
HALDIMAND COUNTY

Report PED-PD-04-2018 Official Plan Amendment for Residential Use – Moodie



For Consideration by Council in Committee on February 6, 2018

OBJECTIVE:

To consider an Official Plan amendment to facilitate the addition of a residential use to the affected lands.

RECOMMENDATIONS:

1. THAT Report PED-PD-04-2018 Official Plan Amendment for Residential Use – Moodie be received;
2. AND THAT application PLOP-HA-2017-181 to amend the Haldimand County Official Plan designation of the subject lands to a site-specific 'Community Commercial' designation to facilitate the establishment of an additional residential lot, be approved for the reasons outlined in Report PED-PD-04-2018;
3. AND THAT the By-law attached to Report PED-PD-04-2018 to adopt the Official Plan Amendment to the Haldimand County Official Plan be passed.

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Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning and Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The current policy framework that regulates the land uses for the subject property supports a limited type of residential development (i.e. upper floor apartments) that does not correspond to the landowners' proposal (single detached dwelling). This Official Plan Amendment is needed to introduce the permission into the existing Community Commercial designation. The designation will remain intact to afford maximum flexibility for building conversion and introduction of commercial uses on the site should there be ability/market for such a use. This Official Plan Amendment will be followed by a consent application to create an additional infill lot from the affected lands. At this stage, the existing zoning (Urban Residential Type 3) is proposed to remain intact, as it supports the intended use and gives opportunity to assess any change of use in the future through a zoning amendment.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2014, complies with the Provincial Growth Plan, maintains the general intent of Haldimand County's Official Plan, and conforms to the Town of Dunnville Zoning By-law 1-DU 80. Planning staff recommend approval of this proposal for the reasons set out within this report. A public meeting has been scheduled to correspond with the presentation of this report. A public notice sign has been posted at the site and was visible when the Planner conducted a site visit.

BACKGROUND:

The landowners have submitted an Official Plan Amendment application to support a proposal that would provide them with the opportunity to create an additional residential building lot from the subject lands. The current use of the property is residential and contains a single detached dwelling. The proposed Official Plan amendment is required to establish policy support within the Official Plan in order to permit the creation of an additional residential property given the residential permissions are currently limited to predominantly apartments. The lot that is proposed to be severed will have a frontage of approximately 15 metres and a depth of 37 metres (49 feet by 121 feet), and the lands to be retained are identified as having a frontage of 18 metres and a depth of 37 metres (59 feet by 121 feet). These dimensions will yield lots with areas of 555m² and 666m² (5,974 square feet and 7,169 square feet) respectively. These dimensions conform to the single detached residential standards set out in the Town of Dunnville Zoning By-law 1-DU 80 and the existing zone of the property (R3). Rather than removing the Community Commercial designation of the property entirely, staff is proposing to add the residential use through a special policy provision, so that if there is a desire to establish a commercial use at a later date, the future owner will still have the potential to establish such a use.

The subject lands are located on the east side of Cedar Street, and south side of South Cayuga street east. The site is legally described as Plan 69, Lot 11 and Part Lot 12 Part lot 11, South Cayuga Street, and known municipally as 419 Cedar Street. A General Location map can be found in Attachment 1.

ANALYSIS:

Provincial Policy Statement, 2014 (PPS 2014) and the Provincial Growth Plan

The Provincial Policy Statement, 2014 looks to promote the growth of strong communities and promote efficient development and land use patterns. It also encourages intensification and redevelopment. Settlement Areas, such as Dunnville, shall be the focus of growth, and vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which are appropriate for and will efficiently use the infrastructure and public service facilities that are planned or available, and avoid the need for unjustified and/or uneconomical expansions. The proposal is deemed to be consistent with the Provincial Policy Statement 2014, as it would represent an efficient use of existing infrastructure, public service facilities and appropriately designated lands, and would occur within an existing urban area, thereby enhancing the compact form of the existing settlement area.

The Provincial Policy Statement also sets out, that planning authorities shall identify and promote opportunities for intensification and redevelopment where it can be accommodated by taking into account, existing building stock and the availability of suitable existing or planned infrastructure and public service facilities. The proposed development is considered infill development in a compact urban area which would efficiently utilize existing infrastructure and public service facilities. Based on the above, the proposal is consistent with the principles of the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe is the framework for implementing the Government of Ontario's vision for building stronger and prosperous communities by controlling growth. The Growth Plan's emphasis is to create complete communities, optimize the use of existing and new infrastructure to support growth in a compact efficient form and provide for different approaches to manage growth that recognizes diversity within communities. The Growth Plan also includes policies which direct municipalities to facilitate and promote intensification. The subject proposal represents efficient use of land and newly constructed infrastructure, and provides for a mix of housing type within the community, and supports the objectives of the Growth Plan.

Official Plan

The subject lands are presently designated Community Commercial which permits a variety of commercial uses and limited residential development primarily in the form of apartments. While residential use is generally considered compatible with commercial uses, the form in which it is proposed (i.e. single detached dwelling) is outside of what the Official Plan currently considers. The policies are intentionally set up this way to maintain the commercial focus and character of the areas that are covered by the designation. In particular, the policies of the Community Commercial designation set out that residential uses are to be located outside of the ground floor/street facing portions of any buildings. This is a measure that, as noted above, aims to preserve the commercial character and activity at the street. This is of particular benefit and importance in the downtown cores.

The subject lands, which are presently developed as a single detached dwelling lot, are not within the downtown core and exist at the very edge of the Community Commercial designation within a predominantly low density residential area. The street facing portions of the lot (i.e. the west and north) face other residential development while the southerly (interior) property boundary is also shared with another single detached dwelling. The east boundary line is the only one that faces/connects to a commercial property (former bar/restaurant) which has been converted to apartment dwellings. All told, the subject lands exist within a fully developed residential area which lends support to examining alternative development scenarios, in this case, the creation of a second lot from the property to be developed as a single detached dwelling.

In order to accomplish the intent of creating a building lot, the Official Plan designation for the affected lands needs to be amended to include the residential use that the proponents seek to establish. Staff recommend that this be accomplished by leaving the current Community Commercial designation in place and adding policy to support residential use and intensification for the lands identified. The key thing to highlight in this regard, is the designation in the context of the area. As noted above, the subject lands are situated within a predominantly residential area which is characterized with smaller, residentially-scaled properties (as opposed to larger land assemblies typical of commercial developments). Given the lot fabric and the developed nature of this area, there are limits to the potential for commercial development opportunities. For a commercial development to advance, it would likely require a series of land acquisitions and complex land assembly and site preparation processes. The more likely scenario, in the view of staff, is that the residential character of the area will continue, with the potential for some existing homes to be converted to low intensity mixed uses (e.g. with commercial on main floor and apartments in the upper storey(s)). Given this expectation and current reality, the proposal to sever a lot and construct an additional single detached dwelling would be compatible with what is 'on the ground' and land use function would be consistent with the immediate area.

The Official Plan provides support for residential intensification which reduces the need to expand urban boundaries and uses existing services more efficiently. It also ensures that the significant investments made in infrastructure by the County (e.g. water/wastewater mains, treatment plant upgrades) are maximized. The subject proposal is considered to be an opportunity for intensification within a stable area, and in an appropriate form. Criteria relating to infill, given the residential character of the area, have been applied to this proposal and are examined below.

i. *Limit building heights to reflect the height of adjacent housing;*

The site sketch submitted with the application does not included a concept plan of a dwelling, however, the applicants or future developers will be required to conform to the standards outlined in the Town of Dunnville Zoning By-law. The maximum building height for residential structures in this zone is 11 metres. There are various residential (and other type) developments in the area that are 11 metres or exceed such.

- ii. *Provide 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 applicants have not proposed a dwelling within the application package that has been submitted, but the overall dimensions of the proposed properties is similar to those already in existence in the neighbourhood. Once the zoning provisions in effect are applied, this will likely result in a dwelling that is of similar size and character to what has already been constructed in the immediate area of the subject amendment. In the immediate area of the subject property there are a variety of property sizes and building types. To the north are semi-detached dwellings, while closer to the subject property (abutting to south and across road to west) there are single detached dwellings. In the general area there are also higher density uses, a four storey residential condominium building to the northeast, as well as an apartment building to the east. The proposed infill lot, with dimensions that would accommodate a single family dwelling will maintain the character of the existing neighbourhood, as there is a variety of densities and dwelling types. An aerial photo depicting the neighbourhood character is included as Attachment 5.

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

There are no proposals to alter the front yard setback as it is described in the Town of Dunnville Zoning By-law, as such Planning staff is satisfied that this provision will be met and it will conform with the predominant appearance of the neighbourhood in turn preserving the streetscape edge and character.

- iv. *Provide similar side yard setbacks to preserve the spaciousness on the street;*

As stated above, there are no building plans that have been submitted as part of the application, however, staff is confident that the building envelope for this property will be consistent with what exists for the neighbouring properties based upon the lot size proposed and the application of the existing zone standards. It is Planning staff's opinion that the proposal maintains the character of the neighbourhood.

- v. *Provide a built form that reflect the variety of façade details and materials of adjacent housing, such as porches, windows, cornices and other details;*

Without building plans to review, staff is unable to provide a direct response relating to this design element. However, through conversation with the applicant, staff is confident that the dwelling that will be built in the future will conform to and maintain the overall character of the neighbourhood. The construction that has occurred in the general area of the subject lands represents a timeline in terms of building styles and material choices. Nearest to the subject lands are dwellings that closely resemble the existing structure in terms of façade and general size and characteristics. The newer buildings that have been constructed represent more contemporary building styles, that still seek to maintain the older character while presenting a newer style of development to the neighbourhood. This spectrum will allow for flexibility when deciding on façade materials and building styles to use when constructing the infill dwelling. An aerial photo depicting the neighbourhood character is included as Attachment 5.

- vi. *Include provisions for landscaping and screening if required;*

The proposed level of development that has been discussed and reviewed for the site is not subject to Site Plan Control, and does not include development extensive enough to warrant additional landscaping or screening requirements. The applicants have proposed a lot-pattern that would restrict opportunities to develop the property to the full extent of the zoning, which includes two, three and four family dwelling houses in addition to a group home

(construction of the three and four family dwelling houses would be subject to site plan control). The requirement for landscaping and screening is intended in cases where more dense development is introduced in a lower density area. In this case, the proposal is for single detached dwelling within a predominantly low density area with single and semi detached dwellings.

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

Planning staff have not received concept plans regarding the future development of this site, however, given the size of the building envelope that will result from the series of applications associated with this property, staff is confident that the overall character of the neighbourhood will be maintained.

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

Planning staff is of the opinion, that the parking arrangement for the proposed development will be consistent with what is provided elsewhere in the surrounding neighbourhood. Opportunities for off-street parking that is compliant with the zoning by-law are available (i.e. 2 spaces per unit).

- ix. *Ensure that any increased traffic movements and activity are appropriate for the area.*

It is Planning staff's opinion, that the proposed development will not adversely affect the traffic movements for the neighbourhood. The development is small in scale and represents an intensification that is appropriate for the surrounding area.

Based on the policy framework, planning staff are of the opinion that this amendment is considered appropriate and will serve to maintain the general intent of the Haldimand County Official Plan by permitting a use on the site that will not have a negative impact on the surrounding land uses. A draft Official Plan amendment by-law is included as Attachment 2.

Zoning

The zoning that regulates the subject lands is currently 'Urban Residential Type 3' (R3), which staff is recommending to leave in place unaltered at this stage. This zone permits a single family dwelling, as well more intensive residential uses such as two, three and four family dwelling houses, as well as a boarding or lodging house. While there are permissions to construct these more intensive uses, it is the opinion of staff that in order to build to this increased level of intensity, there will be opportunities to determine the suitability of the site for such a proposal. Development to a density or level of intensity greater than that of a one or two family dwelling house are subject to site plan control. Through this review staff will be able to review the development proposed, relative to site constraints (setbacks, traffic and parking considerations, etc.) in order to ensure that the development is appropriate. Thus, it is staff's opinion that the zoning already in place can remain, and this will still provide the necessary development opportunities, without compromising the permissions in place.

Further, the zoning remaining in place allows opportunity to assess the suitability of any commercial proposal in the future. For such a use to advance, it would require further application for zoning permission and this process affords opportunity to assess the fit of such use in the context of the neighbourhood. This is critical given the developed nature of neighbourhood surrounding the subject lands (as described throughout the report) and affords opportunity to establish particular development parameters (use, layout of parking, etc.) in the future.

Technical Matters & Severance Process

In these types of development proposals, staff typically recommends that a holding provision be placed on the property to address any issues that have arisen through the review process, including technical implementation matters such as a lot grading plan/drainage plan. In this case, there is a further application process that must take place (i.e. severance) and that is where staff recommend these matters be addressed. More particularly, if the Official Plan Amendment is approved, the proponents will start with the severance application process. In this instance because a severance application will be presented to the Committee of Adjustment at a later date, it is staff's opinion that a holding provision will become redundant once the conditions of the severance have been applied. These conditions will deal with other aspects of the severance such as the need for a new survey to illustrate the new lot fabric, and the requirement for a lot grading and drainage plan. With this in mind, it is staff's opinion that a more appropriate time to apply pre-development conditions will be through the severance process. A preliminary severance proposal is included as Attachment 4.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Ministry of Municipal Affairs and Housing (MMAH) – No comments.

Emergency Services – No objections.

Planning and Development (Development and Design) – No comments.

Building Controls and By-law Enforcement – No objections.

Hydro One – No comments.

Six Nations Council – No comments received.

Mississaugas of the New Credit Council – No comments received.

Grand River Conservation Authority – Approval of a permit will be required before any new development or site alteration takes place in regulated area.

Public Works (Road Operations) – No objections.

Haldimand-Norfolk Health Unit – No objections.

MPAC – No objections.

Other – No objections to the proposal have been received from any other agency or member of the public.

Landowners' Public Consultation: No development related concerns were raised during applicant-led open house. One neighbour attended the session which took place on November 29, 2017.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. General Location Map.
2. Draft Official Plan Amendment.
3. Location of Lands Affected – Owner's Sketch.
4. Proposed Severance – Owner's Sketch.
5. Surrounding Neighbourhood.