B. 2) 6. of the HCOP contains the development criteria for medium and high density development. The proposal is considered medium density development, and accordingly the criteria of this policy apply. How the proposal satisfies these development criteria is identified in the table below:

Table 1: Development Criteria for Medium and High Density Development [Policy 4.B.2) 6.]

Policy Subsection	Justification
a) the effect of the development on the overall housing needs of the community;	The proposed development provides a type of housing that has been identified as a need within the community through the County’s Housing Master Plan.

<p>b) the effect of the use on neighbouring residential development with respect to the density, form, height and arrangement of buildings and structure;</p>	<p>The proposed development is a 2.5 storey (11 metres/36 feet) building. This is consistent with surrounding development. Furthermore, the proponent is not increasing the proposed building height over what is currently permitted on-site and the northern façade that interfaces with existing development along Queen Avenue is limited to 2 storeys, which is consistent with existing surrounding development. The proposal has also been massed and sited in order to provide an appropriate transition to neighbouring residential development and be compatible from a privacy and overlook perspective (i.e. all balconies face south towards the Grand River and overlook the Kinsmen Park). The built form has also been effectively articulated to help break down the perceived massing and be more compatible with surrounding existing residential development.</p>
<p>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, landscaped buffers, garbage storage enclosures and emergency vehicle access;</p>	<p>The proposal exceeds the minimum parking requirements by one (1) parking space and provides 35 parking spaces. The parking is also provided in a structure below the building, partially below grade. This enable the balance of the lands to be used for landscaped area and amenity space and reduces the amount of hardscaping on the site.</p>
<p>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;</p>	<p>The subject lands have direct flankage (exterior side yard) onto Caithness Street West, which is classified as an arterial road on Schedule F.4 “Caledonia Urban Area Transportation Plan”. The proposed development is accessed via Blair Street directly off of Caithness Street West, limiting any traffic going through the surrounding local streets.</p>
<p>e) the proximity of the use to public parks and other open space amenities and pedestrian access to these amenities; and</p>	<p>The subject lands are located immediately opposite of the Caledonia Kinsmen Park, which is a large community park that contains sports fields/courts, a pool, a splash pad, play equipment, picnic areas, etc. Future residents of the proposed development will have direct and easy access to this park.</p>
<p>f) the adequacy of community services and facilities, including special needs facilities, to accommodate the needs of the residents of the use.</p>	<p>The proposed development is within walking distance of Downtown Caledonia, which contains a number of community service facilities that are able to accommodate the needs of the residents of the proposed development.</p>

Based on the foregoing, the proposed development satisfies the HCOP criteria for medium and high density development.

Stable Neighbourhood Policies

Policy 5. I. 3. of the HCOP permits small scale intensification in all areas designated for residential use, subject to the design criteria of Section 4.B.2) 11. except where infrastructure is inadequate or there are significant physical constraints. Based on a review of the proposal, there were no significant infrastructure or physical constraints identified. Accordingly, intensification is permitted subject to the design criteria of Section 4.B.2) 11, below.

Table 2: Design Criteria for Stable Residential Neighbourhoods.

Policy Subsection	Justification
i) Limit building heights to reflect the heights of adjacent housing;	The proposed development has been limited in building height at 2.5 storeys to a maximum of 11 metres (36 feet) to reflect to heights of adjacent housing, which are predominantly 1.5 to 2 storeys in the area. Furthermore, the northerly facing façade has been designed to be 2 storeys and ≈9 metres (29.5 feet) in height, which effectively limits the height facing the interior of the neighbourhood, and is consistent with other building heights along Queen Avenue.
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;	The proposed development has a lot coverage of ≈34%, which is consistent with existing development in the neighbourhood that range from 19% to 41.5%. The proposal has also been sited, massed and designed in order to reflect the general scale of appearance of adjacent dwellings.
iii) Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge and character;	The proposal has a front yard setback of 4.4 metres (14.4 feet) on Blair Street and a flankage yard of 6.15 metres (20 feet) on Queen Avenue. Front yard setbacks in the neighbourhood vary widely from ≈0 metres to ≈6 metres (19.7 feet). The proposed setbacks are consistent with what exists in the neighbourhood.
iv) Provide for similar side yard setbacks to preserve the spaciousness on the street;	The proposed exterior side yard setbacks are 6.15 metres (20 feet) on Queen Avenue and 9.74 metres (31.9 feet) on Caithness Street West. These setbacks generally exceed those provided throughout the neighbourhood. These increased exterior side yard setbacks help mitigate the proposed mass of the building and provide opportunities for additional landscaping.
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;	The proposed development provides a high level of design, that incorporates a series of gabled roofs that help break up the mass. Gabled roofs are found throughout the neighbourhood. The proposal also incorporates high quality building materials, including stone and brick. Further, the proposal includes a series of porches and overhangs at the pedestrian entrances along

	Queen Avenue that are similar to those found other dwellings the neighbourhood.
vi) Include provisions for landscaping and screening if required;	The proposal will be required to implement Landscaped Strips in accordance with the County's Zoning By-law. Furthermore, the proponent has committed to planting mature trees in the rear yard adjacent to the neighbouring property to the east to help mitigate any privacy/overlook concerns. A Landscape Plan will be prepared and provided at the Site Plan stage.
vii) Provide a limitation on the width of a garage so that the dwelling reflects the façade character of adjacent housing;	The proposal only incorporates one garage door (single car), which provides access to the proposed parking structure. This garage door is of a similar size (≈4.8 metres/15.7 feet) to those found throughout the neighbourhood and will not appear to be dominant to the building or street view.
viii) Provide for a consistent arrangement of parking in terms of amount, size and location of parking areas; and	The proposal exceeds the zoning requirement in terms of number of parking spaces (35 provided/34 required). The proposal provides a limited amount of surface parking on-site, which is consistent with the residential driveways provided throughout the neighbourhood. The majority of the parking is provided below the building in a parking structure, which will eliminate the need for a vast surface parking lot that would be more out of character with the surrounding neighbourhood.
ix) Ensure that any increased traffic movements and activity are appropriate for the area.	The proposal has been circulated to the County's Transportation Engineering Technologist who has stated that it is anticipated that the existing road network will be able to accommodate the trips generated by the proposal. The appropriate sight triangles (3 metre (9.8ft) X 3 metre (9.8ft)) are also provided at the proposed entrance onto Blair Street. The technical transportation components of the proposal can be further examined during the detailed design at Site Plan Control.

Based on the foregoing, the proposed development satisfies the HCOP criteria for medium and high density development.

Servicing Policies

Section 5.B) of the HCOP contains the policies related to servicing. Policy 5 B) 1) 1. of the HCOP states that all new development or redevelopment within the urban area shall generally proceed on full municipal water and wastewater services and have adequate drainage and stormwater management facilities. The subject application is proposed on full municipal water and wastewater services, and a Functional Servicing and Stormwater Management Report was submitted by the proponent that recommends that:

- i) Existing municipal infrastructure to provide water and sanitary servicing to the site is available along Queen Avenue and storm servicing to the site is available along Blair Street;
- ii) Proposed grading ensures all habitable space is above the Regulatory Flood Elevation, accomplishes safe vehicular access to Blair Street and dry pedestrian access to Queen Avenue, and improvements to Queen Avenue are required to accommodate a municipal sidewalk;
- iii) The expected water demand for the Site is 150.45L/s (max day domestic + fire flow) based on OBC or 417.45L/s (max day domestic + fire flow) based on FUS. The expected peak sanitary flow rate is 0.60L/s. These flow rates are provided to Haldimand County for inclusion in their master servicing model; and
- iv) The proposed stormwater management design provides adequate attenuation of the 2-, 5- and 100-year storm events with the implementation of on-site controls for water quantity. Given the site constraints, on-site water quality controls are not warranted, and external drainage upstream of the site will be rerouted away from the proposed building.

The proponent has also paid for the County to have the sanitary and water modelling completed by a third party consultant to ensure the proposal can be accommodated on the existing County water and wastewater infrastructure. The modelling did not identify any concerns from a sanitary infrastructure perspective. The watermain modelling did identify a fire flow constraint under the existing infrastructure, based on the proposed building. However, following the County's Caledonia Cast Iron Replacement Project, the fire flows available to the proposed development will be substantially increased. The proposal will be further analyzed from a servicing and engineering perspective, including from a fire flow perspective, during the detailed engineering design review at the Site Plan Control phase, once detailed engineering/architectural drawings are provided. This includes demonstrating how the proposal meets all of the County's design criteria with respect to lot grading, water (domestic/fire flow), wastewater and stormwater management servicing.

Noise and Vibration Evaluation Studies

Policies 5. F. 4) 1. and 5. F. 4) 2. of the HCOP ensures that a detailed noise study be completed for the development of sensitive land uses within 300 metres of a railway right-of-way, in coordination with the appropriate rail operator (in this case CN Rail). This policy section also requires that a vibration study be completed for development of a sensitive use within 75 metres (246 feet) of a rail line. The subject lands are ≈115 metres (377 feet) from a CN railway corridor located to the west of the lands. Accordingly, the proponent submitted a detailed Noise and Vibration Impact Study (RWDI, February 10th, 2023). The submitted report made recommendations for building façade upgrades on certain building façades in order to ensure the indoor living areas were appropriately mitigated against anticipated transportation noise sources. Furthermore, central air conditioning is recommended for the proposed development to allow residents to keep their windows closed as a noise mitigation measure. Lastly, a series of warning clauses are recommended to make future purchasers/tenants aware of the noise implications associated with the transportation noise sources (road and rail). All of these measures are common in these types of situations and not arduous to implement.

CN Rail was circulated a copy of the Noise and Vibration Impact Study for their review. CN's consultant is still reviewing the report on their behalf. Accordingly, CN is agreeable to the Zoning By-law Amendment proceeding to Council in advance of their review, provided that a Holding Provision be placed on the lands. Accordingly, the proposed Zoning By-law Amendment includes the above Holding (H) Provision to ensure all noise and vibration measures are appropriately dealt with and will be required to be addressed prior to the issuance of a building permit. Staff will also ensure that the required noise mitigation measures such as façade upgrades, mandatory air conditioning installation, and the inclusion of warning clauses on all agreements of purchase and sale are implemented through the Site Plan Agreement.

Archaeological Potential

Policy 6.G.2. of the HCOP requires that areas of archaeological potential be identified prior to new development. The applicant submitted a Stage 1-2 Archaeological Assessment of the subject lands that had the following conclusions:

As a result of the Stage 2 Property Assessment of the study area, no archaeological resources were encountered. Consequently, the following recommendations are made:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and
- The proposed undertaking is clear of any archaeological concern.

The proponent also submitted a letter from the Ministry of Tourism, Culture and Sport confirming the registration of the assessment. The Stage 1-2 Archaeological Assessment was circulated to Six Nations Council and the Mississaugas of the Credit First Nation (MCFN) for their review. No comments related to archaeological matters were received from the MCFN or the Six Nations Council.

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

Haldimand County Zoning By-law HC 1-2020

The subject lands are currently zoned as “Urban Residential Type 2 (R2)” of Haldimand County Zoning By-law HC 1-2020. This zone permits single detached dwellings, semi-detached and duplex dwellings. The subject lands are proposed to be rezoned to a “Urban Residential Type 4 (R4)” Zone, with a Holding (H) Provision and a Special Exception in order to permit the proposed stacked townhouse dwellings with certain site specific performance standards. Table 3 below, identifies the requested site-specific relief.

Table 3: Zoning Conformity Table

Zoning Provision	Required	Provided	Deficiency	Justification
Minimum Lot Area (Corner Lot)	120 m ²	2,878 m ²	-	-
Minimum Lot Frontage (Corner)	8.0 m	49.9 m	-	-
Minimum Front Yard	6.0 m	4.4 m	1.6 m	The technical “front yard” per the Zoning By-law is Blair Street. However, the functional front yard is Queen Avenue, that has a minimum exterior side yard of 6.15 metres, which conforms to this requirement. The front yards in the neighbourhood vary significantly from ≈0 metres to ≈6 metres, and the proposal is not out of character. Furthermore, the applicant has demonstrated that vehicles will be able to queue in front of the garage without blocking vehicular access down Blair Street. Staff are supportive of this amendment.

Minimum Exterior Side Yard	3.0 m	6.15 m (Blair) and 9.74 (Caithness)	-	-
Minimum Rear Yard	7.5 m	5.5 m	2.0 m	The technical “rear yard” per the Zoning By-law is the eastern property line. However, this yard functions as a side-yard, as the building is oriented north/south. The 5.5m rear yard will provide sufficient separation between the proposed development and the existing development to the east. Furthermore, there is ample landscaping and amenity area to the south of the building to service future residents. The proponent has revised the concept to increase this yard setback (previously 3m), provide mature landscaping along the eastern property line, and remove any pedestrian walkways along this property line, in order to mitigate the privacy and overlook impacts on the lands adjacent to the east. The proponent has also committed to exploring enhanced privacy and overlook measures at the Site Plan stage, including the frosting of second storey windows on the easterly façade. Staff can include these and/or other mitigation measures as part of the Site Plan Agreement. Staff are supportive of this amendment.
Maximum Building Height	11 m	11 m	-	-
Minimum Amenity Area	20 m ² per unit or 320 m ² total	>1000 m ²	-	-
Minimum Landscaped Open Space – Required Front Yard	20%	64%	-	-
Occupant Parking	2 spaces per unit (32)	2 spaces per unit (32)	-	-
Visitor Parking	1 space per 10 units = 2	≈1.9 spaces per 10 units = 3	-	-

Barrier Free Parking	4% of total (50% Type A 50% Type B) = 2 spaces (1 Type A, 1 Type B)	2 spaces (1 Type A, 1 Type B)	-	-
Landscaped Strip	Abutting a Street and Residential Zone	On all property lines except north	No Landscaped Strip on north property line	The proponent has requested relief in order to permit the placement of surface parking in the northerly exterior side yard, along with sidewalk connections to the unit doors. Accordingly, a contiguous Landscaped Strip is not feasible. Staff are supportive of this amendment.

Holding Provision

As discussed herein, CN Rail has requested that the following Holding Provision be added to the lands to ensure their concerns are captured and implemented prior to development. Furthermore, staff are including a Holding Provision related to the proponent entering into a Development Agreement with the County. Staff have added this to the Draft By-law.

“That a Holding (H) Provision be applied to the lands, requiring that the Owner enter into a Development Agreement with CN to their satisfaction and to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN, and that the proponent enter into a Development Agreement with the County to the satisfaction of the General Manager of Community and Development Services at Haldimand County.”

It is the opinion of Planning staff that the proposed rezoning to the R4 Zone and site-specific exceptions are in keeping with the general intent of Zoning By-law HC 1-2020 and conform to the HCOP. Please refer to the Draft Zoning By-law and Holding Authorization By-law included as Attachment 4 and Attachment 5.

Conclusion

The subject application represents an appropriate and compatible form of residential infill intensification. It is Planning staff's opinion that the proposal is consistent with the PPS (2020), conforms to the Growth Plan (2020) and the Haldimand County Official Plan, and is in keeping with the general intent of Zoning By-law HC 1-2020. Planning staff support this application and are recommending approval.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Planning & Development (Development Technologist):

In general, we do not have objection to the MHBC response letter dated Jan. 16, 2023, which addressed our engineering comments **for zoning purposes only**. Despite the above, please be advised that further detailed comments will be provided through regulatory review during engineering submission. Following our discussion, at this stage of the proposal, we should encourage the developer's Engineer

(MTE) to include in FSR-SWM all relevant recommendations from current MSP, and provide a stormwater design approach (including external drainage areas) through Caledonia Stormwater Modeling (sub-catchment 313).

Planning Comment: The detailed engineering design of the proposal will be further reviewed at the Site Plan Control stage, including the comments related to stormwater management, above. The proponent will need to demonstrate how the proposal meets the County's Development Criteria through this process.

Building and Municipal Enforcement Services:

- 34 spaces required (32 spaces for townhouses, 2 spaces for visitors).
- 35 spaces proposed (29 spaces for townhouses, 6 spaces for visitors).
- Minimum requirements should be met to avoid deficiencies - allot some of the visitor parking to the occupants (32 spaces for townhouses, 3 spaces for visitors).
- Accessible parking spaces are calculated and designated based on the required number of visitor parking spaces. Include accessible space in visitor parking spaces. (ZBL Table 5.5, Note 1)
- Accessible parking spaces shall be located on the same lot and provided nearest the point of an accessible entrance to the building and shall be clearly identified, demarcated and signed accordingly for convenient access. (ZBL 5.5.3 e)]
- Barrier free access shall be provided from each accessible parking space to an accessible building entrance. The paths between the accessible parking spaces and the building(s) main entrance shall be accessible to persons with disabilities, such as being level with the established grade through appropriate means such as ramps and depressed curbs, and comprise a hard surface such as asphalt, concrete or some other hard surface. (ZBL 5.5.3 f)]
- Steps including landings, above or below grade entrances and staircases may project into any required front yard area a distance of not more than 1.5 metres; and into the front yard not more than 2.0 metres, per ZBL 4.20 h).
- R4 zone minimum front yard requirement is 6 m, with 4.4 m proposed and steps encroaching 1.5 m additional (resulting in 2.9 m to front property line).

Planning Comment: The above have been passed along to the proponent and the proponent has advised that they can address all of these concerns through the detailed design at the Site Plan Control stage and/or special exceptions have been included in the Draft Zoning By-law.

Haldimand County Emergency Services:

No comments or concerns at this time.

Transportation Engineering Technologist:

There are 16 units being proposed. It is expected that the existing road network will be able to accommodate the trips generated. There is an access provided on to Blair Street, and the visibility should be determined to have adequate sight distance to the street.

There is limited on-street parking, it is restricted for time, and not available during the time of winter control. There is a concern that the reduction will cause on-street parking issues.

Consideration for pedestrian access/crossing, especially to the park on the south side, should be given.

Planning Comment: The proponent has since increased the amount of proposed parking to exceed the minimum parking requirement within the Zoning By-law. Visibility and Daylight Triangles have been shown on the Plans per the County's requirements. Matters such as site visibility and pedestrian access/crossing will be further considered during the detailed design at the Site Plan stage, this includes the provision of a public sidewalk on Queen Avenue.

Water and Wastewater Engineering:

Since the developer is now proposing a “downsized” version of the original submission for which modeling was done for, I do not see the need to re-model the proposed design at this time.

Please note that the original comments that came from the modelling exercise still hold true and are contained below:

- MTE should revisit Functional Servicing Report and update it with FUS calculations for fire flow as this determination may impact design considerations.
- Timing of cast iron water main replacement and upsizing projects should be confirmed/coordinated with proposed development to ensure adequate fire flow is available upon occupancy of building.
- Wastewater servicing is good to go but I don't believe that they have received treatment allocation at this point in time and will need to be applied for.

The modelling reports identify some minor concerns;

- a small section of the collection system at 50% capacity, however, still capable of handling the calculated flow from this proposal; and
- existing distribution network on two of the surrounding streets, one being their proposed frontage, are 100mm diameter cast iron, however, still capable of providing the flow (domestic and fire protection) being proposed.

I see no concerns with servicing this proposal, however as per our discussion, I'll include in our comments that the watermain is to be upsized to 150mm diameter and that if they wish to proceed it will be their responsibility to complete or under our replacement project, we will complete but not immediately.

Planning Comment: The proponent will be required to address these detailed comments at the Site Plan Control stage during the detailed engineering design.

Forestry Operations:

Forestry has no concerns with the proposed zoning amendment.

The proposed site plan will have impacts on the County owned trees along Queen Avenue.

The County is open to discussing the option of removing some of the County owned trees along the Queen Avenue side of the property pending the results of the applicant's arborist report (GVI). There are two (2) Black Walnuts at either corner of the parcel along Queen Avenue that are good candidates for protection. Approval must be received from the Forestry Operations prior to the removal of any County owned trees.

- A cash-in-lieu payment, planting of new street trees on County property or a combination of both is required for any County owned trees that may need to be removed.
- A Tree Protection Plan will be required for any County owned trees that are to be retained.
- A Street Tree Planting Plan will be required to identify opportunities to plant new trees on County property around the subject property.

Planning Comment: The removal and protection of County owned trees will be further discussed at the Site Plan stage during the submission of the Tree Protection Plan. This will include compensation per the County's Forest Strategy and Management Plan.

Grand River Conservation Authority:

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted zoning by-law amendment application for a stacked townhouse development with below-grade parking.

Recommendation

The GRCA has no objection to the zone change.

GRCA Comments

GRCA has reviewed this application as per our Provincial delegated responsibility to review natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a public body under the *Planning Act*, and in accordance with Ontario Regulation 150/06, GRCA's Board-approved policies, and our MOU with Haldimand County.

Information currently available at our office indicates that the subject lands contain the floodplain of the Grand River. As previously discussed with the proponent, these lands are located within a candidate two-zone policy area, demonstrate backwater characteristics, and have been the subject of an internal engineering review at GRCA.

Our requirements to support the proposed zone change for the residential development were specified in our pre-consultation letter dated February 11, 2022, and GRCA is now satisfied that all habitable space will be raised above the Regulatory Flood Elevation (190.9 metres CGVD2013), and that the underground parking structure has been raised closer to the Regulatory Flood Elevation than in previous conceptual designs. Safe vehicular access to Blair Street and dry pedestrian access to Queen Street are accomplished as well.

More detailed information pertaining to parking structure floodproofing will be requested in support of the site plan application, along with a topographic survey to confirm existing grades on the property. A GRCA permit will also be required prior to grading and construction.

A separate fee will be required for the GRCA permit.

Planning Comment: The GRCA will be further circulated on the submitted Site Plan Control application to ensure their technical criteria regarding floodproofing and otherwise are met. The proponent will also be required to obtain a Development Permit from the GRCA prior to any development or construction on the lands.

Mississaugas of the Credit First Nation:

No comments received.

Six Nations Council:

Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the *Constitution Act*, 1982. These treaty lands are subject to unresolved litigation and any infringement upon our treaty rights must be fully mitigated by the proponent.

We continue to oppose new construction on flood plains and particularly question the proponent's plan for a partially-underground parking garage.

In response to our earlier-expressed concerns, the proponent countered that "Tree Protection Plan and Street Tree Planting Plan will be provided at Site Plan and prior to the removal of any vegetation".

But from the Existing Conditions and Removal Plan, it looks like the proponent is planning to remove all the trees, begging the question: Will there be any trees left to protect? Just as worrying, the proponent's Site Plan appears to show just four new trees.

As crucial factors impacting tree destruction and tree replacement will be decided under this application, we reiterate the need to understand potential impacts to trees on the property and obtain tree replacement commitments at this present juncture.

Planning Comment: All development proposed will be above the Regulated Flood Elevation, per the GRCA guidelines and criteria, and the parking garage will be floodproofed to the satisfaction of the GRCA. Furthermore, the County will require quality control for stormwater prior to it going into the outlet. This will result in an improvement in the quality of the stormwater discharge when compared to the existing condition.

The proponent will be required to submit a Tree Protection Plan at the Site Plan stage, which County Staff can circulate to Six Nations for review. The County has made the proponent aware of the County's strong preference for an enhanced tree replacement rate for this site, along with maximizing the preservation of trees to the best extent possible. The County will continue to apply this preference at the Site Plan Control stage. Please note that the proponent will be required to replace any private tree removed at a minimum 2:1 ratio and has expressed a willingness to consider additional tree compensation beyond the 2:1 replacement, once the detailed design phase is underway. Furthermore, the proponent has also committed to maximizing the amount of trees being retained on the lands in order to limit canopy loss.

The proponent was also made aware for the cost associated with the removal of County owned trees in the County's ROW. In particular as it relates to compensation and/or cash-in-lieu that the County can use to fund tree planting initiatives throughout the County.

Economic Development and Tourism Division:

No comments received.

CN Rail:

CN is currently reviewing the submitted Noise and Vibration Impact Study and requires that the following holding provision be applied to the lands:

"That a holding (H) provision be applied to the lands, requiring that the Owner enter into a Development Agreement with CN to their satisfaction and to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN."

Planning Comment: This Holding Provision has been included on the lands.

Hydro One:

Hydro One has no objections with this application.

Canada Post:

Please be advised that if this development is changing to 8 double stacked townhouses for a total of 16 units that does not have a common entry point, then they will be serviced by Community mailboxes in the area.

If this development has a common entry point with 3 or more units, then it will remain with a requirement to have a mail panel installed for mail delivery as stated under file # PLSP-HA-2020-153.

Trans-Northern Pipeline (TNPI):

We can confirm that TNPI has no infrastructure in the mentioned area.

Enbridge:

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc., does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading change) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

Public Input:

Planning staff received one (1) phone call and an email from a member of the public who lives in the neighbourhood. The proponent also held a privately initiated virtual open house, where County Staff were in attendance and taking notes on resident concerns. The residents' concerns are broadly described below in Table 4.

Planning Comment:

Table 4: Neighbourhood Concerns

Concern Identified	Staff Response
The loss of mature trees on the property.	The proponent will be required to replace privately-owned trees on site at a minimum replacement rate of 2:1 per Council adopted policy within the Haldimand County Official Plan. A cash-in-lieu payment, planting of new street trees on County property or a combination of both is required for any County owned trees that may need to be removed. The County must approve the removal of any trees in the County's ROW. Furthermore, a Tree Protection Plan will be provided at the Site Plan Control Stage in order to ensure compensation is appropriately provided, and that a maximum amount of trees are retained on the lands. It is worth noting that the County does not have a private tree removal by-law for trees outside of significant woodlands.
Does not "fit" within the neighbourhood from a size and massive perspective.	The proposed development is a 2.5 storey (11m) ground-oriented residential building. This is consistent with height of surrounding development. Furthermore, the proponent is not increasing the proposed building height over what is currently permitted on-site. The proposal has also been massed and sited in order to provide an appropriate transition to neighbouring residential development and be compatible from a privacy and overlook perspective. The built form has also been effectively articulated to help break down the perceived massing and be more compatible with surrounding existing residential development. The design of the building, incorporating multiple gables along the roofline,

	also helps integrate the proposed development into the surrounding neighbourhood context.
Insufficient parking and impacts on street parking in the neighbourhood.	The proposal exceeds the minimum parking requirements by one (1) parking space and provides 35 parking spaces. The parking is also provided in a structure below the building, partially below grade, which aesthetically enhances the proposal.
Traffic generated by the proposal on local streets may be a concern.	The proposed development is located directly adjacent to Caithness Street West, at the periphery of the neighbourhood. This will allow vehicular traffic to go to and from the site without the need to travel on the local road network on the interior of the neighbourhood. The County Transportation Engineering Technologist reviewed the submission and anticipates that the existing road network will be able to accommodate the trips generated by the proposal.
Privacy and overlook concerns on the rear yard amenity area of the dwelling to the east.	The 5.5 metre (18 feet) rear yard will provide sufficient separation between the proposed development to the existing development to the east. The proponent has revised the concept to increase the rear yard setback (previously 3m/9.8ft), provide mature landscaping along the eastern property line, and remove any pedestrian walkways along this property line, in order to mitigate the privacy and overlook impacts. The proponent has also committed to exploring enhanced privacy and overlook measures at the Site Plan stage, including the frosting of second storey windows on the easterly façade.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Conceptual Site Plan.
3. Architectural Package.
4. Draft Zoning By-law.
5. Draft Authorization By-law for Holding Provision.