
HALDIMAND COUNTY

Report PDD-06-2024 Zoning By-law Amendment to Rezone Lands from R3 to R4 and to Modify a Site Specific R3 Zone – 45 Sutherland Street, Caledonia



For Consideration by Council in Committee on May 21, 2024

OBJECTIVE:

To consider an amendment application to rezone the rear portion of 45 Sutherland Avenue (“Part 2”) from “Urban Residential Type 3 (R3)” Zone to “Urban Residential Type 4 (R4)” to expand the existing parking area for the existing 77-unit apartment building located at 41 Sutherland Street, and to rezone the front half (“Part 1”) of 45 Sutherland Street to add a site specific provision to the existing “Urban Residential Type 3 (R3)” Zone to facilitate the development of semi-detached residential dwellings.

RECOMMENDATIONS:

1. THAT Report PDD-06-2024 Zoning By-law Amendment to Rezone Lands from R3 to R4 and to Modify a Site Specific R3 Zone – 45 Sutherland Street, Caledonia, be received;
2. AND THAT application PLZ-HA-2023-213 to amend the Haldimand County Zoning By-law HC 1-2020 to rezone the rear half of the subject lands (Part 2) from the “Urban Residential Type 3 (R3)” Zone to “Urban Residential Type 4 – Holding (R4 (H))” Zone, and to rezone the front half of the subject lands to (Part 1) to “Urban Residential Type 3 – Holding (R3-H) Zone with Special Provisions”, be approved for the reasons outlined in Report PDD-06-2024;
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, 1990*;
5. AND THAT the by-law attached to Report PDD-06-2024 be approved at a future Council meeting.

Prepared by: John Douglas, MCIP, RPP, Senior Planner

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

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

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

T. Johns (now Landwise) Consulting, agent on behalf of Lisbert Holdings, submitted a Zoning By-law Amendment application to rezone the rear half (“Part 2”) of the subject lands from an “Urban Residential Type 3 (R3)” Zone to an “Urban Residential Type 4 (R4-H)” Zone with a Holding Provision, and to amend the zoning of the front half of the subject lands (“Part 1”) to add special exceptions to the existing

“Urban Residential Type 3 (R3-H)” Zone with a Holding Provision. The purpose of the Zoning By-law Amendment application is to facilitate the use of Part 2 to expand the existing parking area for the existing 77-unit apartment building located at 41 Sutherland Street; and to permit Part 1 to be redeveloped to create a semi-detached dwelling.

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 Part 2 until such time as the required Site Plan application is approved.

The public notice sign was posted on the subject property on May 3, 2024. 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 subject property is approximately 445 square metres (13,068 square feet) in area and currently contains two single detached dwellings (both to be removed) and has approximately 17.7 metres (58 feet) of frontage on the south side of Sutherland St. W. The lands are municipally known as 45 Sutherland St. W. and are legally described as Caledonia Part Lot 6 South Sutherland West, in the Urban Area of Caledonia.

The subject lands currently contain two (2) dwellings – a two (2) storey nearest to Sutherland Street West, and a single storey set back behind the front house. Both structures are proposed to be demolished and replaced with a new semi-detached dwelling (2 separate dwelling units) on the front half of the lot (Part 1 on Attachment 2) and a parking lot extension (to service the adjacent apartment) on the back half of the lot (Part 2 on Attachment 2). The net result is the same number of dwelling units on the property but in a different configuration (attached vs. detached).

The subject lands are currently zoned the “Residential Type 3 (R3)” Zone, which permits single detached, semi-detached and duplex dwellings, tri-plex, four-plex and rooming house dwellings. The subject Zoning By-law Amendment, as it applies to Part 2, is required to bring the zoning for Part 2 in line with the existing zoning for 41 Sutherland to which Part 2 will ultimately be added. A Holding Provision will be applied to Part 2. Conditions for removal of the Holding Provision are addressed later in this report. The special exceptions to the R4 zone for Part 2 are required to address the following deficiencies:

- 1) Minimum setback of a parking lot from a residential lot line of 1.85 metres (6 feet) instead of 3.0 metres (9.8 feet), and
- 2) Minimum landscaped strip width of 1.85 metres 1.85 metres (6 feet) instead of 3.0 metres (9.8 feet).

The subject Zoning By-law Amendment, as it applies to Part 1, is required to address two zoning deficiencies associated with the proposal to construct semi-detached dwellings, which will front on Sutherland St. W. A holding provision will also be added to Part 1. Conditions for removal of the Holding Provision are addressed later in this report. The special exceptions to the R3 Zone for Part 1 are to address the following deficiencies:

- 1) Minimum lot area of 240 square metres (2,583.3 square feet) per dwelling instead of 255 square metres (2,744.8 square feet); and
- 2) Minimum landscaped open space of 47.2 percent instead of the required 50 percent.

Surrounding Land Uses

There are existing residential dwellings to the north, east and west of the subject lands, with the four (4) storey apartment building to the south.

Proponent-led Public Information Session

T. Johns (now Landwise) Consulting, submitted and implemented a Public Consultation Strategy in July 2023 which included providing a letter to residents within 120 metres which outlined the proposal and provided consultant contact information. At the time of preparing of this report, two (2) members of the public contacted the consultants to request further information on the proposal and the timing of construction, should the rezoning be successful. The consultants met with one of those inquirers (owners of 53 Sutherland St. W.) on August 14, 2023 and clarified the proposed parking design that intends to mitigate impacts of the expanded parking area, the proposed side yard for the semi-detached dwellings, tree protection efforts and demolition and construction timing.

Staff are satisfied that the concept appropriately addresses staff and agency comments/concerns as well as those raised by members of the public. Details related to the proposed expanded parking area will be addressed through an application for Site Plan Approval process.

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 subject property is 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. It is staff's understanding that the proposal is intended to help address a shortage of on-site parking for the apartment building at 41 Sutherland, which should reduce off-site parking pressures. And the two older single detached dwellings that currently exist on the 45 Sutherland St. W., will be replaced with semi-detached units on the front half of 45 Sutherland.

The proposed development is located within the Caledonia Urban Area and supports 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. The proposed increase in on-site parking for the apartment building at 41 Sutherland is expected to reduce pressure for street parking in the area, while the proposed semi-detached dwellings, represent an appropriate form of residential housing.

Section 3.1 of the PPS deals with natural hazards. The proposed development has been circulated to the Grand River Conservation Authority (GRCA), who noted that the subject property lies outside of hazard lands regulated by the GRCA.

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. The proposed development is located within the built-up area and contributes towards the achievement of this objective.

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

Haldimand County Official Plan

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

Residential Designation

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

The subject application, if approved, would result in provision of additional parking spaces for the apartment located at 41 Sutherland St. W. and the construction of semi-detached dwellings on the front half of 45 Sutherland St. W. The proposal conforms with the residential designation in the OP.

Stable Neighbourhood Policies

Policy 5. I. 3. of the OP 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.

Staff also considered the proposal against the design criteria for Stable Residential Neighbourhoods in of Section 4.B.2) 11, below.

Table 1: Design Criteria for Stable Residential Neighbourhoods

Policy Subsection	Justification
i) Limit building heights to reflect the heights of adjacent housing;	The application proposes the expansion of an existing parking lot and the construction of semi-detached dwellings fronting on Sutherland St. W. According to the Planning Justification Report provided by the applicant’s agent, the semi-detached buildings will not exceed the 11 metre height permitted in the Zoning By-law. This is

Policy Subsection	Justification
	<p>consistent with the heights of adjacent buildings. The semi-detached dwelling will maintain the height of the existing neighbourhood, and no proposed expansion/addition is proposed for the apartment building so the elevations in the area will remain consistent.</p>
<p>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;</p>	<p>The proposal would result in a lot that is slightly smaller than the minimum required under the Zoning By-law, 242.2 square metres (2,607 square feet) where 255 square metres (2,744.8 square feet) is required; and, would result in a reduced landscape open space of 47.2 percent, where 50 percent is the minimum.</p> <p>These deficiencies are addressed through the site-specific R3 Zoning By-law Amendment proposed by the applicant.</p> <p>Staff satisfied that proposal reflects the general scale of appearance of adjacent dwellings, and there will be no negative impact on the functionality of the subject lands or adjacent parcels.</p>
<p>iii) Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge and character;</p>	<p>The proposal has a front yard setback of 6.0 metres (19.68 feet), which conforms to the required front yard set back in the Zoning By-law. No relief is being requested to the front yard setback, so the existing building line will be maintained along Sutherland Street West.</p>
<p>iv) Provide for similar side yard setbacks to preserve the spaciousness on the street;</p>	<p>The interior side yard setbacks for the proposed semi-detached dwellings conforms with the 1.2 metre minimum setback in the Zoning By-law. No relief is being requested to the side yard setback, so the yard spacing will be consistent with the neighbourhood.</p>
<p>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;</p>	<p>The proposed semi-detached buildings are a built form that is consistent with the variety of façade details and materials of surrounding housing.</p>
<p>vi) Include provisions for landscaping and screening if required;</p>	<p>A Site Plan is required for the expanded parking area to ensure that the proposal will implement appropriate Landscaped Strips, Fencing and Tree Protection, to mitigate potential impacts on adjacent neighbours. The semi-detached property will maintain all yards for amenity space.</p>

Policy Subsection	Justification
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 each proposed semi-detached dwelling.
viii) Provide for a consistent arrangement of parking in terms of amount, size and location of parking areas; and,	<p>The proposal meets the zoning requirement in terms of number of parking spaces per semi-detached dwelling (two (2) required/two (2) provided per unit).</p> <p>The existing parking for the apartment at 41 Sutherland is deficient. The intent of the proposal is to add the rear half of 45 Sutherland to the apartment property to provide additional parking. Based on the parking requirements set out in the Zoning By-law the apartment building should have a total of 96 parking spaces (of which eight (8) should be visitor spaces). Even with the additional spaces provided through this proposal, the apartment building will only provide a total of eighty-two (82) parking spaces (0 spaces provided for visitors).</p> <p>Despite the deficiency in parking even after the expansion of the parking lot for 41 Sutherland, staff are of the opinion that the proposal improves the existing situation.</p>
ix) Ensure that any increased traffic movements and activity are appropriate for the area.	<p>The proposal has been circulated to the County's Transportation Engineering Technologist who has no objection to the proposal.</p> <p>This proposal does not propose an intensification or expansion of existing uses; no additional dwelling units are proposed. Therefore, there is no anticipation of increased traffic movements. It is anticipated that the proposal will facilitate more on-site parking and reduce off-site parking from the apartment building, which should be an improvement over the existing situation.</p>

Based on the foregoing, the proposed development satisfies the OP criteria.

Servicing Policies

Section 5.B) of the OP contains the policies related to servicing. Policy 5 B) 1) 1. of the OP 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 semi-detached dwellings (Part 1) in the subject application are proposed on full municipal water and wastewater services. A Lot Grading Plan and Engineering report were submitted by the proponent for the proposed parking lot expansion and semi-detached dwelling parcels (Part 1 and Part 2).

Staff are satisfied that the proposal addresses the servicing policies set out in the OP.

Hazard Lands

45 Sutherland St. W. does not include any lands designated as hazard and is not within lands regulated by the Grand River Conservation Authority.

Archaeological Potential

Policy 6.G.2. of the OP 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 has yet to provide a copy of a letter from the Ministry of Tourism, Culture, Sport and Industry confirming the registration of the assessment. No comments related to archaeological matters were received from the Mississaugas of the Credit First Nation or the Six Nations of the Grand River.

A copy of a letter from the Ministry will be one of the requirements to lift the Holding Provision from the subject lands. Once it is received, Planning staff will be satisfied that the subject application conforms to the OP.

Haldimand County Zoning By-law HC 1-2020

The subject property (45 Sutherland St. W.) is currently zoned as “Urban Residential Type 3 (R3)” of Haldimand County Zoning By-law HC 1-2020. This zone permits single detached dwellings, semi-detached, duplex dwellings, tri-plex and quad-plex dwellings, as well as rooming houses.

The Zoning Amendment and draft by-law is structured in two (2) parts

Part 1 - 45 Sutherland St. W.

The portion is intended to accommodate the future development of a semi-detached dwelling and will remain R3, but add special exceptions to address the following:

- 1) Minimum lot area of 240 square metres (2,583.3 square feet) per dwelling instead of 255 square metres (2,744.8 square feet).
- 2) Minimum landscaped open space of 47.2 percent instead of the required 50 percent.

Part 2 - 41 Sutherland St. W.

These lands are to be added in future to the adjacent apartment lands to the west (41 Sutherland Street West) for additional parking. To create zoning consistency for that property the lands are to be rezoned from R3 to R4, and will also include the following site-specific provisions:

- 1) Minimum setback of a parking lot from a residential lot line of 1.85 metres (6 feet) instead of 3.0 metres (9.8 feet).
- 2) Minimum landscaped strip width of 1.85 metres (6 feet) instead of 3.0 metres (9.8 feet).

It should be noted, regarding Minimum Size of Parking Spaces, that Haldimand County Zoning By-law HC 1-2020 was recently amended to allow more compact parking stalls. The new minimum parking spaces size is: 2.75 metres by 5.8 metres. The proposed parking space size conforms with the current Zoning By-law Standard.

Holding Provision

As noted, a Holding provision will be applied to Part 2. The Holding provision will be lifted after the required Site Plan has been approved, and a letter has been received from the Ministry of Tourism Culture and Sport accepting the Archaeological Assessment that has been submitted.

Similarly, a Holding provision will be applied to Part 1. The Holding provision will be lifted after a letter has been received from the Ministry of Tourism, Culture and Sport accepting the Archaeological Assessment that has been submitted, and once the County is satisfied with lot grading and drainage and an agreement has been executed for the same.

It is the opinion of Planning staff that the proposed amendments to the Zoning By-law are in keeping with the general intent of Zoning By-law HC 1-2020 and conform to the OP. Please refer to the Draft Zoning By-law and Holding Authorization By-law included as Attachment 4.

Conclusion

The subject application represents an appropriate and compatible form of development which staff feel improves the existing conditions at 41 and 45 Sutherland St. W.

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 staff have not been advised of any negative impacts or objections to the proposed rezoning.

Building & Municipal Enforcement Services: Building reviewed and agrees with the Zoning Deficiencies identified by the proponent to be addressed through the Zoning By-law Amendment, with the exception of the size of parking stalls. The size of the proposed parking stalls conform to the updated standards in Zoning By-law HC 1-2020.

Planning & Development – Development Technologist: No comments at this time.

Mississaugas of the Credit First Nation: The Mississaugas of the Credit First Nation (MCFN) hereby notifies you that we are the Treaty Holders of the land on which the expansion of the existing parking lot will be taking place. This project is located on the Between the Lakes Treaty No. 3, of 1792.

Therefore, the MCFN Department of Consultation and Accommodation (DOCA) has received all requested documentation and would like to thank you for inviting MCFN DOCA to be involved in the archaeological studies. MCFN DOCA has no comments or concerns at this time. Please notify MCFN DOCA if the scope of the project changes.

Six Nations of the Grand River: Requested at the Pre-Consultation meeting that an Archaeological Assessment be conducted. A Stage 1 and Stage 2 Archaeological Assessment have been completed for the subject property and submitted to the Province for review. No objections have been received from Six Nations.

Bell Canada: No comments received.

Canada Post Corporation: Please be advised that Canada Post does not have any comments on this application to sever property from 45 to 41 for a parking lot. If the front property will have additional dwelling units and require mail delivery, the customers will need to register at the Caledonia Post office to obtain a compartment in a nearby Community mailbox.

Clerks: No comments received.

Emergency Services: No comments received.

Enbridge Gas: No comments received.

Engineering Services: No comments received.

Facilities, Parks, Cemeteries, and Forestry Operations: Forestry has no concerns with the rezoning application. A tree protection plan will be required at the site plan application stage to show how the trees along the western property line will be protected during construction.

Grand River Conservation Authority (GRCA): The subject property at 45 Sutherland Street West is not regulated by the GRCA under Ontario Regulation 41/24. As such, we will not be providing comments on this application.

Haldimand Norfolk Health Unit: No comments received.

Hydro One: No comments received.

Legal & Support Services: No comments received.

Metro Loops: No comments received.

Ministry of Municipal Affairs & Housing: No comments received.

MPAC: No comments received.

Rogers: No comments received.

Public: No comments received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Map B – Detail Map.
3. Owner's Sketch.
4. Draft Zoning By-law with Holding Provision.