

1872 Durham Corp.

PLANNING JUSTIFICATION BRIEF

204 GARAFRAXA ST. SOUTH, DURHAM
MUNICIPALITY OF WEST GREY

COBIDE Engineering Inc
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Planning Brief

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

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

On behalf of our client, COBIDE Engineering Inc. is pleased to submit this Planning Brief in support of the West Grey Official Plan and the West Grey Zoning By-law Amendment applications for the property located at 204 Garafraxa St. S. in Durham, ON (hereinafter called the subject lands).

This Planning Brief serves to analyze the land use planning merits of the applications 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 Grey County 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 on the southwest corner of Saddler St. and Garafraxa St. in Durham.



Figure 1: Aerial Photo of the Subject Lands

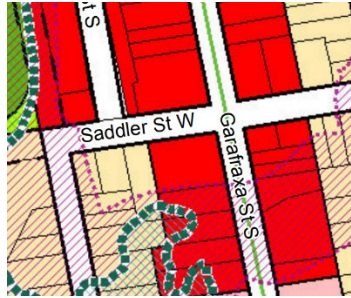
The subject lands are located on the main street of Durham in a largely commercial area. To the north is a gas station, to the east and the south are residential uses including single-detached dwellings and an apartment complex and commercial and church uses to the east.

Planning Context:

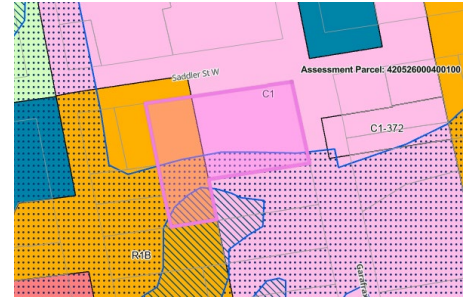
The subject lands are designated Primary Settlement Area in the Grey County Official Plan, Residential & Downtown Commercial in the West Grey Official Plan and zoned C1 – General Commercial & R1B – Low Density Residential in the Municipality of West Grey's Comprehensive Zoning By-law. A portion of the subject lands are within the flood fringe and Conservation Authority regulated area.



Grey County Official Plan Map



Municipality of West Grey
Official Plan Map



Municipality of West Grey
Comprehensive Zoning By-law Map

Development Concept:

The development concept includes a 10-unit motel located at the rear of the subject lands, which also contain The Foundry, a bar and restaurant with associated parking.

A new parking area with 12 parking spaces with access from Saddler St. is proposed to service the motel use.

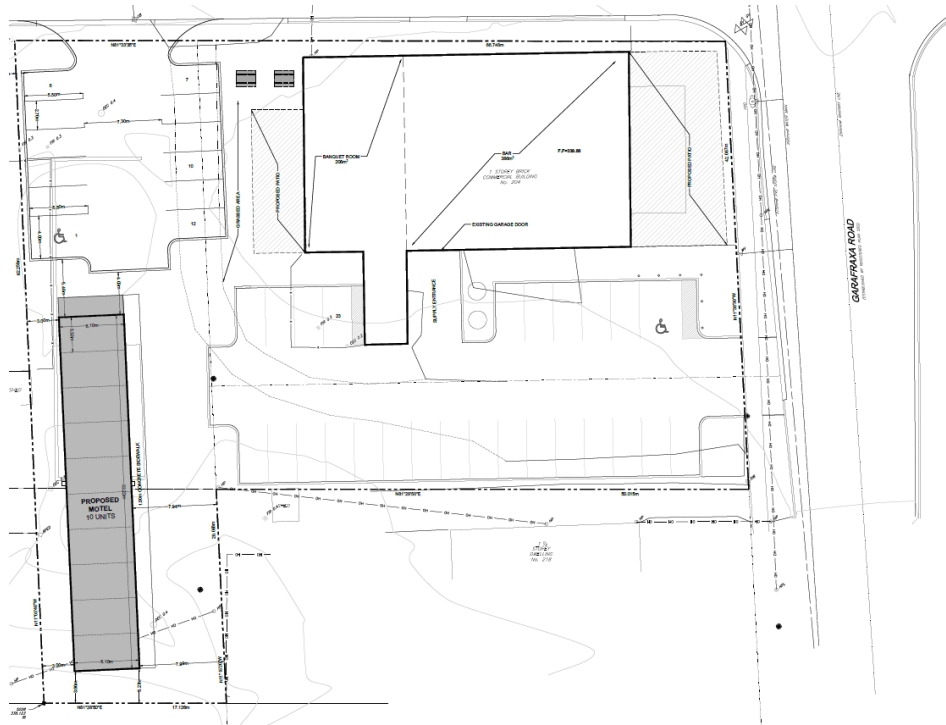


Figure 2: Site Plan

Requested Applications and Supporting Materials

A West Grey Official Plan Amendment is requested to redesignate a portion of the subject lands from Residential to Downtown Commercial. A West Grey Zoning By-law amendment is requested to rezone the residential portion of the property from R1B – Low Density Residential to C1-x – General Commercial Special.

A “Motel” is not listed as a permitted use within the Downtown Commercial designation of the West Grey Official Plan nor the C1 – General Commercial zone of the West Grey Zoning By-law. Therefore, site-specific amendments are also being requested for the WGOP and the Zoning By-law to add “motel” as a permitted use and some site-specific reductions.

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

Environmental Policies:

The subject lands are partially within the Saugeen River flood fringe.

The settlement area of Durham applies a “two zone policy” for managing flood plain lands along the Saugeen River in Durham, and Meux Creek and some of Neustadt Creek in Neustadt:

- a) The “floodway zone” is the central portion of the floodplain closest to the watercourse and is intended to carry and discharge water flows associated with the 1:100 year flood event. Lands within the floodway have the highest risk of flood-related damages. These lands are designated Environmental Protection on Schedules ‘A’ and ‘B’ to this Official Plan. No structural development shall be permitted within such areas.
- b) The “flood fringe zone” is the portion of the flood plain adjacent to the floodway where the risk of flood-related damages is lesser than the risk associated with the floodway. In Durham and Neustadt, the flood fringe includes all lands situated between the outer limits of the Hurricane Hazel Flood Event Standard” and the outer limits of the 1:100 flood plain. Lands within the flood fringe are not necessarily designated Environmental Protection and, as such, development on these lands may be permitted provided that suitable flood damage reduction measures are undertaken to protect against Hurricane Hazel Flood Event Standard flooding. Lands within the flood fringe are shown on Schedules ‘A’ and ‘B’ as having a “Flood Fringe” overlay and the appropriate underlying land use designation.

Notwithstanding the above policy, certain land uses shall not be permitted in the flood fringe due to the greater risk to life or property damage or the nature of the land use being inappropriate for a flood plain location. These lands uses may include: institutional uses such as hospitals, schools, and nursing homes; essential emergency services, such as fire, police and ambulance stations; and, uses involving hazardous substances.

- c) All new development, including any change to a building or structure that would alter the use or potential use, increase the size, or increase the number of dwelling units, or site alteration within the floodway, flood fringe, or Regulated Area requires permission from the Saugeen Valley Conservation Authority under Ontario Regulation

Discussion:

A portion of the subject lands are included in the flood fringe of the Saugeen River and this is not proposed to change as part of this application. All construction will occur outside of the Environmental Protection designation and a SVCA permit can be obtained.

The subject lands have been identified as a Wellhead protection area (WHPA), specifically Wellhead Protection Zone E under Appendix A of the County Official Plan. Section 8.11.1 of the Grey County Official Plan defines WHPAs as the area around the wellhead where land use activities have the potential to affect the quality or quantity of water that flows into the well.

This planning application must conform with the significant threat policies that fall within the Saugeen-Grey-Sauble-Northern Bruce Peninsula Source Protection Plan. The proposed motel will be connected to the municipal sewer. It is not anticipated that the development concept will have any negative impacts on drinking water.

Policy 1.7.1 h) of the PPS states that long-term economic prosperity should be supported by providing opportunities for sustainable tourism development. It is a goal of the West Grey Official Plan to provide opportunities for economic growth. It is an objective of the Municipality of West Grey under section C3.2.6 of the WGOP to:

“increase the tourism component of the local economies by providing a wider range of recreational facilities and tourist accommodations including bed and breakfast establishments, hotels and motels. Specific emphasis shall be given to attracting four-season tourism facilities.”

The development concept will provide Durham with a new motel that will provide local accommodations, thus supporting the achievement of municipal objectives.

Buffering Policies

The WGOP requires adequate buffers between commercial development and adjacent non-commercial uses to minimize potential land use conflicts. Buffer areas will be required on the subject lands along the rear lot line and along a portion of the interior side lot line, where the property abuts adjacent residential properties.

Section 6.3 of the West Grey Zoning By-law requires that where a lot is within a commercial zone and the interior side and/or rear lot line, or portion thereof abuts a residential or institutional zone, a buffer area must be provided on the commercial lot in accordance with the following provisions:

- a) Have a minimum width of 1.5 m, in addition to any other yard requirements
- b) Consist of a planting strip maintained at a minimum height of 1.8 m immediately adjacent to the lot line where the buffer area is required
- c) Be kept free of parking, buildings and structures, excluding legal boundary partitions and used only for the placement of trees, shrubs, similar vegetation, fencing and landscaping features

- d) Be landscaped and maintained by the owner
- e) Subject to site plan approval, a solid fence, wall, or other landscaping feature of equivalent height may be considered in place of a continuous planting area

The development concept will use provision 6.3 e) to propose a solid fence of equivalent height rather than a continuous planting strip. The units are not proposed have direct access to the rear yard and will likely instead use a front porch for outdoor amenity space. The fencing will provide an adequate buffer to the adjacent residential uses to minimize adverse effects such as car lights, privacy, exterior lighting and visual impacts.

Servicing Policies

Section E2.1.1 of the WGOP requires that all new development within Durham and Neustadt be serviced by municipal water and sanitary sewers.

The Provincial Policy Statement (PPS) sets 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 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.

Zoning Bylaw

It is requested that the subject lands be re-zoned from General Commercial Zone (C1) and Residential Zone (R1 B) to General Commercial Zone (C1) and General Commercial Zone Special (C1-x).

General Provisions

6.27.3: All parking spaces within a commercial, industrial or institutional zone may be located within a required front yard, and required exterior side yard, except that no parking area and/or space shall be located within 1.5 m (5 ft) of a street, or within 4.5 m (14.8 ft) of any lot or zone containing a residential use.

It is proposed that the parking area be located **4.34 m to a residential use** and 2 m to the road.

The subject lands are proposed to be re-zoned to C1 General Commercial Zone Special, consistent with the front of the lot and the zoning along Main St. Durham. This zone exempts uses, other than residential, from parking requirements. It is noted that the motel use is proposed to provide 12 parking spots with a separate entrance to service the motel but that overall the lot hosts 38 parking spots total, including two barrier free spots.

Table 1 shows the zoning provisions for the C1 Zone. The requested amendments are shown in red.

Table 1: C1 Zoning Matrix

Provision	Required	Provided
Permitted Uses	Motel	Need to permit
Lot Area, Minimum	None	3155.5 m ²

Lot Frontage, Minimum	None	42 m
Front Yard, Minimum	None	Unknown
Interior Side Yard, Minimum	None, except where a C1 Zone is abutting a Residential Zone, the minimum interior side yard shall be 3 m (9.8 ft)	3.0 m
Exterior Side Yard, Minimum	None	0.99 m*
Rear Yard, Minimum	4.5 m	3 m
Building Height, Maximum	12.0 m	<12 m

* Denotes existing

Requested Amendments

Reduction of Parking Area to Residential Use

The western side of the proposed development abuts a residential zone and use located at 151 Saddler St. W. The parking lot proposed to serve the motel use is proposed to be setback 4.34 m from the lot line where 4.5 m is required.

A concrete walkway from Saddler Street has already been installed, mainly used by employees entering the rear of the Foundary. It is proposed that this walkway remain, and that has subsequently pushed the parking lot for the motel to the west, closer to the adjacent residential use. The developer proposes to construct a 1.8 m fence along this portion of the development to aid in mitigating incompatibilities between the uses, cutting down car lights, exterior lighting and visual impacts from the proposed development and increasing privacy for the residential dwelling.

Addition of Motel as a Permitted Use

As previously discussed in this report, a hotel is permitted as of right in the C1 zone. While hotels and motels both offer overnight lodging for commercial gain, they are defined as:

HOTEL, means a building, part of a building, or a group of buildings used for gain or profit for the purposes of catering to the needs of the traveling public by supplying them with sleeping accommodation, with or without meals, but without private cooking facilities with a minimum of 6 guest rooms, and further provided **that each guest room shall only be entered from the interior of the building.** Without limiting the generality thereof, a hotel may include accessory uses such as dining, dancing, convention, parking and recreational. A hotel does not include a boarding, lodging or rooming establishment, bed and breakfast establishment or a motel or motor hotel.

MOTEL/MOTOR HOTEL, means a building, part of a building or a group of buildings used for the purpose of catering to the needs of the traveling public by providing sleeping accommodation with or without supplying food or other refreshments for not less than 6 guest rooms which may contain private cooking facilities and further provided that each guest room **may be entered directly from the exterior of the building.** A motel does not include a

boarding, lodging or rooming establishment, a bed and breakfast establishment or a hotel.

Since the uses are similar in nature, both providing sleeping accommodation to the travelling public, a motel use can be considered complementary to the C1 zone. The differences are largely based on how the users enter and exit the buildings, but this can be accommodated on the site.

Rear Yard, Minimum

It is requested that the rear yard, minimum be decreased from 4.5 m to 3 m to permit the building to be located closer to the rear lot line of the lot, giving more room for guests to the enter and exit the building and provide amenity space on the eastern side.

It would be possible to push the building to the East, and have the guests enter from the western side of the development, thereby increasing the spatial separation between the motel and the western lot line, which would result in likely meeting the required setbacks to all lot lines. But, in terms of the long-term economic viability of the both the Main Street and the motel itself, it makes sense to orient the motel to the Main Street. This will increase exposure for the motel to main street traffic, but also orient the building for maximum guest walkability to the main street.

As previously noted in this report, a 1.8 m solid board fence is proposed on the southwestern side of the development, which will aid in mitigating headlights, exterior lighting and visual impacts from the proposed development and increasing privacy for the residential dwellings. In addition, the amenity space will be focused on the eastern side of the motel.

Conclusions:

It is my professional opinion that this application represents good land use planning for the following reasons:

1. The development concept is consistent with the policy framework of the PPS, GCOP and WGOP.
2. The proposed use would mitigate potential conflicts with a 1.8 m fence.
3. Motels are a very similar use to hotels which are allowed as of right in a C1 zone. Therefore, the inclusion of this new permitted use would be consistent with similar uses.
4. Orienting the building to the East makes sense to increase exposure and walkability for the motel.
5. The re-zoning permits increased usage of a commercial lot that was split-zoned in the past.

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

Kind regards,

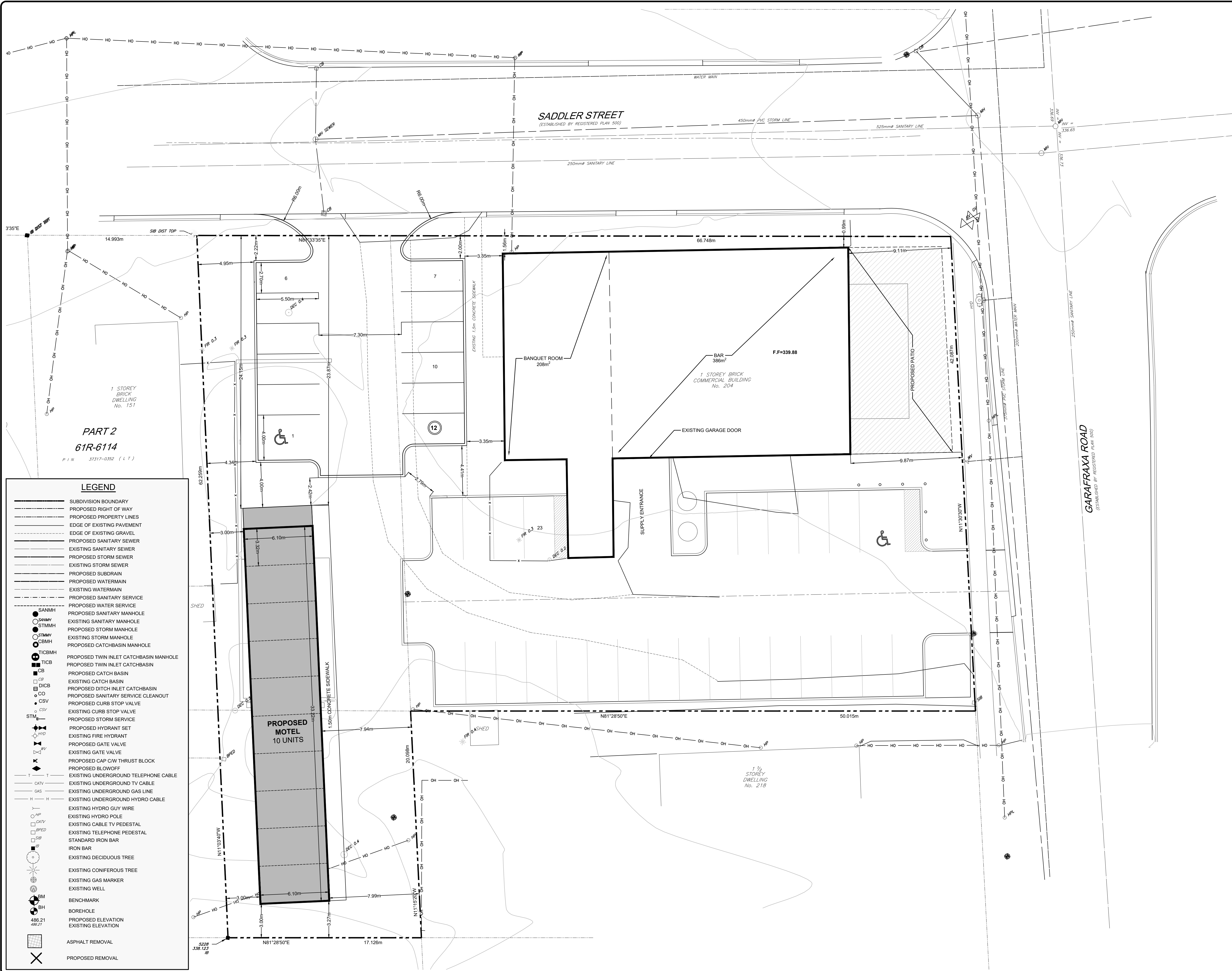
Cobide Engineering Inc.

A handwritten signature in black ink, appearing to read "D. Kieffer", with a stylized flourish at the end.

Dana Kieffer, M.Sc. (Planning), MCIP, RPP
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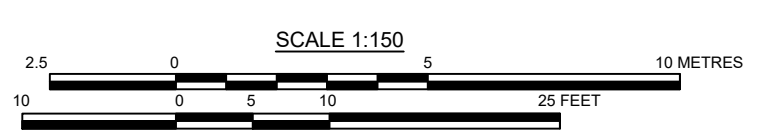
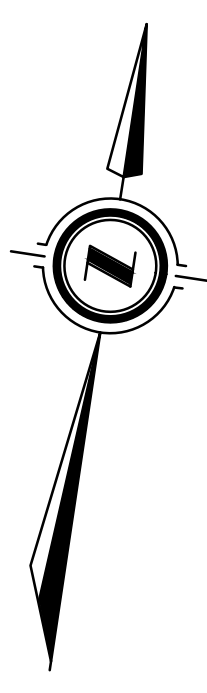
Appendix A

SITE PLAN



CAUTION:
THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER
UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT
NECESSARILY SHOWN ON THE DRAWINGS, AND, WHERE SHOWN, THE
ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT
GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM
HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES,
AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

- Notes
1. TOPOGRAPHICAL INFORMATION AND PROPERTY BOUNDARY DERIVED FROM TOPOGRAPHICAL SURVEY BY VAN HARTEN SURVEYING INC. COMPLETED ON 16 MAY, 2023.
 2. ALL ORGANIC MATERIAL WITHIN 1.2m OF FINISHED PROFILE GRADE TO BE REMOVED FROM ALL AREAS UNDER THE TRAVELED PORTION OF THE ROAD.
 3. COVER OVER WATERMAIN & SERVICES 2.0m MINIMUM AT ALL POINTS.
 4. SANITARY FORCEMAIN TO BE PVC SDR26.
 5. ALL WATERMANS TO BE PVC DR18.
 6. CONTRACTOR TO OBTAIN A COPY OF THE MOST CURRENT VERSION OF THE MUNICIPAL SERVICING STANDARDS PRIOR TO CONSTRUCTION.
 7. DEVELOPER TO PROVIDE THE TOWNSHIP WITH ADVANCE NOTIFICATION OF THE CONTRACTOR THAT WILL BE RETAINED TO CONSTRUCT THE WORKS WITHIN THE ROAD ALLOWANCE FOR TOWNSHIP REVIEW AND APPROVAL.
 8. CONTRACTOR TO SUBMIT PROOF OF INSURANCE AND A WSIB CLEARANCE CERTIFICATE PRIOR TO CONSTRUCTION.
 9. MATERIALS AND COMPACTION TESTING TO BE COMPLETED BY QUALIFIED GEOTECHNICAL CONSULTANT. PAVEMENT DESIGN TO BE REVIEWED AND CONFIRMED AT TIME OF CONSTRUCTION.
 10. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL STAMPED 'ISSUED FOR CONSTRUCTION'.
 11. ALL CONSTRUCTION TO BE COMPLETED TO MUNICIPAL SERVICING STANDARDS FOR THE TOWNSHIP OF WELLINGTON NORTH.
 12. WATERMAIN AND LOW PRESSURE SANITARY SEWER TO BE RESTRAINED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS. RESTRAINTS TO CONFORM TO TOWNSHIP OF WELLINGTON NORTH STANDARDS.

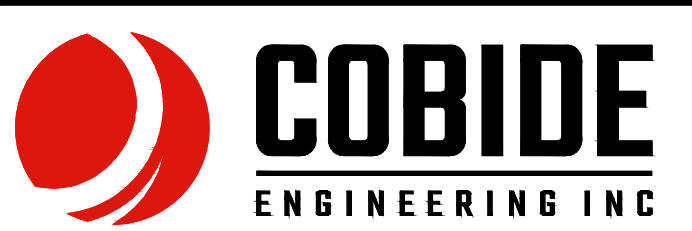


Benchmark Information

BM1
TOP OF STANDARD IRON BAR LOCATED AT THE NORTH EASTERLY CORNER
OF THE PROPERTY LINE.
ELEVATION 338.72m

0	AUG 22/24	FIRST SUBMISSION	ID	TLB
No.	DATE	DESCRIPTION	BY	APPD
REVISION / ISSUE				

Seal not valid unless signed and dated



517 - 10th STREET, Hanover, Ontario N4N 1R4
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www.cobideeng.com

Title:
**204 GARAFRAXA ST S
PROPOSED DEVELOPMENT
MUNICIPALITY OF WEST GREY
COUNTY OF GREY
DEVELOPMENT SITE PLAN**

Client:	TREMBLE		
Design:	TLB	Scale:	1:150
Drawn:	ID	Approved:	
Checked:	TLB		
Date:	SEPTEMBER 2024		Design Engineer
DRAWING No.	06013-C1		

Appendix B

DRAFT ZONING BY-LAW

DRAFT SCHEDULE A



**The Corporation of the Municipality of West Grey
Bylaw No. 2024-0XX**

A bylaw to amend Zoning Bylaw No. 37-2006 in accordance with **ZA01.2023**

WHEREAS pursuant to the provisions of Section 34 and 36(1) of the *Planning Act, R.S.O. 1990*, as amended, bylaws may be amended by Councils of Municipalities; and

WHEREAS the Council of the Corporation of the Municipality of West Grey deems it expedient and in the public interest to amend bylaw No. 37-2006, as amended, being the Municipality of West Grey Comprehensive Zoning Bylaw; and

NOW THEREFORE be it resolved that the council of the Corporation of the Municipality of West Grey hereby enacts as follows:

1. That Bylaw No. 37-2006 is hereby amended by changing the zone symbol on Lot 7 and Part Lot 6, West of the Garafraxa Road, Plan 500, geographic Town of Durham, Municipality of West Grey, County of Grey from Residential Zone (R1B) and General Commercial Zone (C1) to General Commercial Zone (C1) and General Commercial Zone Special (C1-x).

2. That Schedule 'A' and all other notations thereon are hereby declared to form part of this bylaw.

3. That Section 35.1 of Bylaw No. 37-2006 is hereby further amended by adding the following paragraphs:

Notwithstanding Section 6.27.3, a parking area is permitted to be located 4.3 m to a residential use.

Notwithstanding subsection 17.1 that the permitted uses in General Commercial Zone Special (C1-x) shall include a motel.

Notwithstanding Subsection 17.2, the following is permitted:

C1-x (see Schedule 'A')

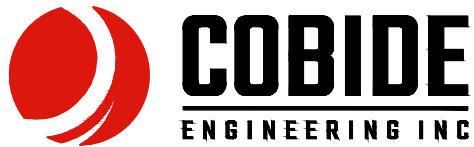
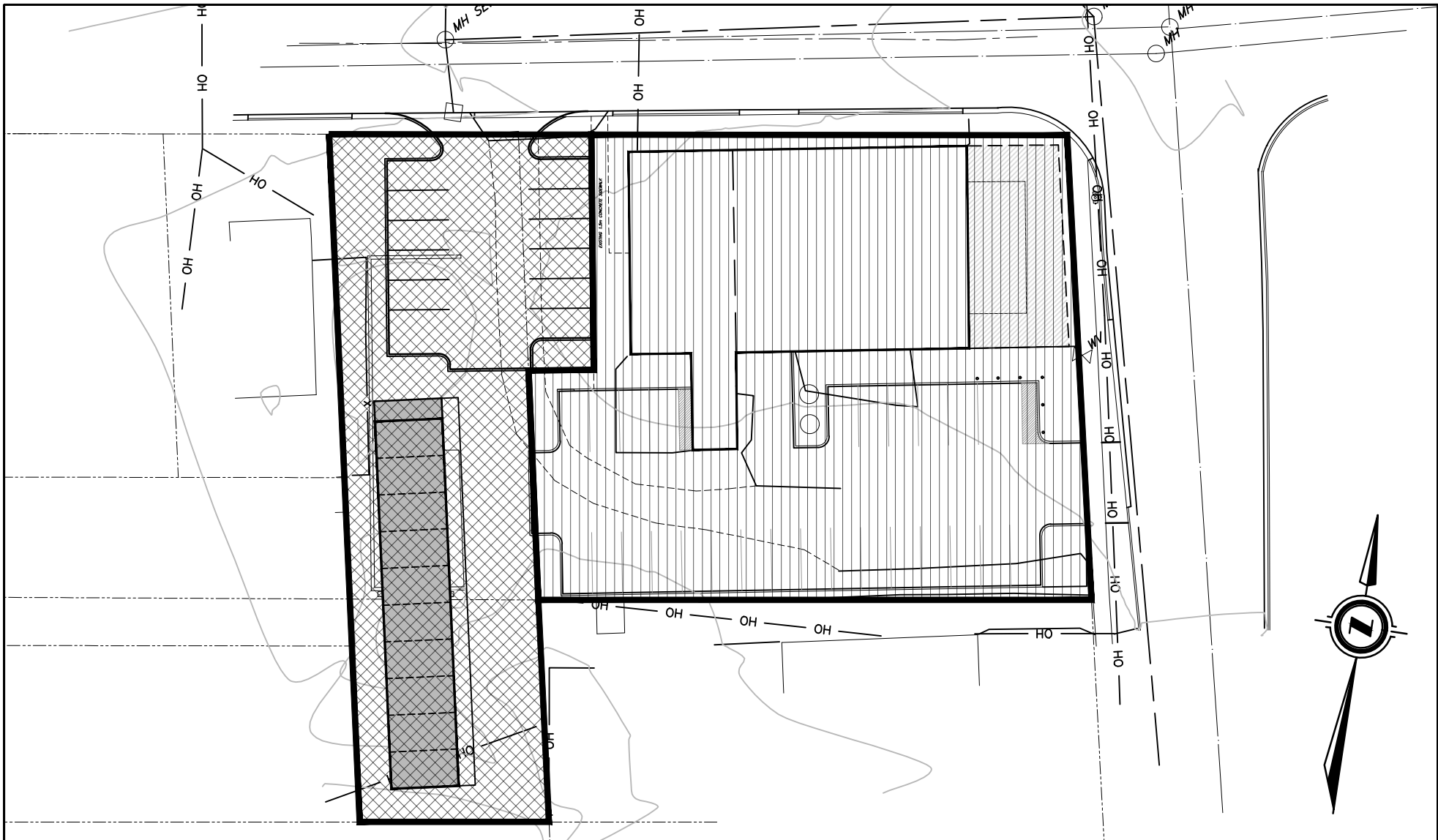
- a. The Rear Yard, Minimum shall be 3m

4. This By-law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended.

Read a first, second and third time and finally passed this _____, 2024.

Mayor Kevin Eccles

Jamie M. Eckenswiller, Clerk



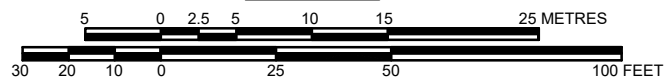
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ORIGINAL SHEET - 8.5 x 11

H:\Tremble\06013- 204 GARAFRAXA ST S Durham Bar\Drawings\Submissions\2024-06-18 First Submission\X-Base Plan 06013 204 Garafraxa Street S Durham Bar 2024-09-24.dwg

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SCALE 1:500



Client/Project

204 GARAFRAXA STREET S
 PROPOSED DEVELOPMENT
 MUNICIPALITY OF WEST GREY
 COUNTY OF GREY

Figure No.

A-1

Title

SCHEDULE A-1



LANDS TO BE ZONED C1



LANDS TO BE ZONED COMMERCIAL ZONE C1-x