
HALDIMAND COUNTY

Report PED-PD-14-2018 Zoning By-law Amendment to Permit Commercial Uses - 792866 Ontario Inc.



For Consideration by Council in Committee on March 27, 2018

OBJECTIVE:

To rezone the subject lands from Community Institutional to General Commercial to increase potential for development opportunities.

RECOMMENDATIONS:

1. THAT Report PED-PD-14-2018 Zoning By-law Amendment to Permit Commercial Uses - 792866 Ontario Inc. be received;
2. AND THAT application PLZ-HA-2017-208 to amend the Town of Haldimand Zoning By-law 1-H 86 to change the zoning of the subject property from 'Community Institutional' (IC) to 'General Commercial' (CG) be approved for reasons outlined in Report PED-PD-14-2018;
3. AND THAT the Zoning By-law Amendment attached to Report PED-PD-14-2018 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
4. AND THAT the Removal of Holding Provision By-law attached to Report PED-PD-14-2018 be presented for enactment and the General Manager of Planning and Economic Development be granted the authority to remove the holding provision when the conditions relating to the matter are satisfactorily addressed;
5. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2014, Provincial Growth Plan 2017 or other matters of provincial interest.

Prepared by: Benjamin Kissner, Planner

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: Karen General, CPA, CGA, Deputy Chief Administrative Officer

EXECUTIVE SUMMARY:

The subject proposal affects lands legally described as Oneida Range West Caledonia Townline Road, Part of Lot 1 Registered Plan 18R2928 Part 1. The proposal that has been reviewed by planning staff is to amend the Town of Haldimand Zoning By-law 1 H-86 with respect to the subject property, such that the zoning will be changed from 'Community Institutional' (IC) to 'General Commercial' (CG) to permit a greater extent of permitted uses for the site. At this point in time, there are no definite plans with regard to the extent and type of development that will occur on the site. This zoning by-law amendment is being brought forward to prepare the site for future development opportunities and once a proposal takes shape, any development at the site would be regulated by site plan control to ensure

there is appropriate design and mitigation of any off site impacts. The proposal aligns with Provincial Policy and the County Official Plan, and as such, is supported.

BACKGROUND:

The applicants propose to rezone the property to General Commercial, from the current zoning which is Community Institutional. The lands are shown in Attachments 1 and 2, and a broader perspective showing the neighbouring properties is shown in Attachment 5. This will result in a broader range of uses, while still encompassing those included in the Community Institutional zone. No buildings are proposed to be constructed at this point in time and there are no plans for a particular use at the site. Rather, the owners wish to establish a broader suite of permitted uses to make the lands more attractive and to increase opportunities for future development. In essence, the owners are 'pre-zoning' the lands for development as opposed to reacting to a specific development proposal/interest.

The subject property was originally created through a severance from the originating parcel, with the intent of being developed as a seniors' home. The zoning was put in place to accommodate this use, but in the time since the severance was established in 1988 and the zoning was subsequently changed, this project has not been realized. At this time, the owners are seeking to sell the land, and have been approached by individuals who are looking for commercial properties, as opposed to lots that permit institutional uses. Thus, the drive to have the zoning changed for the subject property is such that a broader range of commercially oriented uses could be supported on the subject lands.

The subject lands have an area of approximately 0.81 hectares (2 acres), and front onto Argyle Street South, near the intersection of Celtic Drive and Argyle Street South.

On the property directly to the north of the subject lands there is an established medical office, and the lands to the south are vacant. To the west of the subject lands there are a mixture of uses including rural residential type properties, a church and a property that contains a Canadian Tire. To the east of the subject lands is a residential subdivision, and these uses are separated by a strip of land owned by Haldimand County.

ANALYSIS:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction for municipalities to establish and support opportunities for economic development, through providing an appropriate mix and range of employment and institutional uses as well as a diversified economic base. This proposal represents an opportunity to broaden the permitted uses that are allowed for the subject lands by permitting a broad range of both commercial and institutional uses.

Further, the PPS directs that municipalities shall intensify development in places where sufficient infrastructure already exists such that expansions of road networks, or water and wastewater services are not necessary. In this instance, the subject lands have frontage to a municipal road, there are water and wastewater services already installed across the frontage of the property. Providing a broader range of development options for the lands, gives greater opportunity to utilize this infrastructure efficiently.

Finally, the PPS directs that municipalities will ensure that new development is compatible with the existing land uses on neighbouring properties. The neighbouring properties are zoned to permit the same suite of uses as what is proposed for the subject lands. Further, the application of site plan control to the property (for all development that could take place at the site) gives opportunity to regulate various aspects of design and compatibility, including grading/drainage, landscaping, etc.

Growth Plan

The Growth Plan for the Greater Golden Horseshoe provides similar planning direction, in that economic growth be supported by directing growth to existing areas dedicated for this type of use. This land has been designated 'Community Commercial' within the Haldimand County Official Plan, and lengthening the list of permitted uses ensures that there is opportunity for a wide variety of uses to become established on the subject lands.

Haldimand County Official Plan

Policy Overview

The subject property is designated 'Community Commercial' within the Haldimand County Official Plan. As such, the Official Plan (OP) outlines that permitted uses shall encompass a full range of commercial uses such as: retail and service commercial facilities, business, personal and professional offices, recreation and entertainment facilities, communication and transportation services, hotels, restaurants, private clubs, government offices, community and cultural facilities and public and private institutions.

At present, the zoning on the site is 'Community Institutional' which permits uses that do not represent the same breadth of scope as what is outlined in the designation as described above. By changing the zoning to General Commercial, it serves to accomplish a number of things:

- It brings the zoning into conformity with the Official Plan (and by extension, with both Provincial policy plans);
- It establishes a principle of land use that will help facilitate the goals and objectives of the Official Plan for this area (i.e. a wide range of commercial development); and
- It sets out an appropriate range of uses to better facilitate development and which can benefit from existing municipal investments in infrastructure (water and sanitary). Thus, it serves to address the OP policy relative to utilizing designated serviced lands in an efficient manner.

Land Use Compatibility

The land uses that surround the subject property are varied in nature. There are residential uses, institutional uses and commercial uses within the vicinity of the subject property. A more detailed description is provided below, and the description is illustrated by Attachment 4, which depicts the larger neighbourhood to provide a broader context.

The properties abutting the subject lands to the north and south are designated 'Community Commercial' as well. The property to the north has been developed as a medical office, while the lands to the south are vacant. Staff are confident that broadening the range of permitted uses on the subject property will not introduce a land-use conflict, but rather will serve to create a consistent range of land use permissions across the area.

The lands to the east of the subject property are designated 'Residential' and developed as such. The residential properties have a vacant parcel between them and the subject lands, owned by Haldimand County which allows for drainage of the surrounding area. This County owned, vacant parcel is not proposed to be included in this re-zoning application. This vacant strip of land would provide a separation buffer between the use on the subject lands, and the existing dwellings in the vicinity of the subject property. The properties to the west contain a variety of uses; there are low density residential lots, a church and a large scale commercial business (Canadian Tire). The properties that contain the residences are zoned 'Development' (D) which represents the transitional nature of the properties. Similarly, the property to the south of the subject lands is zone 'D' to facilitate development in the future. The lands that line Argyle Street along this corridor between Fife Street and Sixth Line Road are designated Community Commercial which indicates that the long term vision for these lands is directed towards commercial uses.

The proposed 'General Commercial' zone as well as the current 'Community Institutional' zone are subject to site plan control, which will allow for a thorough technical review of any proposed development on the subject lands. This review will include aspects such as entrance and exit to and from the site, stormwater management, parking, lighting and buffering between land uses. This review depends on the type and intensity of a proposed use, and as such will be carried out to ensure that neighbouring properties do not experience negative impacts.

Water and Wastewater Servicing

The subject property exists within the urban boundary for Caledonia, and as such benefits from the provision of municipal water and wastewater servicing. Servicing allocation is determined relative to a specific project and will be assessed once a development is brought forward to staff for review.

Site Plan Control

Site Plan Control is applied to a variety of zones throughout Haldimand County to regulate development. The 'General Commercial' zone is one of these zones, and as such once development is proposed for the site, staff will carry out this technical review.

As noted above, Site Plan Control is the process through which staff review the site specific, technical details relative to a particular project. Through this review staff analyze aspects of a development such as stormwater management, ingress/egress, parking layout, site lighting and buffering between land uses. This review is tailored to suit each project, and as the proponent has not provided staff with a proposed building and use at this time, a thorough site plan review has not been initiated.

Zoning By-law

The zoning on the subject property is currently 'Community Institutional' (IC), and the proponent is seeking to convert it to 'General Commercial' (CG). This will broaden the range of permitted uses while still allowing the uses permitted in the 'Community Institutional' zone.

At present, the 'Community Institutional' zone supports establishing a range of uses that does not encompass the range of commercial uses that the 'General Commercial' zone permits. By replacing the 'IC' zone with 'CG', the range of permitted uses will not only become more extensive, but also better align with the direction provided under the Haldimand County Official Plan, and the applicable levels of Provincial Policy.

It is important to note that the properties to the north are also zoned 'General Commercial', and lands in the vicinity are zoned 'Community Institutional' and 'Development'. It is staff's opinion that the changes proposed for the subject lands will not negatively impact the land uses that are permitted for these neighbouring lots.

The proponents are not seeking relief for any other zoning provisions relating to lot area, frontage, or yard setbacks. The subject property is large enough to satisfy the requirements of the current zone, as well as the zone that would apply should this application be approved. Additionally, to ensure that matters are addressed prior to development, staff are recommending that a Holding provision be placed on the property that will require the developer to address the following prior to construction: archaeological assessment be completed (to satisfaction of Ministry of Tourism Culture and Sport), approval of a site plan and confirmation of servicing allocation. A draft By-law describing these amendments is included as Attachment 3 to this report, and staff have proposed that the General Manager of Planning and Economic Development receive authority to remove the Holding at such time as the requirements are met. This by-law is presented as Attachment 4.

Conclusion

Planning Staff recommends that the Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the Provincial Policy Statement, 2014, conforms to the

Provincial Growth Plan, 2017 and maintains the intent and purpose of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1-H 86 with respect to the additional uses.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Emergency Services—No objections.

Planning and Development Division (Development and Design)—No comments.

Building Controls and By-law Enforcement Division—No objections.

Haldimand County Hydro—No comments.

Ministry of Municipal Affairs/Ministry of Housing Ontario—No comments.

Six Nations—No comments received.

Mississaugas of the New Credit—No comments received.

Public Works (Road Operations)—No objections.

Haldimand-Norfolk Health Unit—No objections.

MPAC—No objections.

Other—Staff have received contact from one neighbour, asking for clarity about the proposed changes to the zoning. The neighbour was assured that the zoning on their property would not change as a result of this application and that site plan control would ensure a future use does not negatively impact their land.

The proponent also contacted the owner of the adjacent medical office to advise of the changes to the zoning, and the neighbouring property owner had no concerns with regards to the changes.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owners Sketch.
3. Zoning By-law Amendment.
4. Removal of Holding By-law.
5. Surrounding Area Map.