

---

# HALDIMAND COUNTY

## Report PDD-03-2024 Application to Permit an Apartment and Townhouse Development in Hagersville



For Consideration by Council in Committee on April 30, 2024

---

### OBJECTIVE:

To rezone the subject lands to permit the establishment of a five-storey apartment building with commercial space on the ground floor, two six-storey apartment buildings, and six townhouse units.

### RECOMMENDATIONS:

1. THAT Report PDD-03-2024 Application to Permit an Apartment and Townhouse Development in Hagersville be received;
2. AND THAT application PLZ-HA-2023-128 to amend Haldimand County Zoning By-law HC 1-2020 by rezoning the subject lands from “General Commercial (CG)(H)” Zone and “Downtown Commercial (CD)(H)” Zone to “Urban Residential Type 5 (RH)(H)” Zone with a special provision be approved for reasons outlined in Report PDD-03-2024;
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 2020;
4. AND THAT the by-law attached to Report PDD-03-2024 be presented for enactment at a future Council meeting.

**Prepared by:** Shannon VanDalen, MCIP, RPP, Manager, Planning & Development

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

**Approved:** Cathy Case, Chief Administrative Officer

### EXECUTIVE SUMMARY:

A Zoning By-law Amendment application has been received to consider the proposed development of 2-6 storey residential apartment buildings on Part 1 (west side of site - Tuscarora), and a 5-storey mixed use development with a townhouse block on Part 2 and 3 (east side of site - Main Street North). The development would see a total residential unit count of 255 residential units and approximately 400 square metres (4,305 square feet) of retail space. The subject lands are a 2.34 hectare (5.8 acre) vacant parcel in the core of Hagersville.

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, confirm servicing capacity, complete a traffic update and enter into an External Works Agreement with the County to address network

improvements if necessary, 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:**

### **Description of Subject Lands**

The subject lands are comprised of two parcels, one fronting on Tuscarora Street (1.63 hectares/4.04 acres in size – known as “Site 1”) and one fronting on Main Street North (0.56 hectares/1.38 acres in size – known as “Site 2”) – Attachment 1. Foundry Street terminates on the north side of the subject lands, and Railway Alley terminates on the south side. The lands are vacant and form part of a former railway allowance.

Tim Hortons is located to the north, as well as residential uses. Several commercial uses abut the south property line of the subject lands. Lands to the west across Tuscarora Street are generally vacant, with materials related to the railway stored on the properties. Residential uses exist across Main Street North to the east of the subject lands.

### **Current land use permissions**

#### Site 1 – Fronting onto Tuscarora Street

The subject lands shown as Site 1 (Attachment 2) is presently zoned “General Commercial – Holding (CG (H))” with special exception 36.347 the limits permitted uses on the site to a retirement home facility only, with a maximum height of 13 metres (42.6 feet) (equivalent to 4 storeys) and a parking ratio of 1.0 space per 3 beds.

#### Site 2 – Fronting onto Main Street

The subject lands currently have split zoning, with the predominate zone being “Downtown Commercial – Holding (H)” and a portion of the parcel zoned “General Commercial – Holding (CG (H))”; special exception 36.447 also applies and for the CD portion permits the following uses:

- a) Retail Establishment
- b) Personal service shop
- c) Merchandise service shop
- d) Office
- e) Bank
- f) Hotel, motel, motor-hotel
- g) Restaurant
- h) Animal hospital, provided the entire operation is carried on within an enclosed building
- i) Parking lot or structure
- j) Nursing home
- k) Funeral home
- l) Fire hall
- m) Library
- n) Clinic

The current land use permissions and special exception were established through a Zoning Amendment application and approvals by Council in December 2010.

### **Subject Application/Development Proposal**

#### Site 1 – Fronting onto Tuscarora Street

The development is proposed as two apartment buildings which will each be six storeys, with a height of 19 metres (62.3 feet) (Attachment 2). One building will consist of an estimated eighty-eight (88) units and front onto Tuscarora Street, with entrances facing the street side and internal access toward the parking lot. The second building will consist of an estimated one hundred and three (103) units and its entrance will face internally toward the parking lot. This results in a total of approximately one hundred and ninety-one (191) units with two hundred and thirty-nine (239) parking spaces, twenty (20) of which will be allocated for visitor parking. The unit numbers are still approximate; however, it is noted that no relief from parking provisions is being requested as part of the development.

### Site 2 – Fronting onto Main Street

This site consists of a proposed five-storey (16 metre/52.5 feet) mixed use apartment building with fifty-eight (58) units (Attachment 2). Retail uses are proposed on the ground floor of the building and fronting onto Main Street. Entrances to both the proposed building and ground floor retail uses are proposed to face Main Street. A block of 6 townhouses that are 2-storeys (proposed height of 9.8 metres/32.1 feet) is also proposed towards the rear of the site and oriented perpendicularly such that it would back onto the neighbouring Tim Hortons. An outdoor amenity space for passive recreational uses is planned between the block of townhouses and the mixed-use building. This site will include a total of sixty-six (66) parking spaces. Of the total amount of parking spaces, forty-four (44) spaces will be for residential, with 6 visitor spaces being provided and sixteen (16) spaces will be for the commercial use.

### Overall Development (Sites 1 and 2)

In summary for the two sites, approximately two hundred and fifty-five (255) units are proposed, consisting of two hundred and forty-nine (249) apartments and six (6) townhouses, with an overall total of three hundred and thirty-nine (339) parking spaces, with an overall density of one hundred and sixteen (116) units per hectare. A concept plan is included as Attachment 2 with an elevation concept shown in Attachment 3.

### **Supporting Materials**

The following materials were submitted in support of the subject application:

- Stage 1 and 2 Archaeological Assessment (TMHC Inc.)
- Environmental Site Assessments and Records of Site Condition (Prepared by: Ontario Soil Management Ltd.)
- Ministry of Environment Guideline D-6 Compatibility Study Report (Prepared by: Ontario Soil Management Ltd.)
- Noise and Vibration Impact Study (Prepared by: dBA Acoustical Consultants Inc.)
- Transportation Impact Study and Parking Study (Prepared by: Paradigm Transportation Solutions Ltd.)
- Shadow Study (Prepared by: GSP Group)
- Urban Design Brief (Prepared by: GSP Group)
- Geotechnical Report (Prepared by: Chung & Vander Doelen Engineering Ltd.)
- Functional Servicing and Stormwater Management Report (Prepared by: WalterFedy)

These technical studies are summarized in the Analysis section of the report, including staff comments.

### **ANALYSIS:**

The planning considerations identified below apply to this proposal. A zoning by-law amendment application has been submitted to establish the land use and key performance standards. Should this application be approved, a site plan application will then be required to address all of the technical matters.

## Planning Act

The *Planning Act* (Act) is provincial legislation that establishes the framework for land use planning in Ontario. Section 34 of the Act sets out the applicable regulations for municipal zoning by-laws. All land use decisions must have sufficient regard for matters of provincial interest outlined in Section 2 of the Act.

The proposed development and submitted technical materials have been evaluated and it has been determined that sufficient regard has been given to the provincial interest in Section 2 of the Act.

## Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides the policy direction on matters of provincial interest related to land use planning and development, and is intended to set the foundation for relating development within Ontario and the use of land to support growth and enhance the quality of life, while protecting resources, health and safety and the environment. It sets to focus growth and development within urban and rural settlement areas and overall sustainability. Hagersville is considered an urban settlement area, and is expected to see a range of growth and development opportunities. Effective development will see the efficient use of land, infrastructure and community services, and strong communities include a wide range of housing types and forms to accommodate a variety of needs.

More specifically, Section 1.1.1 of the PPS notes that:

### 1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

#### Comment

The development will utilize a large vacant property within the core of Hagersville. It will provide for a range of additional dwelling units, new commercial opportunities and provide for valuable infill development. The use of the existing land within town reduces the need for future urban expansions and will provide efficient connection to infrastructure.

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

#### Comment

The addition of the apartment dwelling units and townhouses will provide for additional housing opportunities within the community. The additional residential uses within the downtown core will provide a stronger population and clientele base for existing and future commercial uses. Site 2 (Attachment 1) is also proposed as a mixed-use development, which will provide new commercial spaces for Hagersville and assist in the provision of amenities to the proposed residents.

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

#### Comment

The subject lands are a large vacant parcel (2.2 hectares/5.4 acres) within the community core of Hagersville. Development of the property would be an efficient use of underutilized lands and would lead to full clean up of the site. By facilitating residential uses on the lands, it will bring more people to the area and a stronger presence for 'eyes-on-the-

streets' to provide for informal surveillance and a more connected community by infilling the empty area.

- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

Comment

The subject lands provide for a logical and appropriate infilling and use of existing and available lands for development. There is no requirement for expansion to the urban boundary.

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

Comment

The development provides for a significant infill opportunity and housing form within the community core of Hagersville. The location will utilize a former brownfield and underdeveloped piece of land, while effectively using infrastructure and connections to services and business in the area. Servicing is available at the road frontage to allow for ease of connections for the project which eliminates the need for costly and complicated extensions.

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

Comment

The development will provide close proximity to a number of community services and amenities, including the hospital, financial institutions, community support services, park space and the library. Additionally, the proponent has noted that some of the units will be designed for accessibility. It is also noted that the subject lands are close to the signalized intersection of Main Street and King Street, and adjacent to the pedestrian cross-walk on Main Street North.

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

Comment

The proposed development has been reviewed in conjunction with the on-going Master Servicing Plan for Hagersville, and has been considered appropriate in terms of servicing requirements. Additionally, the proposal is in close proximity to the Hagersville area, Grant Kett Park, and the future Active Living Centre and Library. The development will provide additional housing opportunities in the form of apartment units to provide a greater range of unit types within the community, as well as price considerations, and also new retail space.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

It is important to recognize that the County does not have a significant number of large vacant or brownfield sites within the built boundaries. The County also does not typically experience re-development of low-density residential blocks into medium and high-density blocks. As such, it is important that the County encourages intensification where it can be accommodated on properties such

as the subject lands. This project will contribute to the County's intensification quota, established by the Province.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

The Growth Plan, similar to the Provincial Policy Statement, creates a policy framework for the Province's plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan looks to create complete communities, prioritize infilling and intensification, support a range of housing types and forms, integrated infrastructure and the protection of the environment, natural heritage and agricultural land resources.

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**

#### Designation

The subject lands are designated Community Commercial with special policy area HAL.13 in the Haldimand County Official Plan (HCOP). HAL.13 states, "Those lands situated east of Tuscarora Street and north of the traditional commercial business area of Hagersville and further identified as having reference to this subsection on the Schedule "B.4" have been identified as a Special Policy Area. There is presently no development on these lands, however, a portion of these lands is used as an access to several of the commercial enterprises situated to the immediate south. These lands will be developed for commercial and or residential uses that will have a minimal impact on surrounding sensitive land uses, particularly the residential uses situated to the immediate north. The Zoning By-law will include specific uses that will be permitted on these lands and will also set out appropriate minimum setbacks, fencing and landscaping requirements in accordance with the criteria contained in Policy F of the Community Building Section."

The proposed development is both commercial and residential.

#### Infilling, Intensification, and Residential Densities

Section 4.B. of the HCOP, "Urban Areas", states that the majority of residential and commercial growth of the County will occur in the six urban areas of the County, one of which is Hagersville. Provisions are made for a mix of residential, commercial, industrial, and other land uses, and they shall be built in a compact form appropriate for pedestrians and reducing the dependence on automobiles where feasible. Official Plan policy has established an intensification target of 20%.

The HCOP directs that that County shall implement an Intensification Strategy to achieve the above-noted intensification target. The following policies are relevant to this application:

- a) Encourage and facilitate intensification throughout the built-up area of the urban areas;

- b) Delineate the downtowns of the six urban areas as mixed-use intensification areas;
- c) To facilitate intensification, the County may offer incentives such as reduced parking standards;
- d) Plan for and encourage a range and mix of housing in the built-up areas with higher density housing and employment directed to the intensification areas and corridors.

The parcel fronting onto Main Street North is located within an Intensification Area and thus the above policies are instructive in terms of the form, scale and type of development. The subject proposal aligns with the directions provided in the aforementioned policies.

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 Hagersville 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. While the subject location is not a stable residential neighbourhood in the sense of the term, given there are well established pockets of stable lower density residential development around the site, there is merit in reviewing the compatibility criteria.

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 high 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;	<p>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 which was completed as part of the County’s Official Plan Phase 2 and the Housing Master Plan.</p> <p>According to the Haldimand County Population, Household &amp; Employment Forecast 2019 study completed on the County’s behalf by Watson and Associates Economists Ltd., approximately 19% of housing growth in the County is projected to occur in Hagersville. 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. Much of the current supply that is in the approvals pipeline or forthcoming, is low density in nature. The proposed residential buildings would have positive implications regarding the need for both</p>

Policy Subsection	Justification
	<p>seniors and attainable housing opportunities, and aligns with the forecasted expectations. The projections anticipate that there will be a mixture of densities to meet the needs of an aging population.</p>
<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 two (2) - six (6) storey (19 metres/62 feet) apartment buildings on Site 1 and a five (5) storey apartment (16 metre/52.5 feet) building on Site 2 and while this may seem significant, Planning staff are generally satisfied that the subject development satisfies this requirement as the buildings are generally located away from the majority of existing residential uses. One of the 6-storey buildings is located along Tuscarora, and the other is along the north-westerly property boundary with a landscape strip. The two-storey townhouse units will be located as an intervening use between the residential zone and the taller residential buildings. Additionally, the 5-storey mixed use building is located between Main Street North and the existing Tim Horton's.</p> <p>The character of the area also lends to the increased density and height of the proposal. Specifically, the area sees a mix of commercial, industrial and residential – with a CN Office Trailer, agricultural grain storage, and retail uses to the west/northwest, which have an approximate height of 18 metres (59 feet), not including the associated rigging components. These buildings approximate what is proposed as part of the subject application. Additionally, there is a 5-storey (16 metre/53 feet) residential apartment building (“Jackson”) located directly across Main Street to the east. These well established uses further characterize the transitional nature of this location.</p> <p>The exact building location, design and landscape will be reviewed as part of the required Site Plan application, however, it is noted that the placement on the property is such that it maximizes separation from existing and established uses. 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.</p>

Policy Subsection	Justification
<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>Staff have had many discussions with the proponent regarding the development relating to parking provisions on-site. The original application included a request to reduce parking for the site. While the policies of the Official Plan lend support to considering reductions to parking for developments within intensification areas such as the subject property, the recent revisions to the County's parking standards in its Zoning By-law (to modernize/'right size' them for developments such as this) and the lack of alternative transportation options (transit, ride-share), limit the support for any reductions at this time. Given this, the applicant removed the request for parking reductions and the proposal will fully comply with the zoning requirements for parking.</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 access to both Tuscarora and Main Street North. Tuscarora Street is considered an arterial road, and Main Street North is part of the Highway 6 corridor, and within the municipal Connecting Link. The development also includes a secondary emergency access to Foundry Street. A Traffic Impact Study was provided with the application, which was reviewed internally as well as externally by a peer review consultant. The findings of the traffic review are summarized in further detail below, however generally the road network is considered acceptable to accommodate the proposed development.</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 in the core of Hagersville and are in close to proximity to a number of public amenities, including the Hagersville Arena and Grant Kett Park, the existing library and the future Hagersville Active Living Centre and Library, and future recreational trails (to be constructed as part of Empire's Livingston/Smith Farms projects). The site has direct connection to sidewalks, and Part 2 and 3 is adjacent to the pedestrian crosswalk on Main Street North, and both parcels are also in proximity to the signalized intersection of Main Street and King Street, and additional sidewalks and parks within the community.</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 a number of community service facilities that are able to accommodate the needs of the residents of the proposed development. As well,</p>

Policy Subsection	Justification
	there are two retail establishments near the sites that provide for groceries and amenities, as well as banks, food establishments and other retail stores. Additionally, Site 2 proposes to include commercial space on the main floor which could accommodate additional retail opportunities, personal services or office space that can provide additional benefits to both the proposed development and the larger community.

Servicing

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:

- Sanitary servicing will be provided via a connection to the 200-mm-diameter sanitary sewer currently being constructed on Foundry Street. Flows will be conveyed west down Foundry Street to Tuscarora, before flowing north to the Tuscarora Street Sanitary Pump Station (SPS). Flows from the pump station are conveyed south via an existing 200-mm-diameter forcemain to the gravity sewer on King Street, before continuing south, eventually outletting to the Hagersville Wastewater Treatment Plant.
- Water will be provided via a connection to the 200-mm-diameter watermain on Main Street North.
- Stormwater will be conveyed to the existing municipal system via a connection to the existing manhole located on Tuscarora Street opposite the northwest corner of the site. Storm flows will be conveyed north along Tuscarora Street to the outlet and the dead-end of the street.

The proposed development has also been reviewed in conjunction with the on-going Hagersville Master Servicing Plan, and is considered acceptable and in accordance with the criteria and standards for the community. It is noted that there is current sufficient capacity to service the proposed development, however, it is noted that some upgrades are planned to the Hagersville system to accommodate additional future growth and the water conveyance structure.

Compatibility Assessment – Shadow, Noise & Vibration and Urban Design Studies

A Shadow Analysis was completed as part of the application submission to review the potential impact of the building height against adjacent uses to ensure that there will be no significant negative impact to existing properties. The Shadow Analysis looked at the proposed height of the buildings in relation to the reference of the sun during the different seasons and at different times of the day (9am, 11am, 1pm, 3pm, 5pm and 7pm). Based on the findings, the consultant concluded that there will be minimal impact to the adjacent properties as well as the subject development. The provision of amenity space—both on and off site—that is clear of shadowing will be maintained during the summer hours, with minimal impact during spring and fall. There will be some impact during December, however, that is limited to a brief period of time in the morning.

A Noise and Vibration review was also completed as part of the development proposal to review the potential impacts of the existing rail line as well as a number of operating industrial operations including the grain elevators, a machining business, a car wash and the existing commercial uses to the south/southwest. Based on the review, some recommendations were put forward related to noise including the following:

- Central Air Conditioning is recommended for all units.
- Specific Window, Door, and Wall construction is recommended in line with Building Code requirements.
- 2.43 metre (7.9 ft) Noise Barrier for along the townhouse's rear yard property line.
- Registered Warning Clauses on title to advise purchasers of potential for audible noise from time to time.

These items are considered minor and can be accommodated through building design and the site plan process. There was no concern raised with respect to vibration.

Additionally, the proposed Urban Design Brief includes a number of proposed screening measures and sustainable design elements including building orientation, pedestrian connections, landscaping and construction/building operation. The positioning of the buildings, parking and amenity space provides for appropriate building setbacks and landscaped side yards that transition and buffer from the lower abutting residential and commercial uses to the site, while maintaining connectivity with the community and a visual presence to the street. The parking areas are set away from the street and will be screened from adjacent properties so as to minimum the appearance of pavement and the impact of vehicle lights.

The proposed uses are considered to be compatible with the area, and many of the details expressed or recommended through the above described studies will be incorporated into the design through the Site Plan Application and development agreement.

#### Archaeological Assessment

Stage 1 and 2 archaeological assessments were completed for the site by the consultant, TMHC Inc., in conjunction with participation by Six Nations of the Grand River Elected Council (SNGR), Mississaugas of the Credit (MCFN), and Haudenosaunee Development Institute (HDI). Stage 1 included a review background study of the area and research on registered archaeological sites, historic maps and imagery and base mapping. Stage 2 provided for field assessment with representation from the three Indigenous groups, and included test pits and site review. The works were completed with the Ministry of Citizenship and Multiculturalism (MCM) Standards and Guidelines, and through Stage 2 did not result in the documentation of any archaeological resources. The study was registered with the Province and is cleared for development from an archaeological perspective.

#### Environmental Site Review

Environmental site assessments were completed for the entire subject site based upon previous industrial use of a railway. The assessments were completed to ensure that development for residential purposes could be facilitated on the subject lands without the concern for soil contamination, and the assessments concluded that there is no evidence of any contaminants in the soil, ground water or sediment on, in or under the property. The evaluation determined that there is no environmental risk for the proposed residential use and a Record of Site Condition has been filed with the Ministry of Environment, Conservation & Parks to this effect.

#### Traffic

A Traffic Impact Study (TIS) was prepared by Paradigm Transportation with the Zoning application relating to the development. The conclusions of the TIS included:

- **Existing Traffic Conditions** – the subject area intersections are currently operating within acceptable levels of service and no critical movements during the AM and PM peak hours.
- **Development Trip Generation** – the development is forecast to generate approximately 136 and 164 trips during the AM and PM peak hours respectively.

- **2025 Total Traffic Conditions** – The study area intersections are forecast to operate at acceptable levels of service similar to 2025 background traffic conditions with no additional critical movements.

Comment:

This statement reflects that the intersections reviewed and evaluated as part of the traffic assessment will continue to function and operate appropriately. No changes or upgrades are needed.

- **2030 Total Traffic Conditions** – the study area intersections are forecast to operate at acceptable levels of service similar to 2030 background traffic conditions with the following additional critical movements:

- Main Street and King Street

The northbound left-turn movement is forecast to have a vehicle count ratio greater than 0.95 and a queue length that surpasses its storage length during the PM peak hour.

- King Street and Tuscarora Street

The northbound through/left-turn/right-turn movement is forecast to operate at Level of Service (LOS) F during PM peak hour.

- Main Street and Site Driveway 1:

The eastbound left-turn/right turn movement is forecast to operate at LOS F during the PM peak hour.

Comment:

This conclusion notes that with the proposed development, the intersections are anticipated to operate within their designed ability, however, in the future (2030) there may be a need to increase the northbound left-turn lane from King Street to Main Street north depending on additional external factors and growth.

- **Traffic Control** – Traffic control signals are not justified at the intersections of King Street at Tuscarora and Main Street at Site Driveway 1.

Comment:

No additional traffic lights are triggered based on this development proposal.

- **Left-Turn Lane Warrants** – An eastbound left-turn lane is warranted at the intersection of King Street and Tuscarora Street. The storage length warranted is 15 metres under 2025 total traffic conditions and 25 metres under 2030 background and total traffic conditions respectively.

Comment:

This statement is summarized to say that a 15 metres (49 feet) left-turn lane is justified on King Street West, which then should be increased to 25 metres (82 feet) in 2030. There is sufficient space to accommodate these modifications.

- **Improved 2030 Total Traffic Conditions** – The addition of remedial measures is forecast to resolve some of the critical movements.

Based on the total traffic conditions and triggered by the site-generated traffic, the TIS recommended the following:

- Main Street at King Street – add a separate phase (lighting sequence/timing) for the northbound left turn movement.

- Main Street at Site Driveway 1 – add a separate 15 metre (49 feet) eastbound left-turn lane.

J.L. Richards & Associates Limited (JLR) was retained to undertake a peer review of the Traffic Impact Study (TIS) prepared by Paradigm Transportation who noted the subject “*Tuscarora Street, Hagersville,*

*ON Transportation Impact Study and Parking Study*” was overall in compliance with Haldimand County Design Criteria: Section T – Traffic Impact Study Guidelines and acceptable in terms of its findings. However, JLR did noted the following:

Based on the foregoing and consistent with the Haldimand County TIS Guidelines, it is our opinion that the following should be reviewed and/or revised by the consultant:

1. Review the updated Sandusk subdivision TIS report and update the background and total traffic volumes;
2. Conduct field observations and/or provide a safety assessment for all road users;
3. Examine the need for right-turn lanes at the study area intersection per the Haldimand County TIS Guidelines for turn lane requirements;
4. Provide preliminary cost estimates for infrastructure improvements as required by the Haldimand County TIS Guidelines;
5. Address the comments provided in this review letter and revise the findings, conclusions, and recommendations, as applicable.

Based on the findings, the traffic component is generally considered acceptable for the community and road network, however some additional review should be completed as part of the site plan. A Holding (H) Provision will be applied through the by-law to ensure that the traffic components are completed for the development, including the recommendations for turn lanes. The proposal is considered acceptable and can be integrated into the community going forward. Details regarding the traffic components will be further evaluated as part of the Site Plan application and removal of the Holding (H) provision.

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

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

The Zoning By-Law is seeking to amend the land use permissions for the subject lands in two parts:

Part 1 – The 2, 6-storey apartment buildings parcel (Tuscarora Street):

- Rezone the subject lands from “General Commercial (CG-H)” Zone with a Holding (H) Provision to “Urban Residential Type 5 (R5)” Zone with a Holding (H).
- Increase the maximum permitted height from 5 storeys/18 metres (59 feet) to 6 storeys/19 metres (62 feet).

The subject lands are currently zoned “General Commercial (CG)” – Holding (H) and Site-Specific Provision 36.347 which permits a retirement home facility, with a permitted height of 13 metres (4 storeys) and a parking standard of 1 space per 3 beds.

The requested increase to the maximum permitted height to 6-storeys or 19 metres (62 feet), is considered acceptable and appropriate for the subject lands. The site layout sees one building along the frontage of Tuscarora Street, and the other along the north-west property line and adjacent to properties which carry the “General Commercial (CG)” zone. While it is acknowledged that there is an existing dwelling fronting onto Tuscarora, the future intention along the street is for commercial development. It is also noted that there are some significant developments with similar height in the area with existing agricultural grain storage bins on Tuscarora (approximately 5-6 storeys in height), and the 5-storey “Jackson” condominium building to the north-east across Main Street North. The use is considered a good transition between some of the existing commercial uses and the industrial zone on the west side of Tuscarora Street (CN Office and agricultural grain storage) and the residential and commercial areas to the east and south. The development will utilize a large vacant parcel within the community and provide a needed housing form.

Part 2 and 3 – The mix-use development site (Main Street North):

- Rezone the subject lands identified as Part 2 from “General Commercial (CG-H)” Zone with a Holding (H) Provision to “Downtown Commercial (CD)” Zone with a Holding (H).
- Establish the permitted uses for the combined parts 2 and 3 as follows:
  - a) Retail establishment
  - b) Personal service shop
  - c) Merchandise service shop
  - d) Office
  - e) Bank
  - f) Hotel, motel, motor-hotel
  - g) Restaurant
  - h) Animal hospital, provided the entire operation is carried on within an enclosed building
  - i) Parking lot or structure
  - j) Nursing home
  - k) Funeral home
  - l) Fire hall
  - m) Library
  - n) Apartment dwellings
  - o) Group townhomes

The parcel is predominately zoned “Downtown Commercial (CD)” – Holding (H) Provision, and General Commercial (CG)” – Holding (H) and Site-Specific Provision 36.347. Special Provision 36.347, permits the same uses – however, also allows apartment dwellings and removes a clinic.

The zoning amendment will create a single “Downtown Commercial (CD)” for the property and facility the development. The balance of the provision will comply with the CD Zone.

A Holding (H) Provision is also proposed for both parcels, which will ensure that the following items are addressed:

- Traffic requirements are addressed and completed, including any requirements for External Works or road upgrades;
- Confirmation of Servicing Allocation;
- CN Noise and Vibration abatement; and,
- Development Agreement and Site Plan Approval.

Based on the foregoing, staff generally support the proposed zoning amendment, subject to inclusion of the Holding (H) provision.

A copy of the proposed draft by-law is included as Attachment 4.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Public Comments:** It is noted that correspondence was received from the office of Underwood, Ion & Johnson Law on behalf of their client who has a neighbouring property to the proposed development (Attachment 5). The adjacent property is an active agricultural elevator and storage facility (grain and mustard seed) that utilizes both truck and rail transportation as part of the operation. The operation currently has ten (10) grain storage bins (three/3 grain storage silos, and seven/7 hopper gain bins),

with associated equipment, conveyors and fans; and has future plans for southerly expansion. The letter indicates that the property owner does not object to the proposed development, however requested inclusion of a warning clause on title relating to the potential noise that can result from the operation. Warning clauses such as that requested are relatively common on development applications and can be included within the required Site Plan Agreement. It is noted that a similar clause is already recommended based upon comments received by CN in relation to the railway operation. Planning staff have no concerns with the inclusion of the warning clause and is noted for the subject planning applications (Site Plan and Site Plan Agreement).

No additional comments or objections were received.

It is noted that an open house (neighbourhood meeting) was hosted by the proponent and consulting team on Tuesday, June 13, 2023 at 6:30pm. The meeting was well attended with approximately 35 signing in for the meeting. From the presentation and feedback, the following was noted as discussion items:

- Shadowing and height
  - Comments that all adjacent properties would be shadowed and privacy would be gone. Residents also concerned with losing the rural character.

The consulting team provided an overview on the shadowing analysis and noted the path of the sun and potential shadow locations with minimal impact on neighbouring properties. Also, the orientation and location of the buildings was designed to decrease any impacts on residential uses. Response noting that there is a need to accommodate a wide range of housing types.

- Greenspace
  - Comments received noted that they would prefer that the space be developed as parkland.

Consultant team commented on the presence of other parks and community facilities within the area and noted that they would look at opportunities for additional landscaping on-site.

- Traffic
  - Comments provided relating to traffic:
    - Questions if a traffic study was completed;
    - Noted that the area is too busy now;
    - Questions relating to involvement of the Ministry of Transportation (MTO);
    - Concerns relating to the traffic generated by Tim Hortons and the intersection at Railway and Main Street North;
    - Sufficient parking for residents and headlights impacting neighbouring properties.

The consultant team noted that there would be opportunities for screening and buffering between the proposed development and existing properties to minimize impact from vehicles. The subject lands are not within the control area of the MTO. A traffic analysis was on-going at that time.

- Servicing and drainage
  - Comments noting that there are existing drainage issues with the subject lands;
  - Questions as to whether the site has capacity for development.

The consultant team indicated that all their water and stormwater management would be reviewed in detail through a Site Plan application and the development would have to control all water generated on site and not impact any adjacent properties. Infrastructure and capacities being reviewed.

- Tenure/Ownership of the units and timing of construction
  - Questions raised as to whether the units would be under condominium ownership or rental.

Ownership status not confirmed at that time.

## **Canada Post:**

### Service type and location

1. Canada Post will provide mail delivery service to this development through centralized Community Mail Boxes (CMBs) for the 11 townhouse units if the local office does not have enough Post office boxes.
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, 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 also 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).

**Mississaugas of the Credit First Nation:** The Mississaugas of the Credit First Nation would like to notify you that we are the Treaty Holders of the land on which the construction of a new housing development will be taking place. This project is located on the Between the Lakes Treaty No. 3 of 1792. In light of this, the MCFN Department of Consultation and Accommodation (DOCA) has received all requested studies and has no comments or concerns at this time. Please keep in mind if the scope of the project changes MCFN DOCA would like to be notified at your earliest convenience.

**Six Nations of the Grand River:** 10:1 tree replacement ratio is requested, and 30 metre vegetated buffers from any significant habitat features.

## **Emergency Services:**

- Will it be wood or concrete/brick construction?
- Please confirm that these will be sprinklered facilities.
- 2<sup>nd</sup> means of egress – Foundry street access to be permanent, as opposed to just emergency service access. (big building)
- Would prefer sites 1 and 2 to be connected with only one access/egress to site 1 from Main Street.
- Water Supply:
  - Study for water delivery for fire suppression purposes (calculations etc.)
  - 1 – hydrant off Tuscarora St – 150mm line
  - 1 – hydrant off Foundry – 100mm line
  - 1 – hydrant off Main – 200mm line
  - Consideration to be taken in regards to distances from hydrants to buildings
  - Include distances from hydrants to building

- This is important, in the event of a fire emergency, aerial operations (will be used) requires heavy water supply

**Water & Wastewater Operations:** No comments received.

**Transportation Engineering Technologist:** No additional comments beyond the peer review results.

**Facilities, Parks, Cemeteries, and Forestry:** Dabirian Homes did not provide a tree protection plan showing how the trees on the adjacent private properties will be protected. They are proposing landscaped areas adjacent to these properties but we need to know the estimated diameter of the trees on the adjacent properties to determine if the width of the landscaped area is sufficient to protect the tree roots. We'll want to see the pathways and shrubs shown on the County-owned right of way for Main Street North on the landscape plan deleted. *Planning staff note: A tree protection plan will be required at the site plan stage.*

**Finance:** No comments received.

**Economic Development & Tourism:** EDT supports the development of commercial uses on the ground floor and overall has no concerns.

**CN Rail:** It is noted that the subject site is in proximity to CN's Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

*"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*

- The storm water management facility has been reviewed and is considered acceptable from CN's perspective, and has determined that the design will not have an adverse impact on the CN right-of way.
- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that any fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

### Comment:

A Holding (H) Provision is included within the Zoning By-law to address CN Noise requirements, which include the warning clause on title and addressing construction materials. These items will be evaluated and implemented through the Site Plan application and corresponding agreement. Additionally, they will be reviewed and included into the construction drawings and building permit application.

**Building & Municipal Enforcement Services:** There will be items that will need to be addressed at the site plan stage - parking commitment for townhouses, location of accessible parking, adequate snow storage, location of fire access routes. Since properties will not be merged, for building permit stage ensure spatial separation, limiting distance and unprotected openings in exposing building face is considered in design.

Noise study comments: The Noise Report is based in the Land Use Planning Section Part C of the Ministry of the Environment, Conservation and Parks Environmental Noise Guideline.

Part C for NPC 300 NPC 300 is guidance provided by MOE for land use planning purposes. The guidance relates to the transportation sources of noise and stationary sources of noise in the land use planning process and includes sound level limits for assessment of the noise impact on proposed noise sensitive land uses and specifies procedures to determine sound levels on the site of proposed noise sensitive land uses due to transportation sources and stationary sources.

Suitable noise control measures are described.

The report identifies 6 Stationary Sources of sound that may impact the residential development proposed:

- DeBoer Machining (14 TUSCARORA STREET)
- Tim Hortons (5 RAILWAY STREET)
- Car Wash (54 MAIN STREET NORTH)
- Grain Elevators (27 TUSCARORA STREET)
- Elite Manufacturing and Cargo Ease Inc. (22 JOHN STREET)
- LaFarge Aggregates (4024 HIGHWAY 6)

I make note of the recommendations in Section 6 of the report as being reasonable.

### SUMMARY OF RECOMMENDATIONS

The following noise control measures are required for this development:

- Central Air Conditioning as recommended for all units (Table 10).
- Specific Window, Door, and Wall construction as recommended in Table 9.
- 2.43m Noise Barrier for along the townhouse's rear yard property line. (See Figure 7).
- Registered Warning Clauses Type "B" & "D" "E" & CN on title, (Table 10).
- It is recommended that a qualified acoustical consultant certify that the required noise control measures have been incorporated into the builder's plans prior to issuance of a building permit.
- It is recommended that a qualified acoustical consultant certify that the required control measures have been properly installed prior to an occupancy permit.

The report highlights, I suggest correctly, the Tim Horton's drive through as a possible Stationary Source of concern. In this case a 2.43m Noise barrier or equivalent be constructed. However, fails to identify what that barrier should be constructed of in order to reduce the impact. (concrete/solid or board on board fence) The prediction in this regard is calculating a 52.5dBA sound level at the residential point of reception, which I am going to suggest may become problematic on those hours of the day where the ambient sound levels that currently exist in the environment (in the early or late evening) reduce to levels below 52.5dBA. At these times the sound from the drive through may become the dominant sound for some residents in Site 1. Explaining the noise control measures noted above.

It must be noted that this Noise Report is just a prediction.

**Planning & Development – Development Technologist:**

Functional Servicing and Stormwater Management Report: Servicing Strategy would be deemed acceptable and design of on-site system will be reviewed within the detailed design review phase.

**REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

**REFERENCES:**

None.

**ATTACHMENTS:**

1. Location Map – Subject Lands.
2. Concept Plan Owners Sketch.
3. Elevation Concept.
4. Draft Zoning By-law.
5. Correspondence from Underwood, Ion & Johnson Law.