

Planning Brief

To: D. Smith, MCIP, RPP, Manager of Planning

From: D. Kieffer, MCIP, RPP, Senior Development Planner

On behalf of our client, Candue Homes 2020, COBIDE Engineering Inc. is pleased to submit this Planning Brief in support of the Zoning By-law Amendment Application for the property located at 192 Park Street East in Durham, ON (hereinafter called the subject lands).

This Planning Brief serves to analyze the land use planning merits of the application and determine the appropriateness of the proposed uses. The request will be analyzed within the context of the surrounding community and the relevant planning documents, including the Provincial Policy Statement (PPS), the County of Grey Official Plan (GCOP), the Municipality of West Grey Official Plan (WGOP) and the Municipality of West Grey's Comprehensive Zoning By-law.

This brief has been organized in an issue-based format, speaking to the planning policies within the context of the relevant issues identified in pre-consultation rather than a document-based format where each individual policy is addressed in each planning document. Should the approval authority require more information, please contact the author below.

Site Context:

The subject lands are located in the south end of Durham, on the northwest corner of Park St. E. and Albert St. S. The subject lands have a lot area of approximately 860.26 sq. m. and are currently vacant after the demolition of the existing house on site earlier this year. To the immediate north and east of the subject lands are single detached houses. South of the subject lands, across Park St. E. are two residential apartment buildings. Abutting the western boundary of the subject lands is the West Grey public library and a commercial business which fronts onto Garafraxa St. S.

Currently, the land uses along Albert St. S. are predominately residential in nature.



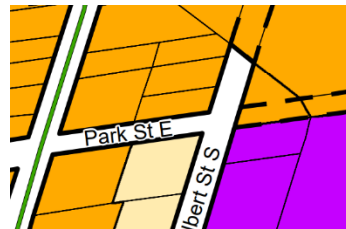
Figure 1: Aerial photograph of the subject lands. Source: Grey County Mapping 2024

Planning Context:

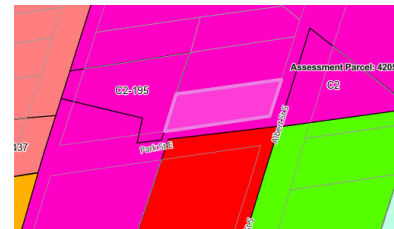
The subject lands are designated Primary Settlement Area in the Grey County Official Plan, Highway Commercial in the West Grey Official Plan and are zoned C2-Highway Commercial in the Municipality of West Grey’s Comprehensive Zoning By-law.



Grey County Official Plan Map



Municipality of West Grey Official Plan Map



Town of West Grey’s Comprehensive Zoning By-law Map

Development Concept:

The development concept includes the creation of six new residential townhouses with frontage onto Park St. This townhouses will be made freehold through a later Part Lot Control Exemption by-law at a later date.

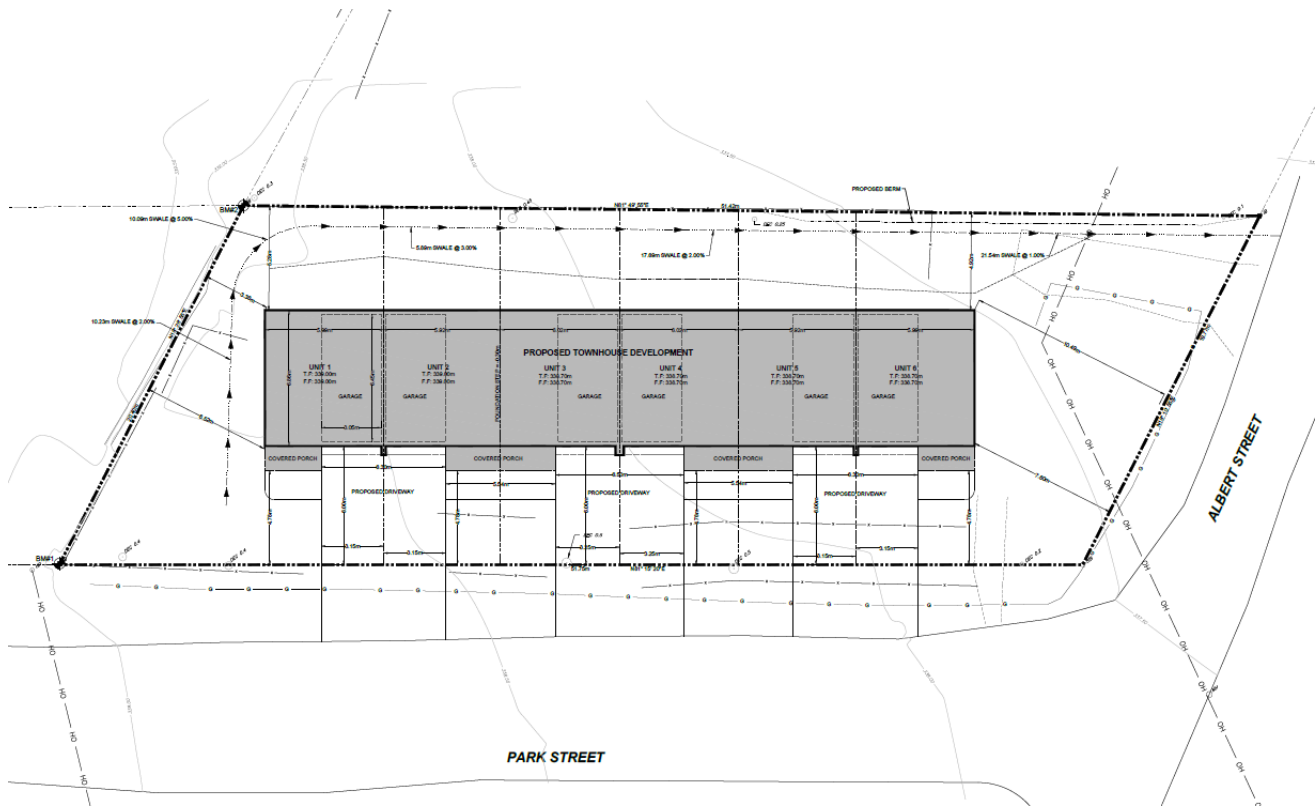


Figure 2: Site Plan.

Requested Applications and Supporting Materials

A zoning by-law amendment is requested to rezone the property from C2 Highway Commercial to R3-x Residential Zone Special.

The application meets the requirements of the County of Grey Official Plan.

In addition to this Planning Brief, the following studies have been completed in support of the applications:

1. A Functional Servicing and Stormwater Management letter.
2. A legal opinion provided by Johnston & Schwass.

Land Use Compatibility:

The subject land's use has historically been residential, with a residential dwelling being present from the late 1800s until it was demolished earlier this year. A residential use can be considered legal non-conforming to the current Highway Commercial zoning and designation.

Section F1.4 of the Municipality of West Grey's Official Plan allows existing legal non-conforming uses to be placed in zones that do not correspond with the land use designation established by the Official Plan, given that:

- The zone does not permit significant negative changes in the use of the property or

impacts on the adjacent land uses.

- The zone does not result in the legal non-conforming use interfering with the desirable development or enjoyment of the adjacent area.
- The recognition of the legal non-conforming use does not represent a danger to the surrounding land uses and/or persons.

The current residential uses on Albert St. are outlined in red, as shown in Figure 3 below.



Figure 3: Residential Uses in the Area

In our opinion, an Official Plan Amendment from Highway Commercial to Residential is not necessary and utilizing the permissions in Section F1.4 of the WGOP, the development team has requested that the property be re-zoned to align with the past and proposed future residential uses.

It is not anticipated that the continued use of the property for residential purposes would impact adjacent neighbours, who are largely residential in nature fronting onto Albert St. It is acknowledged the residential use is becoming more intensified as the development concept proposes an increase from the historic one unit to six units. This proposed increase (also known as intensification or density), infilling and better utilization of existing street frontage, municipal sanitary and municipal water services aligns with and advances the goals of the Province (PPS policies 2.2.1, 2.3.1, 2.3.2, 2.3.3); Grey County (GCOP policies 3.4.1, 3.5.3, 3.5.5, 3.5.6, 4.1, 8.9.1.1, 8.9.1.4); and West Grey (WGOP policies C2.1, C2.2.3, C2.2.6, C2.2.7, D2.1.1, D2.2.1, D2.4.1, D2.4.2, D2.4.3, D2.4.4, E2.1.1). The

proposed intensification should not affect the desirable development or enjoyment of the adjacent uses, including the commercial uses to the West. As shown by the adjacent apartments, high density residential development and the established commercial uses have co-existed for many years prior in this area of Durham.

Furthermore, the site is not ideal to develop for Highway Commercial uses. The following is offered:

1. The subject lands are not located on the main street (Garafraxa Street) and commercial uses would not benefit from the main street exposure and walkability. Depending on the proposed use, this may economically impact the proposed business.
2. The development fronting Albert Street is almost entirely residential in nature at present.
3. Albert or Park Streets are not constructed to a full urban cross section and host no street parking or sidewalks.

The proposed residential-only use aligns with the existing neighbourhood uses and proposes to provide parking. Residential uses, generally, generate lower traffic volumes than commercial uses where the comings and goings are more frequent. A residential use aligns better to the current condition of the nearby streets.

High Density Development

The West Grey Official Plan strives to ensure that development occurs in a manner that provides for compatibility among different land uses. The Plan defines “compatibility” not as the same or similar to existing nearby built form, but as co-existing with the nearby built-form without causing undue adverse impacts, such as, increased noise, traffic, dwarfing of buildings, shadowing etc.

The West Grey Official Plan defines high density residential development as multi-unit development exceeding 40 units per net hectare. The proposed density of this site is 65 units per ha.

Policy D2.4.17 e) states that the following must be considered when reviewing the appropriateness of new high-density development:

<p>i. The proposed use shall generally be compatible with existing uses in close proximity of the subject lands.</p>	<p>The proposed residential use on the subject lands is not proposed to change, but it is proposed to be intensified. The majority of uses along Albert Street are residential and directly across the road is an existing high-density residential apartment development. This would indicate the proposed residential development is generally consistent to the existing uses in close proximity to the subject lands.</p>
<p>ii. Adequate buffering, landscaping and building setbacks shall be provided to</p>	<p>The developer proposes a 6 ft. fence around the perimeter of the property to buffer</p>

protect the privacy of the adjacent residential properties.	against incompatibilities. It is anticipated that the increased number of residential units will not exacerbate any incompatibilities, as noted there are residential apartments directly across Park St.
iii. The roads in the area shall have the ability to handle the expected traffic increase. Medium and high density housing will generally be encouraged to locate in areas near arterial or collector roads in order to minimize traffic congestion and facilitate access to commercial areas.	The subject lands are one block off the main commercial street of Durham, being an ideal location for walkability in Durham.
iv. Municipal water and sanitary sewer capacity shall be available to service the proposed development.	As is normal practice in Durham, sanitary sewer and water will be confirmed at time of building permit.
v. Adequate off-street parking shall be provided to serve the proposed development.	Two spaces per unit are provided, exceeding the parking requirement.

The Two 'I's: Intensification and Infill

The Provincial Policy Statement (PPS) and the County of Grey Official Plan defines intensification as:

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;*
- b) the development of vacant and/or underutilized lots within previously developed areas;*
- c) infill development; and*
- d) the expansion or conversion of existing buildings.*

The development concept would facilitate a combination of the above. The subject lands are located within a previously developed area, making this proposal infill development and the development concept proposes to develop an under-utilized lot. In particular, corner lots offer unique opportunities to intensify residential uses due to the increased available frontage.

The PPS requires that planning authorities have appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. It further states that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions (PPS 1.4.3).

To this end, Table 2 of the County of Grey Official Plan contains the household growth projections and allocations for the lower-tier municipalities in the County to 2046. To achieve these projections, the Plan sets an overall intensification target of 15% for new growth. Table 6 of the County Plan establishes the residential intensification targets of primary and secondary settlement areas within local municipalities. The residential intensification target set for Primary Settlement Areas in West Grey is 10%.

The subject lands are designed as Primary Settlement Area, which is defined in the Grey County Official Plan as larger settlements with full municipal servicing, and a wide range of uses, services and amenities which are intended to be the primary target for residential and non-residential growth in Grey County.

The development concept is located within the Primary Settlement Area of Durham and therefore, is consistent with PPS policies and in conformity with Official Plan policies that direct the majority of new development towards settlement areas and encourage intensification within settlement areas, including the intensification of under-utilized sites.

The West Grey Official Plan reiterates the 10% intensification target and specifies that it applies to the settlement areas of Durham and Neustadt (D2.4.4). The development will help the County achieve its overall intensification target of 15% for new growth and the residential intensification target of 10% set for primary settlement areas in West Grey.

Housing Policies

Section 1.4.3 of the Provincial Policy Statement (PPS), and Section 4.4 of the Grey County Official Plan promote densities for housing that effectively use infrastructure and public service facilities.

The policies of the Grey County Official Plan encourage a greater variety of housing types in order to satisfy the present and future needs of residents. It is a policy of this Plan that the development of communities occurs with a wide range of housing types, including detached, semi-detached, townhouse and apartment units. Along with a mix of locations, forms and densities of housing and price ranges to meet a variety of housing needs.

In terms of housing, the West Grey Official Plan aims to provide an ample supply of affordable and desirable residential dwelling types and densities for the present and future residents of Durham and Neustadt. Furthermore, it is an objective of the Plan to ensure that an appropriate range of housing types and densities are provided within Durham and Neustadt as well as an appropriate supply of rental housing, in order to meet the projected requirements of current and future residents. And to encourage future residential development which efficiently utilizes the land, resources, infrastructure and public service facilities (policies of Section D2.1).

The development concept proposes a three-storey townhouse, which will be a more unique product to the Durham market.

Servicing Policies:

The Provincial Planning Statement (PPS) and Grey County Official Plan set out a servicing

hierarchy for sewage and water services. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas.

The West Grey OP directs the majority of urban type development to areas where full municipal services and other community facilities are available. In addition, policy E2.1.1 requires that all new development within Durham and Neustadt be serviced with municipal water and sanitary sewers.

The development concept will be serviced by municipal water and sanitary sewers thus, it is consistent with the servicing policies of the PPS and in conformity with the policies of the West Grey Official Plan.

Part Lot Control

The part-lot control provisions of Section 50(5) of *The Planning Act* have the effect of preventing the division of land in a registered plan, other than that which has already been approved in the plan of subdivision, without further approvals.

The part-lot control exemption provisions contained in 50(7) of *The Planning Act* allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring the approval of the land division committee.

A Part Lot Control Exemption by-law exempts land situated in a Registered Plan of Subdivision from Part Lot Control and therefore allows:

- the division of the lands into smaller parcels
- minor boundary adjustments
- to establish easements

Exemptions from Part Lot Control are often used to facilitate several conveyances at once and are particularly useful in types of housing that share common walls such as the proposed townhouses to ensure that the property line runs through the common centre walls.

Section E.4.2.2 states that part lot control exemptions shall be completed and submitted in accordance with the consent application requirements.

The subject lands form all of Lot 12, Plan 507, geographic Town of Durham. The development team has included a legal opinion stating that the subject lands form a whole lot in a registered plan of subdivision and a Part Lot Control application will follow construction commencing on the units. A legal opinion from Johnston & Schwass

Zoning Bylaw

The subject lands are currently zoned C2 - Highway Commercial.

It is requested the subject lands be re-zoned to R3-x Residential Zone Special. The deficiencies are outlined below in red.

Provision	Required	Provided
Lot Area, Minimum	232 m ² / unit	104 m ²
Lot Frontage, Minimum	6.5 m	5.8 m
Front Yard Setback, Minimum	7.6 m	6 m
Interior Side Yard Setback, Minimum	1.8 m	3.3 m
Exterior Side Yard Setback, Minimum	7.6 m	7.6 m
Rear Yard Setback, Minimum	7.6 m	4.8 m
Height, Maximum	10.5 m	<10.5
Lot Coverage, Maximum	N/A	N/A
Floor Area, Minimum	102.2 m ²	104 m ²

* It is noted as per Section 6.36 b) the porch is permitted to encroach into the required front yard setback. The proposed front yard reduction of 1.6 m + a 1.2 m wide porch = 2.8 m which respects the 3 m permitted.

Requested Variances

Lot Area, Minimum

The subject lands are shaped as a parallelogram with the lot lines on the eastern and western sides not meeting the northern and southern lot lines at 90° angles. This lot configuration and the switch from using Albert Street as the frontage to Park Street for the frontage is driving a reduction in lot area variance.

The design of infill sites is often a weighing of priorities in an effort to maximize sites within the built boundary. Most planning policies encourage increasing the density of sites to better use resources within settlement areas, and this is especially relevant in areas of proximity to the downtowns to facilitate walkability and being close to services and places of employment.

The requested variance in lot area would facilitate an attainable development concept and a creative use of a corner lot to increase density and housing options.

Lot Frontage, Minimum

A reduction from the required minimum lot frontage of 6.5 m to 5.92 m has been requested. This reduction is requested to facilitate the construction of two of the interior units. The end units meet the frontage requirements and the remaining two interior units will have a frontage of 6.02 m.

Townhouse's frontages are dependent on the unit's width. The development proposal is for a three-storey townhouse which proposed to gain living space by going up rather than out, resulting in a request for a reduced frontage.

Front Yard Setback, Minimum

Front yard provisions provide continuity in streetscape, permeable area for stormwater and maintain landscaped open space. It is requested that the Front Yard, Minimum be reduced from 7.6 m to 6 m. This is consistent with several nearby Municipalities' as of right permissions including the Town of Hanover, the Township of Wellington North and the Municipality of Brockton.

Six meters leaves sufficient room for parking, landscaped open space and setbacks from the road to ensure routine road maintenance.

Since there are not sidewalks on Albert or Park Streets and therefore it is unlikely that the previously identified issues of overhang of parked cars onto sidewalks is applicable to the subject lands. The proposed reduction will balance the available land between the rear and front yards.

Rear Yard Setback, Minimum

Rear Yards provide amenity space, insulation from neighboring properties and permeable surfaces for stormwater management. A reduction is not anticipated to have an impact on surrounding properties as the developer proposes to fence the lands to buffer between the new and existing uses or the public realm.

In conclusion, Section D2.4.11 of the Official Plan permits the Municipality to utilize unique development standards to facilitate infill development. The variances from the by-law that are requested are modest and would implement a dense, re-developed site that maximizes a fully serviced infill lot in a settlement area.

Conclusions:

In our opinion, the application represents good land use planning for the following reasons:

1. The development concept is consistent with the policies of Provincial Policy Statement and conforms to the policies of the County and Municipal Official Plans.
2. The development concept will redevelop an under-utilized site at a higher density, ensuring that the land, infrastructure and public services in the settlement area are used efficiently.
3. Buffering will be provided in the form of a wooden fence to minimize adverse effects and provide privacy to the existing adjacent residential property. There are not any anticipated negative impacts to the adjacent commercial use.
4. The development concept will be serviced by municipal water and sanitary sewers.
5. The proposal will help the County and Municipality meet its residential intensification target of 10%.
6. The intensification of an under-utilized site within a previously developed area will ensure that existing investments in infrastructure and community services are used effectively and prevent unnecessary settlement boundary expansion.
7. The proposal will provide a greater range and mix of housing options to better serve the needs of current and future residents.

Thank you for the consideration of this application, please contact the undersigned with any questions.

Kind regards,

Cobide Engineering Inc.



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