

# FORMAL REPORT

<b>To:</b>	Mayor Strathdee and Members of Council
<b>Prepared by:</b>	Susan Luckhardt, Planning Coordinator
<b>Date of Meeting:</b>	27 June 2017
<b>Subject:</b>	<b>DEV 18-2017 Applications for Official Plan Amendment and Zoning By-law Amendment – 825 and 895 Queen Street East</b>

## PURPOSE

The purpose of this report is to provide Council with a summary and recommendation as it pertains to the Official Plan and Zoning By-law Amendment Applications for 825 and 895 Queen Street East.

## RECOMMENDATION

THAT DEV 18-2017 Applications for Official Plan Amendment and Zoning By-law Amendment - 825 and 895 Queen Street East be received;

THAT Council approve the Official Plan Amendment and Zoning By-law Amendment Applications for 825 and 895 Queen Street East on the basis that no significant concerns are raised by the public or members of Council at the statutory public meeting; and,

THAT Council approves By-law 54-17 to adopt Official Plan Amendment No. 32; and,

THAT Council approves Zoning By-law Z124-2017 for 825 and 895 Queen Street East.

## BACKGROUND

The subject properties are located at the east end of the municipality, northwest of the intersection of Queen Street East and Road 120 (the municipal boundary) as shown on the General and Specific Location Maps, and the Sketch submitted by the applicant, attached to this report. The Town has received Applications to amend Official Plan policies and zone provisions with respect to the subject properties.

## REPORT

The general purpose and intent of the Official Plan and Zoning By-law Amendment Applications (and three related Consent to Sever Applications concurrently submitted to the Town's Committee of Adjustment) are to:

- add special policies to the Highway Commercial designation to allow for the creation of two separate lots (Parts 2 & 5, and Part 3 as shown on the attached Proposed Lot Fabric Sketch) for each of the existing residential uses
- add special provisions to the Highway Commercial Zone (C3-H) (Special Provisions - Section 17.4) to permit the proposed residential lots and allow the existing residential uses to continue
- consolidate remaining lands (Parts 1, 4 and 6) into one lot

Table 1 provides a summary of the approximate sizes and dimensions of the proposed new lots.

**Table 1: Size and Dimensions of Proposed Lots**

	<b>Parts 2 &amp; 5 (Existing Residential)</b>	<b>Part 3 (Existing Residential)</b>	<b>Parts 1, 4 &amp; 6 (Remaining Highway Commercial Lands)</b>
<b>Lot Area</b>	3,524.1 m <sup>2</sup>	3,516.1 m <sup>2</sup>	47,001 m <sup>2</sup>
<b>Lot Width</b>	51.0 m	50.9 m	20 to 201.8 m
<b>Lot Depth</b>	69.1 m	69.1 m	321.9 m

The public was circulated on May 15, 2017 advising of Planning Advisory Committee's (PAC) review of the Official Plan and Zoning By-law Amendment Applications at the June 5, 2017 PAC meeting. At the June 5, 2017 meeting, the PAC recommended to Council:

*THAT the Planning Advisory Committee for the Separated Town of St. Marys recommends approval of Applications OP01-2017 and Z02-2017 from Margaret McMillan Baird and Bairds of Strathaven Inc. for an Official Plan Amendment and a Zoning By-law Amendment affecting Part of Lot 17, Concession 19, 825 and 895 Queen Street East, St. Marys and further that Council proceed immediately to a Public Meeting to be scheduled for June 27, 2017.*

On June 7, 2017, the Town's Committee of Adjustment held a public hearing to consider the three related Consent to Sever Applications (Files: B04-2017, B05-2017 & B06-2017). On the recommendation of Town Staff, the Committee of Adjustment deferred the Applications until approval of the related Official Plan Amendment. Section 53(12) of the Planning Act requires that in determining whether a provisional consent should be given, certain matters shall be considered including whether the proposal conforms with the Official Plan [under Section 51(24)].

## **SITE CONDITIONS AND CHARACTERISTICS**

The two abutting, existing subject properties are irregularly shaped and are further described as follows with reference to the submitted Sketch attached to this report:

- 1) L-shaped lot (2.07 ha) with 121.9 metres of frontage along Queen Street East (comprised of Parts 1, 2, 3 and 4 on the attached Sketch)
  - Two existing single detached dwellings (originally constructed in 1890 and 1972) and vacant agricultural
- 2) Irregularly shaped lot (3.29 ha) with 185.3 metres of frontage along Road 120 (comprised of Parts 5 and 6 on the attached Sketch)
  - Storage barn and vacant agricultural

## **SURROUNDING LAND USES**

**North:** St. Marys Golf and Country Club  
**South:** Queen Street East and the Stone Willow Inn  
**East:** St. Marys Home Building Centre and Road 120  
**West:** St. Marys Golf and Country Club

## **PLANNING CONTEXT**

### **Official Plan**

The subject properties are designated Highway Commercial according to the Town's Official Plan. The Highway Commercial designation is intended to "provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the

role and function of the central commercial area” (Objective 3.3.1.1). Uses permitted in the Highway Commercial designation are set out in Section 3.3.2.2 of the Official Plan:

- Uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted.
- Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3.

A Natural Hazards Constraint Area is identified on the northern parts of the subject properties, according to Schedule C of the Official Plan. The Natural Hazards Constraint Area is an overlay that applies “to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as Natural Hazards in this Official Plan” (Section 3.8.2.16). The policies of the Natural Hazards Constraint Area overlay are intended to apply in addition to the policies of the underlying designation.

Section 7.17.4 of the Official Plan states that “in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with conforming uses in adjoining areas;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;
- h) the adequacy and availability of municipal services and utilities; and
- i) the adequacy of parks and educational facilities and the location of these facilities”.

The proposed Official Plan Amendment, attached to this report, does not change the existing Official Plan land use designation that currently applies to the subject properties. However, the proposed Amendment would create an exception stating that existing single detached dwellings and accessory uses are recognized as additional permitted uses on the subject lands. In addition, the exception would also permit consents to create a maximum of two residential lots for the existing residential uses with a maximum area of 4,000 m<sup>2</sup> per lot.

### **Zoning By-law**

The subject properties are zoned Highway Commercial Zone (C3-H). The Highway Commercial Zone permits a wide range of commercial, service and recreational uses. The ‘H’ represents a

holding provision that is applied to ensure that development takes a form compatible with adjacent land uses and that agreements are entered into following public site plan review. Until Council removes the H symbol, only existing uses are permitted.

The Zoning By-law also identifies the UTRCA Regulation Limit on the northern part of the properties. The UTRCA Regulation Limit shows the approximate location of lands that may be subject to flooding, erosion and/or unstable slopes.

The proposed Zoning By-law Amendment, attached to this report, will not change the existing Zone category that currently applies to the subject properties. However, the proposed Amendment would:

- remove the lands from the “Highway Commercial Zone (C3-H)” and place these lands in the “Highway Commercial Zone (C3-11-H)”, subject to the regulations of a new special provisions Section 17.4.11
- add a new special provisions Section 17.4.11:
  - specifically recognizing the two existing single detached dwellings as permitted uses
  - providing the following regulations for the existing residential uses
    - Lot Area, Minimum 3,000 square metres;
    - Lot Area, Maximum 4,000 square metres;
    - Lot Frontage, Minimum 45.0 metres;
    - Lot Depth, Minimum 65.0 metres;
    - Front Yard, Minimum 35.0 metres;
    - Interior Side Yard, Minimum 5.0 metres;
    - Rear Yard, Minimum 10.0 metres;
    - Building Height, Maximum height of existing dwelling;
    - Lot Coverage, Maximum 35 per cent.
  - deeming the lot line adjacent to Road 120 to be the front lot line for the purposes of any through lot
  - providing a minimum interior side yard requirement of 1.0 metres for any existing non-residential building to specifically recognize the existing storage barn relative to the proposed new lot lines

## COMMUNICATIONS

Notice of Public Meeting for the Official Plan Amendment and Zoning By-law Amendment Applications was circulated by first class mail to all land owners within 120 metres of the subject properties, to those agencies as prescribed by Regulation and sign notices were also posted on the properties.

The following table provides a summary of comments received from Town Departments and agencies to date. Copies of correspondence are attached to this Report.

Department/Agency	Date	Summary of Comments
Upper Thames River Conservation Authority	May 26, 2017	<ul style="list-style-type: none"><li>• No objection to Applications</li></ul>

## PLANNING ANALYSIS

The proponent has submitted planning justification in support of the Applications, summarized as follows:

- Approval of the Applications will not result in physical land use change but will allow for lot creation for existing residential uses while consolidating lands for future development

- The existing residential uses have existed and operated as compatible uses in the past and there is no reason this will change as result of these Applications

The Applications do not propose to change the existing designation in the Official Plan (Highway Commercial) or the existing Zone in the Zoning By-law (Highway Commercial) that currently apply to the subject properties. The applicant has indicated that the proposed severances are required to consolidate the non-residential lands for future development and permit the existing residential uses to continue on separate lots until development occurs in the future in accordance with the policies of the Highway Commercial designation and the Highway Commercial Zone. Any future proposed highway commercial development on these lands will be subject to required review and approval(s) under the Planning Act. The frontage, depth and size of the proposed lots will be sufficient to accommodate the existing residential uses and future highway commercial uses planned for the area.

## **SUMMARY**

It is recommended that Council approve the proposed Official Plan and Zoning By-law Amendments if there are no concerns from Council or the public at the statutory public meeting.

## **FINANCIAL IMPLICATIONS**

None.

## **OTHERS CONSULTED**

Grant Brouwer, Director of Building and Development; Susan Luckhardt, Planning Coordinator.

## **ATTACHMENTS**

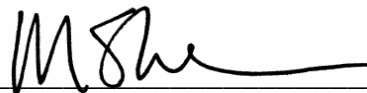
- 1) Applications for Official Plan and Zoning By-law Amendments
- 2) Notice of Public Meeting
- 3) General Location Map
- 4) Specific Location Map
- 5) Property Sketch
- 6) Proposed Lot Fabric Sketch
- 7) Correspondence Received

## **REVIEWED BY**

### **Recommended by the Department**



Grant Brouwer  
Director of Building and Development



Mark Stone  
Planner

### **Recommended by the CAO**



Brent Kittmer  
CAO / Clerk