



REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Tony Boutassis, Senior Planner – Development Review

DATE: April 4, 2018

REPORT NO.: PLS-2018-0017

RE: PUBLIC MEETING REPORT
Proposed Zoning By-law Amendment to permit the development of twelve 3-storey residential townhouse units located along a private laneway

File No(s): D14ZBA17.002
Applicant: D and M Developers Inc.
Location: Lot 277, MUP 1098; Part Lots 1 to 4, Block 15, Plan 31, Town of Halton Hills, Regional Municipality of Halton
12 Church Street East (Acton)

RECOMMENDATION:

THAT Report No. PLS-2018-0017, dated April 4, 2018, with respect to the Public Meeting for a “Proposed Zoning By-law Amendment to permit the development of twelve 3-storey residential townhouse units located along a private laneway, File No. D14ZBA17.002, submitted by D and M Developers Inc., for the lands legally known as Lot 277, MUP 1098; Part Lots 1 to 4, Block 15, Plan 31, Town of Halton Hills, Regional Municipality of Halton, municipally known as 12 Church Street East (Acton)”, be received;

AND FURTHER THAT all agency and public comments be referred to staff for a further report regarding the disposition of this matter.

PURPOSE OF THE REPORT:

This report is to advise Council and the Public of the proposed Zoning By-law Amendment application seeking permission to develop twelve 3-storey residential townhouse units located along a private condominium road on lands located at 12 Church Street East in Acton.

BACKGROUND:

Location & Site Characteristics:

The subject property, municipally referred to as 12 Church Street East, is located on the south side of Church Street East just east of Main Street South in Downtown Acton; see **SCHEDULE 1 – LOCATION MAP**. The irregular shaped lot is approximately 0.36 hectares (0.88 acres) in size and has roughly 45 metres (151 feet) of frontage along Church Street East. The site is generally flat with a gentle slope down towards the south-east. The lands currently contain a commercial building and large asphalt parking lot that was previously used as a funeral home (the site is presently being used as a dance school). The existing building is proposed to be demolished as part of the subject proposal.



Figure 1: Subject lands looking west on Church Street East



Figure 2: Subject lands looking from the rear of the site

Surrounding land uses to the subject property include:

- | | |
|---------------|--|
| To the North: | Low density residential dwellings and the Leather Festival Municipal Parking Lot |
| To the East: | Low density single detached residential dwellings |
| To the West: | Low density residential dwellings and commercial uses |
| To the South: | Automotive repair garage and low density residential dwellings |

The property also maintains ownership over a laneway providing access to Willow Street to the east. This laneway is subject to an easement providing 17 Agnes Street with access to Willow Street; see Figures 3 and 4 below. The Applicant needs to retain ownership of the laneway in order to connect the site to the sanitary and storm sewers located along Willow Street; however, future residents of the proposed townhouse development would not have vehicular access to the laneway.

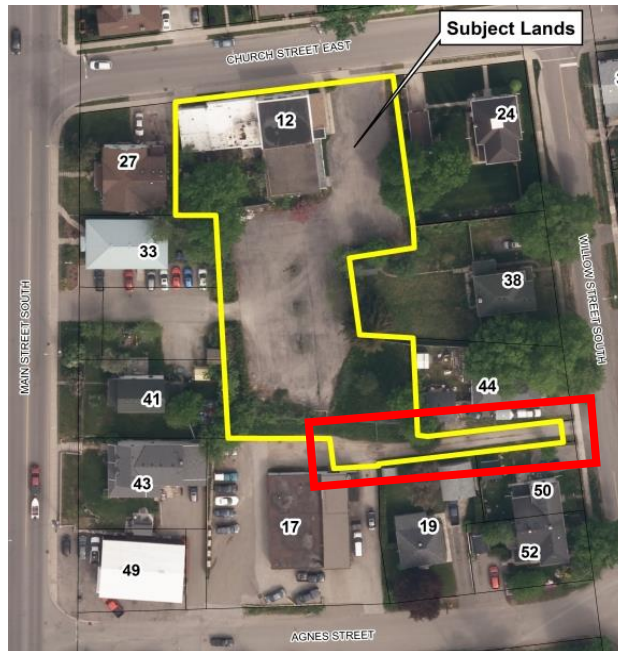


Figure 3: Lands subject to easement



Figure 4: Laneway subject to easement in favour of 17 Agnes St.

Development Proposal:

On August 17, 2017, the Town deemed complete a Zoning By-law Amendment application (File No. D14ZBA17.002) submitted by D and M Developers Inc. (the Applicant) seeking to obtain the necessary land use approvals to facilitate the development of twelve (12) 3-storey residential townhouse units; see **SCHEDULE 2 – PROPOSED SITE PLAN**.

The twelve (12) townhouse units are proposed to be located within 3 blocks/buildings as follows:

- Block A: Three (3) units that front onto Church Street East and contain rear garages accessed from the private condo road;
- Block B: Three (3) units that front onto Church Street East and contain rear garages accessed from the private condo road; and
- Block C: Six (6) units that are internal to the site and perpendicular to Church Street East. The units in this block are provided with front yard driveway accessed from the private condo road.

The townhouses are proposed to be 3-storeys in height with no basements.

Townhouse Blocks A and B are not proposed to have any private rear yards; Block C is proposed to have private rear yards that range in depth from 16.3 metres to 6.3 metres.

Access to the development is proposed by way of a common driveway off Church Street East. The Garages and visitor parking would be located off the interior private condominium road. A total of 29 parking spaces are proposed:

- 2 parking spaces for each unit (24 total) with one interior parking space in the garage and one parking space in the private driveway; and
- 5 shared visitor parking spaces are provided.

To accommodate the development the Applicant is proposing to rezone the property from a Downtown Commercial Two (DC2) Exception 4 zone to a site specific Medium Density Residential Two (MDR2) zone; see **SCHEDULE 4 – DRAFT ZONING BY-LAW AMENDMENT**. As indicated by the Applicant, the MDR2 zone was selected to implement the residential uses currently permitted for the property under the Town's Official Plan.

The proposal complies with the majority of the MDR2 zone standards including meeting the maximum height provision of 11 metres and providing more parking than required. However, the Applicant is proposing the following site specific zoning provisions:

- Permit twelve (12) townhouse dwelling units, including allowing for home occupations and private home daycares within the units;
- reduce the setback between the front lot line and townhouse Blocks A and B from 4.5 metres to 2.2 metres;
- reduce the setback between the rear lot line and townhouse Block C from 4.5 metres to 2.5 metres; and
- reduce the setback between the side lot line and townhouse Blocks A and B from 4.5 metres to 1.25 metres.

A Site Plan Control application (File No. D11SPA17.010) was also submitted for the purpose of evaluating the detailed site and building design features; see **SCHEDULE 3 – PROPOSED ELEVATIONS**. The Site Plan application is being reviewed in conjunction with the Zoning By-law Amendment application.

If the proposed Zoning By-law Amendment was approved a Common Element Condominium application will be required to facilitate the development. The Condominium application would apply to the private road and shared common elements of the development; each of the townhouse units are proposed to be freehold.

The Applicant has submitted the following documents in support of the Zoning By-law Amendment application:

- Zoning By-law Amendment Application Form
- Public Consultation Strategy prepared by Rob Russell Planning Consultants Inc. (RRPC), dated July 27, 2017
- Low Rise Residential Green Development Standard Checklist
- Planning Justification Report prepared by RRPC, dated July 2017
- Draft Zoning By-law Amendment prepared by RRPC
- Functional Servicing Report prepared by Candevcon dated May 25, 2017
- Traffic Impact Brief prepared by Candevcon dated July 18, 2017
- Phase I Environmental Site Assessment prepared by Premier Environmental Services Inc., dated April 21, 2016 (provided instead of Environmental Site-Screening Questionnaire)
- Environmental Noise Report prepared by Candevcon dated July 20, 2017
- Arborist Report prepared by MHBC, dated July 11, 2017
 - Tree Inventory Plan prepared by MHBC, dated June 2017
- Geotechnical Investigation prepared by GeoPro Consulting, dated May 3, 2016
- Site Plan (SP1) prepared by KNYMH Architecture, dated July 19, 2017

COMMENTS:

1.0 Current Planning Context:

In Ontario, when reviewing applications seeking to amend Zoning By-laws, development proposals are expected to conform with and meet the intent of all applicable Provincial, Regional and Municipal policy documents.

This section discusses the relevant policy documents and framework that applies to the subject site and proposal:

1.1 Provincial Policy Statement (PPS):

The 2014 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range of housing types that makes efficient use of infrastructure and public services facilities, thus supporting the development of healthy communities. The

proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the *Planning Act*.

The PPS indicates that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.2 Growth Plan for the Greater Golden Horseshoe:

The subject lands are part of a larger designated urban area in Acton. The Growth Plan contains policies that speak to the provision of a diverse range and mix of housing options to accommodate people at all stages of life and creating an urban form that will optimize infrastructure to support the achievement of complete communities through a more compact built form. As per Section 3 of the *Planning Act*, the proposal shall conform and not conflict with the Growth Plan.

A major guiding principle of the Growth Plan is to prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.

1.3 Region of Halton Official Plan (ROP):

The 2009 Regional Official Plan designates the subject lands as Urban Area (Acton). Section 76 of the OP states that the range of permitted uses and the creation of new lots in the Urban Areas will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the ROP.

1.4 Town of Halton Hills Official Plan:

The subject lands are designated Downtown Core Sub-Area and are located in the Acton Downtown Area – Intensification Area in the Town's Official Plan. Permitted uses within the Downtown Core Sub-Area, as stated in Section D2.5.1.4.2 of the Plan, include a range of commercial/retail, institutional and residential uses.

Section D2.5.1.4.4 of the Official Plan indicates the following with regard to residential uses located within the Downtown Core Sub-Area:

- c) *The maximum permitted density for townhouse, multiple and apartment dwellings on a lot shall not exceed 100 units per net residential hectare based on the proportion of the overall site dedicated to the residential use and the maximum building height shall not exceed six storeys in Downtown Acton. The development of new townhouse, multiple and apartment dwellings and long-term care facilities and retirement homes shall require an amendment to the implementing Zoning By-law. Prior to approving such an amendment, Council shall be satisfied that:*
 - i) *the lot is suitable for the proposed building;*
 - ii) *the built form respects the character of and can be suitably integrated with adjacent residential neighbourhoods, in terms of height and massing;*

- iii) *the use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;*
- iv) *the development can easily be accessed by public transit (if available);*
- v) *the development is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site;*
- vi) *municipal water and wastewater services are adequate and available;*
- vii) *the development provides additional housing choices in the Town; and,*
- viii) *the Downtown Area will benefit from the increase in housing in the area.*

Schedule A6-1 of the Town's Official Plan, identifies the subject lands as being located within the Acton Downtown Area – Intensification Area. The minimum residential intensification targets within the Built Boundary establish an intensification target of 90 new residential units in the Acton Downtown Area between 2015 and 2031.

1.5 Town of Halton Hills Zoning By-law 2010-0050:

The subject lands are zoned Downtown Commercial Two (DC2) Exception 4, which permits a range of commercial uses. Exception 4 contains site specific zoning permission for a funeral home (due to the previous use on-site).

Unlike the Town's Official Plan, the DC2 zone does not permit residential uses unless they existed on the property prior to the establishment of the Zoning By-law. Therefore, a Zoning By-law Amendment is required to bring the lands into conformity with the Official Plan to permit residential uses on the property.

2.0 Issues Summary:

2.1 Department & Agency Circulation Comments:

The application was circulated for review and comment to Town Departments and External Agencies on August 21, 2017. Comments have been received from:

- Transportation and Public Works
- Recreation & Parks
- Fire
- Sustainability
- Region of Halton
- Halton Hills Hydro
- Canada Post
- Halton District School Board
- Halton Catholic District School Board

None of the above identified departments and agencies have objected to the proposed application; however, some issues have been identified that are to be addressed prior to and as part of staff's final Recommendation Report. These issues include:

Urban Design:

The proposed development addresses a number of urban design principles, including:

- enhances and encloses the character of the street;
- creates opportunity for urban and architectural visual interest;
- provides a continuous street frontage;
- integrates a pedestrian-scaled development; and
- promotes 'eyes on the street' which increases the element of safety in the public domain.

However, to better understand the proposal Town staff has requested the submission of 3D renderings and streetscape elevation drawings showing the townhouses within the context of the immediate surrounding neighbourhood. These drawings would be required to capture views for all surrounding streets and clearly illustrate the differential in heights between the existing and proposed buildings in the area.

Planning staff have suggested that the Applicant incorporate the use of dormers and other architectural treatments to mitigate some of the potential visual impact of the proposed 3-storey height. Other comments have been provided relating to setbacks, parking, porch railings, privacy fencing, landscaping, entry features, lighting and waste management.

Zoning:

Zoning staff require confirmation of the proposed setback from the property line to the porches along Church Street East. The minimum permitted setback between a porch and front lot line is 1.5 metres.

If approved, staff will be recommending the application of a Holding (H) Provision to the property to address various site related matters prior to any development occurring. The Holding (H) Provision would encompass requirements such as obtaining water allocation, satisfaction of Town staff with the urban and architectural design of the development, and execution of a Site Plan Agreement.

Regional Servicing:

The Region has indicated that the proposed development will require a total of 9 single detached equivalents (SDE's) of water allocation from the Town.

Also, the Region has identified that they will provide curb-side waste collection service within the complex, but note that a drive-through agreement will be required in order to collect from the site.

Additional Submission Requirements:

Development Engineering, Recreation & Parks and Regional staff have indicated that following information and materials are required to be provided by the Applicant with their next submission:

- revisions to a number of the servicing and stormwater reports and drawings;
- a Construction Management Plan that discusses topics such as inspection procedures and frequencies, communication management, schedule management and issues management;
- a Composite Utility Plan that includes the location of utility infrastructure on the Site Plan, including but not limited to: gas meters, hydro meters, air conditioners, street lights, pavement markings, etc.); and
- a Phase I Environmental Site Assessment – Letter of Reliance.

2.1 Public Comments:

To date, Planning staff has received three (3) e-mails/correspondence and seven (7) phone calls/counter inquiries from residents in regards to the proposed application. A summary of the issues and concerns outlined by the members of the community include:

- the built form, massing, height, setbacks and density of the proposed development is not compatible with the character of the existing neighbourhood;
- loss of commercial space on the site;
- loss of trees on the site;
- increase in vehicular traffic in the neighbourhood;
- increased on-street parking;
- access for emergency services, waste collection, and snow removal along a narrow private laneway;
- preservation of the easement granting the 17 Agnes Street property access to Willow Street;
- construction management including duration of construction, dust, mud, and vibrations;
- water allocation concerns; and
- the need for affordable housing.

Two property owners have formally objected to the proposal (17 Agnes Street and 32 John Street South). The Owner of 125 Church St. East has written in support of the proposal, indicating it would provide much needed housing to support commercial uses in the Downtown Area and increase property values for area residents.

The purpose of the Public Meeting is to obtain additional comments and feedback from the community. Any further comments received from the public will be reviewed, addressed and included in the final Recommendation Report.

RELATIONSHIP TO STRATEGIC PLAN:

The final Recommendation Report will address the relationship between the proposed development and the Town's Strategic Plan.

FINANCIAL IMPACT:

There is no financial impact associated with this particular report.

COMMUNICATIONS IMPACT:

Public Notification Key Dates:

Immediate:	Sign posted on the property frontage explaining the proposed application.
August 21, 2017:	Notice of Received Application mailed out to all property owners assessed within 120 m of the subject property.
March 12, 2018:	Notice of Public Meeting was mailed out to all property owners assessed within 120 m of the subject property and to anyone who requested notification.
March 22, 2018:	Notice of Public Meeting was published in The Independent & Free Press.
April 12, 2018:	Courtesy Notice to be published in The Independent & Free Press.

SUSTAINABILITY IMPLICATIONS:

The final Recommendation Report will address the relationship between the proposed development and any sustainability implications.

CONSULTATION:

The proposed Zoning By-law Amendment was considered at the January 12, 2017, Development Review Committee pre-consultation meeting (D00ENQ17.002). The Applicant was provided with preliminary comments from various Town Departments and the Region of Halton at the meeting.

CONCLUSION:

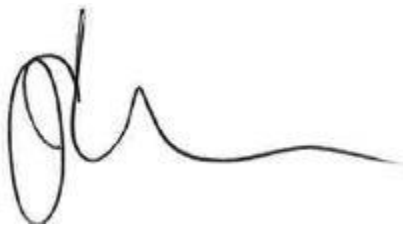
The proposed Zoning By-law Amendment contemplates the development twelve (12) residential townhouse units on lands located in Downtown Acton. Once all relevant information, reports and comments have been reviewed and assessed, a final Recommendation Report, which summarizes all agency and public comments and assesses the merits of the application, will be prepared.

Should Council concur, the Recommendations of this Report can be adopted.

Reviewed and approved by:

A handwritten signature in black ink, appearing to read "Steve Burke". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Burke".

Steve Burke, Manager of Planning Policy

A handwritten signature in black ink, appearing to read "John Linhardt". The signature is very stylized and cursive, with the first letter "J" being particularly large and looping. The rest of the name is written in a fluid, connected script.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is written in a cursive style, with the first name "Brent" and last name "Marshall" clearly legible despite the fluid script.

Brent Marshall, CAO