



Planning Advisory Committee Report

To: To the Chair and Members of the Planning Advisory Committee
From: Ruchika Angrish, Senior Planner
Date: July 4, 2017
Report: PA-17-08a (Pinevest Homes Inc.)
Subject: Draft Plan of Condominium Application CDM/1/16RA
30 Balmoral Street, Paris
Purpose: **Recommendation Report** on an Application for a Common Element Plan of Condominium with Parcels of Tied Land with 12 townhouse units each with exclusive front and rear yards.

Recommendation

That, CDM/1/16RA from GSP Group, agent for Pinevest Homes Inc., applicants/owners of Plan 2M-1927 Block 22, located at 30 Balmoral Street, Paris, County of Brant wherein Draft Plan Approval is being requested for 12 townhouse units each with exclusive front and rear yards via a Common Element Plan of Condominium with Parcels of Tied Land, **BE APPROVED**, subject to the attached Conditions of Draft Plan Approval.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

Not applicable.

Executive Summary

The purpose of the report is to provide the Committee with recommendation from Staff regarding the details of an application for a Common Element Plan of Condominium with Parcels of Tied Land.

The planning analysis focus on literature reviews of applicable policy (i.e. Planning Act, PPS, Official Plan, and Zoning By-law), consultation with departments, an inspection of the subject lands and surrounding neighbourhood and discussions with both the agent/public. The proposal is in conformity with the policies of both the Provincial Policy Statement (2014) and the County of Brant Official Plan. This report recommends that the application be approved.

Proposal

The Applicant is proposing a Common Element Plan of Condominium with Parcels of Tied Land. Hampton Trails Plan of Subdivision was approved by Council on July 22, 2014 and was registered in May 2015. Block 22 of the Plan had gone through a Zoning By-Law

Amendment Application to establish the zone standards for a common element condominium with 12 townhouse units. A Site Plan Control application has also been approved and registered.

Location

Block 22 is 0.5 hectares in size, located on Balmoral Street within Hampton Trails Plan of Subdivision. The site is located in southeast corner of the subdivision south of Balmoral Street, east of Hampton Street, north of CN Railway line and south of Grand River. The Trans Canada Trail is to the east of the site. The abutting land uses are residential and industrial in nature.

Report

Planning Act

Section 51(24) of the Planning Act sets out criteria to be considered when reviewing land division applications. The proposal is within an area that is designated for residential, is suitable use of the land, meets the general requirements of the zoning by-law and is on municipal services. Staff is of the opinion that there are no outstanding legislative matters with respect to this application.

Provincial Policy Statement (PPS)

Section 1.1.1 of PPS (see attached) provided policy direction for planning authorities to consider matters relating to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. In accordance with PPS, land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The lands are located within the Primary Urban Settlement Boundary of Paris, is situated in an area with full municipal services. Staff is of the opinion that the application is consistent with matters of provincial interest.

Growth Plan

The Policies in the Growth Plan (see attached) promotes infilling and intensification in existing residential areas where infrastructure can accommodate such developments. The site is located within the built boundary of Paris. The proposed development also provides a mix of residential uses and also provides linkage to the trails. Staff is of the opinion that the application is consistent with the policies of the Growth Plan.

Official Plan

The lands are situated within the Primary Urban Settlement Area of the Town of Paris and are designated as Urban Residential in the CBOP. The designation permits a variety of residential housing types in accordance with density and location criteria. Staff is of the opinion that the proposal comply with the policies of the Official Plan.

Infrastructure/Servicing

The lands are serviced by Municipal Services.

Source Protection Plan

The lands are located outside the source protection plan policies.

Zoning By-Law 61-16

The subject lands are presently zoned Site Specific Residential Multiple High Density (RM3-10) in By-Law 61-16.

Interdepartmental Considerations

Development Engineering Review Division (see attached): No Objections

Legal Division (see attached): No Objections

Zoning Administrator (see attached): No Objections

Brant Haldimand Norfolk District School Board (see attached): No Objections

Fire Department (see attached): No Objections

Union Gas (see attached): No Objections

OPP (see attached): No Objections

Energy Plus (see attached): No Objections

Community Services (see attached): No Objections

The following departments/agencies provided no comments on this application:

- Six Nations/New Credit
- Building Division
- Bell

List of studies submitted

- Planning Justification Report
- Site plan

Public Considerations

No comments/concerns from public have been received at the time of the writing of this report. Any comments received after the generation of this report will be attached to the addendum for Committee's consideration.

Conclusions and Recommendation

The proposal is to establish a Common Element Plan of Condominium with Parcels of Tied Land. The Common Element Plan of Condominium with Parcels of Tied Land consists of lands that contain only common elements (for example roads, sidewalks, parks, etc.). Each lot associated with the condominium land — i.e the townhouse unit in a residential subdivision— is referred to as a parcel of tied land (POTL). Each townhome owner typically owns a piece of land and the building on it, and also has a part ownership in the common elements in the condominium. This concept also resulted in additional minor Zoning By-Law Amendment Application to recognize the parcels as lots in the plan of condominium. A part lot control application will also be required to create the parcels of tied land.

The request for approval of Draft Plan of Common Elements Condominium is consistent with the Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement and the

Official Plan. From the perspective of the provincial interest, the development will be taking place within a Settlement Area of the County of Brant where full municipal services are anticipated.

It is Planning Staff's opinion that the request is appropriate and recommends that the application be approved, subject to the attached conditions.

Respectfully Submitted,



RUCHIKA ANGRISH, MCIP, RPP
SENIOR PLANNER

Attachments

1. Official Plan Map
2. Aerial Photo
3. Conceptual Site Plan
4. Legislative Excerpts
5. Appendix A – Conditions of Approval

Copy to

1. Heather Boyd, Clerk Council Committee Services
2. Rob Trotter, Director of Planning
3. Mark Pomponi, General Manager of Development Services
4. Jennifer Mayhew, Planning Administrative Assistant
5. Applicant/Agent

File # CDM1/16/RA

In adopting this report, is a bylaw or agreement required?

By-law required (No)

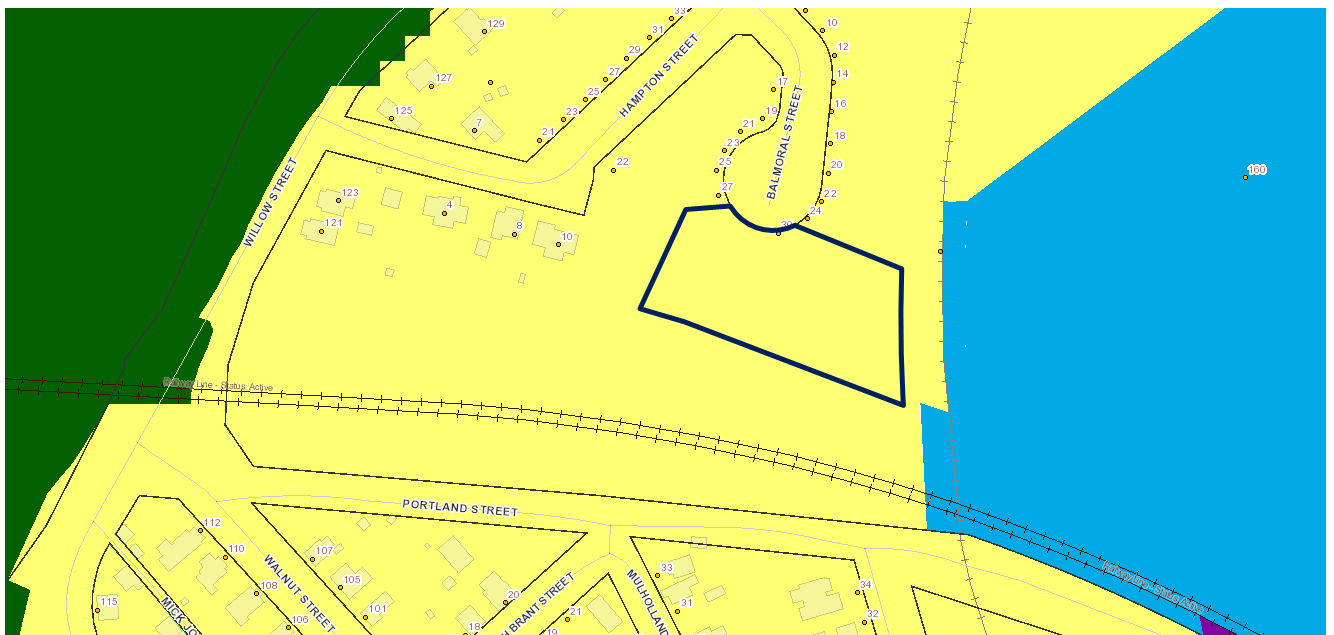
Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

Aerial Photo:



Official Plan Mapping:



LEGISLATIVE EXCERPTS

Provincial Policy Statement (2014)

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

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

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are 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;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*;
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed; and
 - 6. are *freight-supportive*; and
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Planning Act R.S.O.1990

Section 51(24) of the Planning Act sets out criteria to be considered when reviewing land division applications. They are:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

County Of Brant Official Plan (CBOP 2012)

2.2.5 Intensification

Residential development through intensification is efficient, cost-effective, and reduces the need to develop land within the County's designated Greenfield areas. Residential intensification also reduces the need for urban expansions encroaching into the County's Agricultural Area, and ensures the protection of agricultural land. The following represents the County's approach to achieving intensification in appropriate areas over the planning period.

2.2.5.1 Intensification

The following shall be the policies of the County:

Recognizing that there are limited opportunities, the County shall encourage intensification within the existing built boundary/built-up area wherever possible. By the year 2015 and for each year thereafter the County shall strive to meet a minimum target of 15 percent of all residential development occurring within the municipality to be within the built boundary/built-up area. .

Recognizing that all land located within the County's built boundary/built-up area may not necessarily be suitable or appropriate for large-scale intensification, the County shall encourage intensification that is of an appropriate scale and character, specifically within the following general areas:

- . lands designated Core Area (excluding land within the Special Policy Area for the Paris flood plains);

- i. any other commercial designation, including the General Commercial, Shopping Centre Commercial and Mixed Use designations;
- ii. vacant, underutilized sites in any other land use designation, where permitted by the policies of this Plan; and
- iii. Community Improvement Project Areas.

Notwithstanding policy b) above, intensification shall only be encouraged subject to other policies of this Plan, including the availability of servicing, and the protection of existing stable neighbourhoods.

Intensification shall include any of the following:

- i. small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units (including the development of accessory residential dwellings, as guided by the policies of Section 2.4.5.1 and the development of garden suites, as guided by the policies of Section 2.4.5.2);
- ii. infill residential development and new residential development of vacant land or underutilized land in existing neighbourhoods; and/or
- iii. redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a high density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

The following criteria shall assist the County in the evaluation and consideration of applications for intensification:

- i. the development proposal is located within the built boundary/built-up area;
- ii. the existing water and sanitary sewer services can accommodate the additional development;
- iii. the road network can accommodate the traffic generated;
- iv. the development proposal is adequately serviced by parks, schools and other community facilities;
- v. the proposed development is compatible with the existing development and the physical character and scale of adjacent buildings, streetscapes, and surrounding neighbourhood; and
- vi. the proposed development is consistent with the policies of the appropriate land use designation associated with the land.

Through the development approvals and building permitting process, the County shall ensure that proposals for intensification can be satisfactorily integrated with the physical characteristics of residential and commercial areas and that proper health and safety standards are maintained.

Land use compatibility assessments and urban design assessments may be required as a component of the planning rationale report accompanying development applications.

Small scale intensification shall be permitted in all areas of the Primary and Secondary Urban Settlement Areas, except where infrastructure is inadequate or there are significant constraints such as natural hazards, heritage resources, or other constraints.

The County shall monitor intensification activity and, based on the results, undertake the appropriate actions to ensure that opportunities exist for intensification activity.

3.4 Urban Residential

3.4.2 Permitted Uses

Subject to the applicable strategies, as provided in Section 2.0, and other policies of this Plan, the following policies shall apply in determining uses that are generally permitted on land that is designated Urban Residential:

The predominant use of land in the Urban Residential designation shall be for a variety of residential housing types, in accordance with the density and location criteria outlined in the following Urban Residential designation policies and in the County Zoning By-law.

Neighbourhood commercial uses that support residential neighbourhoods shall be permitted in the Urban Residential designation, subject to meeting the following criteria:

- uses shall be limited to small-scale commercial uses, personal service shops, businesses and offices which provide for the sale of convenience goods and other personal services to meet the daily living needs of local residents, such as medical clinics, convenience stores and daycare centres. Drive-through facilities and automobile service stations, including gas bars and repair garages, shall not be permitted;

- the scale of development shall be guided by the population of the area to be served, however, no single development shall exceed 500 gross square metres;

- adequate off-street parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that shall minimize the danger to both vehicular and pedestrian traffic;

- no open storage shall be permitted on-site;

- any lighting or signs associated with the permitted use located on local collector roads and intersections will be designed and arranged to blend with the character of the surrounding Urban Residential area;

- the use shall be included in separate zoning classifications in the County Zoning By-law;

- where the use is proposed at the intersection of two collector or arterial roads, proposed uses shall be of a height and scale that is consistent with existing uses in the surrounding area; and

- where the use is proposed within 500 metres of an existing neighbourhood commercial use, it shall not be permitted.

Institutional uses that support residential neighbourhoods shall be permitted in the Urban Residential designation, including libraries, retirement and nursing homes,

public and private educational facilities, and places of worship.

Opportunities to provide housing for individuals or groups with special needs shall be permitted and encouraged in the Urban Residential designation, in accordance with the policies of the Housing policies in Section 2.4.

Home occupation uses shall be permitted in the Urban Residential designation, subject to meeting the following criteria:

- the use does not change the residential character of the building;

- the use meets the requirements of the County Zoning By-law, including requirements related to the number of employees of a home occupation;

- the use is compatible with surrounding residential land uses; and

- sufficient parking is available on-site.

Bed and breakfast establishments shall be permitted in any single- detached residential dwelling, provided that all requirements of the County Zoning By-law are met.

3.4.5 MEDIUM DENSITY RESIDENTIAL POLICIES

Medium Density Urban Residential development shall be permitted in the Urban Residential designation, subject to meeting the following density and locational requirements:

a) Medium Density Residential development shall be limited to duplex/triplex/fourplex dwellings, converted dwelling units containing more than two dwelling units, cluster townhouses, low-rise apartment buildings with a maximum height of four stories, and special needs housing.

b) The maximum density of new Medium Density Urban Residential development shall not exceed 50 units per net hectare.

c) The following criteria shall be met before approval of the proposed development by the County:

- i. the proposed development should have frontage on an arterial or collector road as designated on Schedule B of this Plan; and
- ii. the proposed development shall abut or be located within a reasonable walking distance of a major public park.

d) Further to Section 3.4.5 (c) (i) above, proposals for new Medium Density Urban Residential development shall be encouraged to have direct access to or be in close proximity to an arterial or collector road, where possible and appropriate.

e) On-site recreational facilities or amenities such as private open space including playground equipment may be required.

6.6 PLANS OF SUBDIVISION/CONDOMINIUM

The following shall be the policies of the County with respect to lot creation through plan of subdivision or condominium:

a) Lot creation within the County shall proceed by way of draft plan of subdivision when:

- i. the development entails the extension of a road that is to be assumed and maintained by the County; or
- ii. the development requires the extension of a municipal water and/or sewer system.

- b) Draft plans of subdivision or condominium shall proceed in accordance with the policies of this section, the Growth Management Policies of Section 2.2, and the Allocation and Phasing of Servicing policies of Section 5.2.2 of this Plan.
- c) Certain supporting studies, information, and materials shall be required as part of an application for draft plans of subdivision, in accordance with the policies for complete applications, as established by Section 6.13 of this Plan.
- d) Before recommending a plan of subdivision or condominium for approval, the County shall be satisfied that the area to be subdivided can be provided with necessary services and amenities, at no cost to the County and that the long term maintenance of the proposed development is financially sustainable by the County.
- e) Where a draft plan of subdivision is proposed adjacent to a Provincial Highway, the layout of the subdivision should be designed such that the lots back onto the Provincial Highway and front onto a local internal street.

Zoning By-Law 61-16

RM3-10 (DEVELOPMENT STANDARDS)

Notwithstanding any provision of this by-law to the contrary, within any area zoned RM3-10 on Schedule "A" hereto, the following development standards shall apply;

1. Minimum southern property line setback 30.0m
2. Minimum northern property line setback 6.0m
3. Minimum eastern property line setback 3.5m for unit type A and 0.0m for unit type B.
4. Minimum western property line setback 6.0m for unit type A and 0.0m for unit type B.
5. Minimum exterior side yard setback from internal right of way 3.0m
6. Lot coverage (maximum) 55%
7. A lot shall not require frontage on a Public street;
8. A lot is considered to be the land area which constitutes a unit of a Condominium Corporation;
9. A rowhouse development with frontage on a private street shall also be permitted;
10. Lot area, lot frontage, and yards shall be determined as if the common element road were a Public street;
11. Distance between buildings on the same lot shall be 0.0m.
12. Adjacent shall mean abutting or separated by a portion of the common element. All other requirements of the By-law shall apply. (Maps 41 & 41C)