

## REPORT

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Tony Boutassis, Senior Planner – Development Review

**DATE:** March 21, 2019

**REPORT NO.:** PLS-2019-0020

**RE:** Recommendation Report for a proposed Zoning By-law Amendment to allow for the development of 11 townhouse units at 12 Church Street East (Acton)

### RECOMMENDATION:

THAT Report No. PLS-2019-0020 dated March 21, 2019, regarding the “Recommendation Report for a proposed Zoning By-law Amendment to allow for the development of 11 townhouse units at 12 Church Street East (Acton)”, be received;

AND FURTHER THAT the Zoning By-law Amendment, to amend Town of Halton Hills Zoning By-law 2010-0050, as amended, for the lands municipally known as 12 Church Street East (Acton), as generally shown in SCHEDULE 4 – ZONING BY-LAW AMENDMENT, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Town of Halton Hills Official Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in Report No. PLS-2019-0020 dated March 21, 2019;

AND FURTHER THAT in accordance with Section 34(17) of the Planning Act, no further notice is determined to be necessary.

### PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with recommendations concerning the final disposition of a Zoning By-law Amendment application to permit the development of 11, 3-storey townhouse units on the lands municipally known as 12 Church Street East in Acton.

### BACKGROUND:

#### 1.0 Location & Site Characteristics:

The subject property, municipally referred to as 12 Church Street East, is generally 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 lands currently contain a commercial building and large asphalt parking lot that was previously used as a funeral home and later a dance school. The existing building is proposed to be demolished as part of the subject proposal.

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 **Figure 1** below. The Applicant will be retaining ownership of the laneway in order to connect the site to the sanitary and storm sewers located along Willow Street.



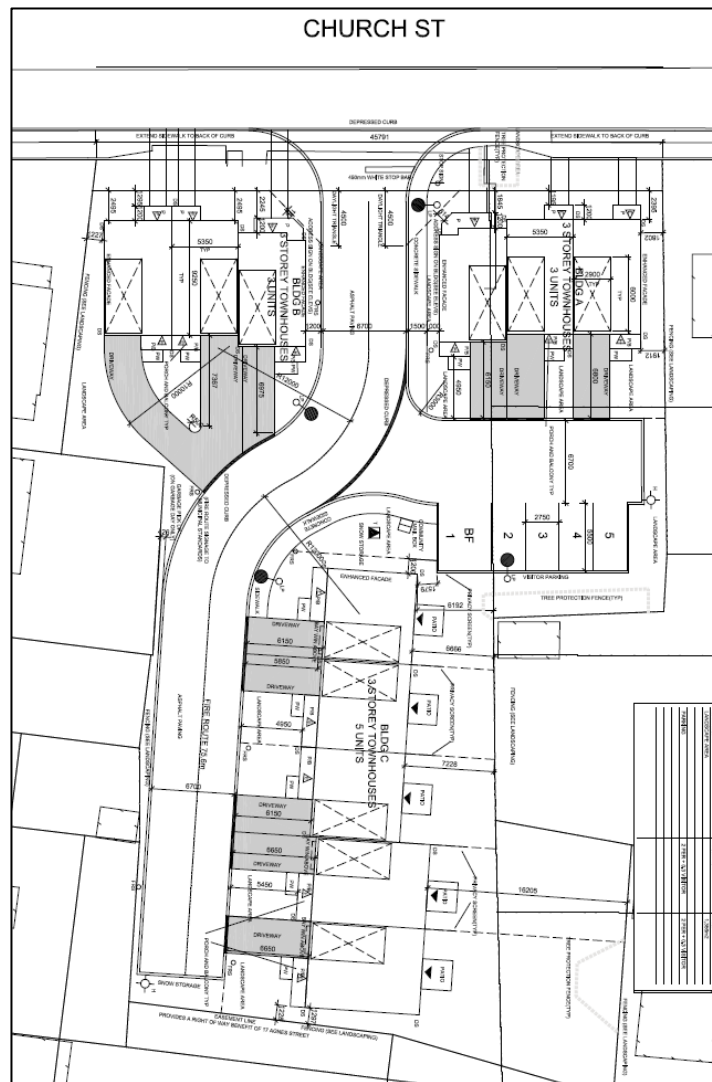
**Figure 1:** Lands subject to easement

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 South: Automotive repair garage and low density residential dwellings
- To the West: Low density residential dwellings and commercial uses

## 2.0 Development Proposal:

The Zoning By-law Amendment application (File No. D14ZBA17.002) submitted by D and M Developers Inc. (the Applicant) was deemed complete on August 17, 2017. The application originally proposed the development of twelve (12), 3-storey townhouses. However, the proposal was later revised to eliminate 1 unit in order to preserve the functionality of the laneway access to Willow Street (for 17 Agnes Street) and increase the rear yard setback between proposed Building 'C' and the automotive garage at 17 Agnes Street. As such, the revised proposal seeks approval for 11 townhouse units, to be located within 3 blocks / buildings, as per **Figure 2** below:



**Figure 2:** Proposed Site Plan

The townhouses are proposed to be 3-storeys in height with no basements. Townhouse Buildings 'A' and 'B' (fronting onto Church St. E.) are not proposed to have any private rear yards and contain amenity space on a 2nd storey balcony. Townhouse Building 'C' (interior of the site) is proposed to have private rear yards that range in depth from 6.1 metres to 16.2 metres.

Access to the development is proposed by way of a common driveway off Church Street East. The garages and visitor parking will be located off the interior private condominium road. A total of 27 parking spaces are proposed to be provided in the following manner:

- 2 parking spaces for each unit (22 total) with one interior parking space in the garage and one parking space in the private driveway; and
- 5 shared visitor parking spaces.

Conceptual renderings of the proposed development have been attached as **SCHEDULE 3 – CONCEPTUAL RENDERINGS**.

To accommodate the development, the Applicant is proposing to rezone the property from a Downtown Commercial Two, Exception 4 (DC2(4)) zone to a site specific Medium Density Residential Two (MDR2) zone; see **SCHEDULE 4 – ZONING BY-LAW AMENDMENT**. The MDR2 zone was selected to implement the residential uses currently permitted for the property under the Town’s Official Plan. The site specific provisions that are designed to facilitate the current proposal are outlined in Section 1.5 of the ‘Comments’ section below.

A Site Plan application (File No. D11SPA17.010) was also submitted on July 28, 2017, for the purpose of evaluating the detailed site and building design features; see **SCHEDULE 2 – PROPOSED SITE PLAN**. Staff have been reviewing the Site Plan application in conjunction with the Zoning By-law Amendment. Should Council approve the Zoning By-law Amendment, staff anticipates that Conditional Site Plan Approval could be issued shortly thereafter.

In addition to the Zoning By-law Amendment and Site Plan approval, a Draft Plan of Condominium application would also be required to facilitate the proposal. The Condominium would apply to all exterior elements of the development, including maintenance of the private laneway, landscaping (front and rear yards), building exteriors, curbs, sidewalks, lighting, etc. As a standard condominium, the future owners would only own the interior elements of each unit.

#### **COMMENTS:**

This section of the report will identify, analyze and respond to key matters of interest associated with the Zoning By-law Amendment application. The section is broken down into the following three subsections:

- 1.0 Planning Context and Policy Framework
- 2.0 Town Department and External Agency Comments
- 3.0 Public Comments

## **1.0 Planning Context and Policy Framework:**

The purpose of this section is to evaluate the proposed Zoning By-law Amendment application against the relevant Provincial, Regional and Town policy framework to determine conformity with the applicable policies and guidelines.

### **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.

Planning staff is of the opinion that the proposed Zoning By-law Amendment application is consistent with the policies of the 2014 PPS.

### **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 directs new growth to locations that make efficient use of transportation and servicing infrastructure and sets out general policies for residential intensification. As per Section 3 of the Planning Act, the proposal shall conform and not conflict with the Growth Plan.

Section 2.2.2 of the Growth Plan states that, until the Region of Halton completes its municipal comprehensive review, a minimum of 40 per cent of all residential development occurring annually will be within the delineated built-up area. Once the Region's comprehensive review has been completed, a minimum of 50 per cent of all residential development must be within the built-up area each year until 2031.

Planning staff is of the opinion that the proposed development is in conformity with the Growth Plan for the Greater Golden Horseshoe.

### **1.3 Greenbelt Plan**

As noted in the preceding section, the subject lands are located within Acton, which is classified as a Town/Village by the Greenbelt Plan. For purposes of infill development, Section 3.4.3 (Town/Village Policies) essentially defers to the Growth Plan and the Official Plan from a policy perspective.

Staff is of the view that the proposed development conforms to the Greenbelt Plan.

#### **1.4 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.

Regional staff has confirmed that the application is in conformity with the ROP.

#### **1.5 Town of Halton Hills Official Plan (HHOP):**

Under the Town's Official Plan, the subject lands are located within the Acton Downtown Area and designated Downtown Core Sub-Area. Permitted uses within this designation include a range of commercial/retail, institutional and residential uses (Section D2.5.1.4.2).

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:

- b) *New free-standing residential buildings, long-term care facilities and retirement homes, apartments as well as small-scale inns and bed and breakfast establishments are permitted at street level on side streets within the Downtown Core Sub-Area designation. These uses are permitted subject to an amendment to the implementing zoning by-law and provided Council is satisfied that:*
  - i) *the proposed use will enhance urban life;*
  - ii) *parking areas for the use are not located at the front of the building;*
  - iii) *the proposed use is pedestrian in scale; and,*
  - iv) *the building is designed to blend in and complement adjacent buildings.*
  
- 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.*

The proposed townhouse development conforms to the density and height permissions outlined in the Official Plan. Additionally, staff is of the opinion that the 11 proposed townhouse units have been appropriately designed to satisfy the criteria set out in Section D2.5.1.4.4 b) and c).

Section F2.2 of the Official Plan states that any new development requiring Planning Act approvals shall also conform to the applicable urban design policies contained within the Plan. Staff is satisfied that the design, layout and height of the proposal complies with the general urban design objectives of the Official Plan.

The proposed infill development is also consistent with the intensification policies approved through Official Plan Amendment 9 (OPA 9). The intensification policies target the creation of 90 new residential units within the Acton Downtown Area between 2015 and 2031.

For the reasons outlined above, Planning staff is of the opinion that the proposed Zoning By-law Amendment will allow for the development of the subject lands in a manner consistent with the Official Plan.

### **1.3 Town of Halton Hills Zoning By-law 2010-0050:**

The subject lands are currently zoned Downtown Commercial Two, Exception 4 (DC2(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).

The DC2 zone does not permit residential uses unless they existed on the property prior to the establishment of the Zoning By-law. However, the Town's Official Plan allows residential uses on the property subject to obtaining a Zoning By-law Amendment. As such, the Applicant is proposing to rezone the property from a Downtown Commercial Two, Exception 4 (DC2(4)) zone to a site specific Medium Density Residential Two (MDR2) zone. The site specific MDR2 zone will allow for new residential uses on the site; the site specific provisions would alter the MDR2 zone as set out in the following table :

<b>Provision</b>	<b>MDR2 Zone (Current)</b>	<b>MDR2 (Site Specific)</b>
Permitted Uses	Multiple dwelling units permitted (ie. townhouses on a condominium road)	Restricted to 11, 3-storey townhouse dwelling units; home occupations; and, private home daycares
Minimum Front Yard Setback	4.5 metres	2.20 metres
Minimum Rear Yard Setback	4.5 metres	4.90 metres
Minimum Interior Side Yard Setback (East)	4.5 metres	1.80 metres
Minimum Interior Side Yard Setback (West)	4.5 metres	1.20 metres
Porch encroachment into front yard	1.5 metres from the front lot line	1.1 metres from the front lot line

The proposed site specific zoning for the subject property ensures that the lands will be developed with a maximum of 11 townhouse dwelling units and other typical accessory uses (home occupations and private home daycares). The reduced front yard setback and porch encroachment provisions provide for an urban pedestrian friendly street frontage, whereby the building will be located closer to the street, which is appropriate for Downtown Acton. The increased rear yard setback ensures that the existing laneway containing an easement in favour of 17 Agnes Street can be preserved and provides a sufficient separation between the building and the property line. The reduced side yard setbacks (which apply to Buildings 'A' and 'B' where they abut adjacent lot lines) conform with the Town's 1.2 metre interior side yard setback requirement for typical street townhouses.

Staff considers the site specific proposal to change the DC2(4) zone category to a site specific MDR2 zone appropriate given the proposal satisfies the Official Plan policies for new infill development within the Acton Downtown Area.

## **2.0 Water Allocation:**

The Region of Halton has identified that 8 SDE of water will be required to be allocated to the site to accommodate the development. Given the advanced state of the Site Plan application, staff are bringing forward a report recommending the allocation of 8 SDE to the project to be considered in conjunction with this report.

## **3.0 Town Department and External Agency Comments:**

The townhouse proposal was circulated to the Town departments and external agencies for review and comment, with the most recent full circulation occurring on September 14, 2018. Staff from the various departments and agencies have completed their review



of the proposed development and have indicated that they have no concerns or objections with the proposed Zoning By-law Amendment.

#### **4.0 Public Comments:**

The development proposal was presented to the Public by way of Report No. PLS-2018-0017 through a Statutory Public Meeting on April 16, 2018. There were approximately 11 (eleven) interested persons in attendance at the meeting with three (3) of those individuals coming forward to present their concerns.

Additionally, staff has received four (4) e-mails/correspondence and seven (7) phone calls/counter inquiries from residents in regards to the proposed application. The following sections describe the specific public questions / concerns and provide staff responses:

#### **4.1 Height, Density, and Setbacks:**

Comments were made regarding the height, density and setbacks of the proposed development not being compatible with the character of the existing neighbourhood, which is predominantly made up of single detached homes. The Owner of 24 Church Street East had a specific concern regarding the internal side yard setback to their property.

##### ***Staff Response***

The Town's Official Plan has identified Downtown Acton as an intensification area. New infill residential uses are permitted at a maximum height of 6 stories and density of 100 units per net residential hectare. The subject proposal is for 11, 3-storey townhouse units that represent a density of 30.7 units per net residential hectare.

The setbacks for Buildings 'A' and 'B' are consistent with those permitted for typical street townhouses. The setbacks only require amendment because they are technically considered multiple dwellings units since they are being accessed from a private condominium road. The orientation of Buildings 'A' and 'B' will result in a more urban characteristic, consistent with the vision for Downtown Acton.

It should be noted that the side yard setback to 24 Church Street East was increased from the originally proposed 1.25 metres to 1.8 metres to assist in accommodating the neighbours concerns.

#### **4.2 Increase in Vehicular Traffic and On-Street Parking:**

Comments were made indicating that the proposed development would cause an increase in vehicular traffic and on-street parking along Church Street East.

##### ***Staff Response***

The Applicant submitted a Traffic Impact Brief with their submission, which satisfied Town staff that the proposed development does not pose a traffic impact.

The Applicant is proposing a total of 27 parking spaces on the site:

- each townhouse will have 2 parking spaces (1 on the driveway and 1 in the garage); and,
- 5 visitor parking spaces are provided for the development.

As per Zoning By-law 2010-0050, the Applicant is only required to supply a total of 26 parking spaces (22 residential, 4 visitor). As such, Town staff is of the opinion that the proposed number of parking spaces is sufficient for this development.

#### **4.3 Access for Emergency Services, Waste Collection, and Snow Removal:**

There was a concern from a resident that emergency, waste collection and snow removal vehicles would not be able to appropriately navigate the site. Further, there was a question regarding where snow would be stored.

##### ***Staff Response***

The width of the access to the site is 6.7 metres, which meets current zoning standards. Truck turning movements for emergency services and waste collection vehicles have been reviewed through the Site Plan process and are satisfactory.

Snow removal on the site will need to be accommodated privately. Through the Site Plan process, Town staff has asked the Applicant to provide sufficient space on the site for snow storage.

#### **4.4 Preservation of the Easement Granting 17 Agnes Street Access to Willow Street:**

The Owner of the 17 Agnes Street (south of the subject property) requested that the existing easement over 12 Church Street East granting them access to Willow Street be preserved.

##### ***Staff Response***

The existing easement over a laneway connecting to Willow Street in favour of 17 Agnes Street will be preserved for their use only; future owners of the townhouse units will not have access to the laneway. The preservation of the easement also provides for a greater rear yard setback between Building 'C' and the existing automotive garage to the south.

#### **4.5 Removal of Trees, Screening and Fencing:**

Residents of adjacent properties have outlined a concern with the potential removal of trees through construction and whether privacy fencing will be provided.

##### ***Staff Response***

The Applicant submitted a Tree Inventory Plan indicating which trees would be preserved and removed. Based on the Plan, the majority of mature trees along the

property boundaries will be preserved, which will assist in screening the proposed development from neighbouring properties. The Applicant has also submitted a Landscape Plan with their Site Plan application, which shows significant additional planting of various trees and shrubs.

The entire property will be screened from neighbouring properties with a 1.8 metre high board-on-board privacy fence.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

The proposed development is most closely aligned with Strategic Direction G – Achieve Sustainable Growth, the goal of which is:

*To ensure that growth is managed so as to ensure a balanced, sustainable, well planned community that meets the needs of its residents and businesses.*

The Strategic Direction is to be achieved as it relates to this application in part through Strategic Objectives:

- G7.** *To ensure that the character and stability of existing residential neighbourhoods is maintained when accommodating growth.*
- G9.** *To ensure that new population growth takes place by way of identifiable, sustainable, healthy and complete communities and neighbourhoods that reflect excellence in urban design.*
- G10.** *To promote intensification and affordable housing in appropriate locations within the Town.*

#### **FINANCIAL IMPACT:**

There is no immediate financial impact to the Town budgets as a result of this application.

#### **CONSULTATION:**

Planning staff has consulted with the appropriate Town Departments and the Region of Halton in the preparation of this Report.

#### **PUBLIC ENGAGEMENT:**

The proposed Zoning By-law Amendment application was presented to the Public through a Statutory Public Meeting on April 16, 2018 (Report No. PLS-2018-0017).

## **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life. The recommendation outlined in this report advances the Strategy's implementation.

This report supports the Environmental Health and Social Well-Being pillars of Sustainability and in summary the alignment of this report with the Community Sustainability Strategy is Very Good.

Compliance with the Town's Green Development Standards will be addressed through the approval of the Site Plan application. The application of the Green Development Standards to this project will help achieve energy and water efficiencies with other sustainable objectives.

## **COMMUNICATIONS:**

Public Notice of Council's decision regarding the passage of the Zoning By-law Amendment will be completed in accordance with the requirements of the Planning Act.

## **CONCLUSION:**

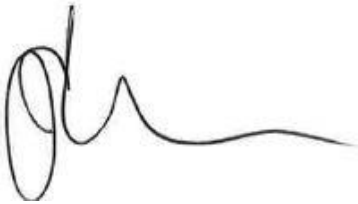
Staff has completed our review of the proposed 11 unit townhouse development, including the relevant policies, supporting documentation and public comments, and is of the opinion that the proposal has merit and should be supported. The proposed Zoning By-law Amendment application conforms to the Growth Plan for the Greater Golden Horseshoe, is consistent with the Provincial Policy Statement and satisfies the policies of the Town and Region Official Plans.

For these reasons, Planning staff recommends that Council approve the Zoning by-law Amendment generally shown in **SCHEDULE 4** of this Report.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is fluid and cursive, with the first name being more prominent.

**Jeff Markowiak, Manager of Development Review**

A handwritten signature in black ink, appearing to read "John Linhardt". The signature is very stylized and cursive, with a long horizontal stroke at the end.

**John Linhardt, Commissioner of Planning and Sustainability**

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is cursive and clearly legible.

**Brent Marshall, Chief Administrative Officer**