



**Subject:** 670-690 Broadway, Recommendation Report, OPZ 4/19 and CD 2/20

**Department:** Infrastructure Services

**Division:** Planning

**Report #:** INS-2020-009

**Meeting Date:** 2020-12-14

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**Recommendations**

That report INS-2020-009, 670-690 Broadway, Recommendation Report, OPZ 4/19 and CD 2/20, be received;

And that the Official Plan Amendment and Zoning By-law Amendment Applications (OPZ 4/19) be approved;

And that the By-law included as Attachment No. 2 to this report, be enacted to adopt site-specific Official Plan Amendment No. 127 to re-designate the subject lands from “Open Space Conservation” and “Residential” to “Residential” on Schedule ‘A’ and to “Low Density Multiple” on Schedule ‘C’ to permit 33 condominium townhouse units on the subject lands;

And that the amending Zoning By-law included as attachment No. 3 to this report be enacted to rezone the subject lands from “Development (D) Zone” to “Multiple Residential Medium Density (RM1) Zone with Holding (H) Symbol and Special Provision (24.225)” to permit 33 condominium townhouse units;

And that the Draft Plan of Vacant Land Condominium included as Attachment No. 5 to this Report, be approved for a period of three (3) years generally in accordance with the conditions included as Attachment No. 6 to this report.

**By-laws:**

That a By-law to adopt Amendment No. 127 to the Official Plan for the Town of Orangeville be read a first, second and third time and finally passed;

And that a By-law to amend Zoning By-law No. 22-90, as amended, be enacted to permit the use of Part of Lot 5, Concession C, Town of Orangeville, County of Dufferin, municipally known as 670 & 690 Broadway, as 33 condominium townhouse units.

### **Background and Analysis**

The lands subject to these applications are comprised of two parcels located on the south side of Broadway, east of Riddell Road. The subject lands are legally described as Part of Lot 5 Concession C, and Part of Lot 5 Concession C Parts 1 and 2 on Registered Plan 7R-5321 and are municipally known as 670 & 690 Broadway. The parcels have a combined lot area of approximately 1.107 hectares (2.735 acres), with approximately 173 metres (567.59 feet) of frontage along Broadway. Attachment No. 1 includes a location map of the subject properties.

Two single-storey detached dwellings are situated on the subject lands, with one dwelling located on each of the two properties. Each dwelling has an independent driveway access onto Broadway.

Surrounding land uses generally consist of a mixture of commercial and industrial uses to the north (opposite to Broadway, within the Township of Amaranth), low and medium-density residential developments to the east, south and west, with conservation lands also immediately surrounding the subject properties.

### **Development Proposal**

On July 25, 2019, Matthews Planning & Management Ltd. submitted applications on behalf of 2040771 Ontario Inc. & Habitat for Humanity to amend the Town's Official Plan and Zoning By-law to facilitate the development of forty (40) condominium townhouse units. The applications were deemed incomplete by Planning Division staff on September 4, 2019, and subsequently deemed complete on October 3, 2019.

A public meeting was held on December 2, 2019 to present the proposed development to Council and members of the public, answer any questions and obtain feedback.

Several questions and concerns were expressed with respect to the proposed development and its potential impacts to traffic and natural features, as well as its compatibility with surrounding residential areas. In response to the comments received, and through the application review process, the applicant has revised the concept plan. The current concept plan is included as Attachment No. 4. Key revisions made in comparison to the original development plan are summarized in the following table:

<b>Statistic</b>	<b>Original Concept</b>	<b>Current Concept</b>
Dual Frontage Townhouses	19	7
Standard Townhouses	21	26
Total Units	40	33

Density	41 units per net hectare	32 units per net hectare
Parking	2 resident spaces per unit 10 visitor spaces	2 resident spaces per unit 9 visitor spaces
Parkette	none	198 square metres
Walkway	Proposal to connect south to Dinnick Crescent	Connecting east to adjacent open space conservation lands and townhouse development.

On August 17, 2020, Van Harten Surveying Inc. submitted a Vacant Land Condominium application on behalf of 2040771 Ontario Inc. & Habitat for Humanity. The purpose and effect of the Draft Plan of Vacant Land Condominium application is to subdivide the subject lands to create 33 lots for townhouse units, delineate the common elements comprised of a private road, parkette and visitor parking, and to establish appropriate easements.

A public meeting was held on November 23, 2020 to present the revised concept to Council and members of the public, answer any questions and obtain feedback. A delegation on behalf of the residents noted that in general, the residents are satisfied with the changes made by the applicant.

### **Analysis**

Subsection 3(5) of the Planning Act states that where a municipality is exercising its decision-making authority affecting a planning matter, such decisions “shall be consistent with” policy statements issued under the Act and “shall conform to”, or “shall not conflict with” the provincial plans that are in effect on that date.

Section 9(2) of the Condominium Act states that the sections of the Planning Act that apply to plans of subdivision also apply to condominium plans. Section 51(24) of the Planning Act provides a list of matters to be regarded when considering the approval of a plan of subdivision, such as consistency with Provincial policy, conformity with the Official Plan and adjacent plans of subdivision, and the adequacy of utilities and municipal services to permit the development.

The following sections provide an analysis of the proposal’s adherence to provincial, County and Town planning policy in support of the recommendation for Council’s decision concerning these applications.

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The new 2020 PPS came into effect on May 1, 2020, replacing the former PPS of 2014. PPS policies require municipalities to facilitate the development of compact, complete communities in a

manner that encourages efficient use of existing infrastructure and public service facilities while protecting public health and safety and the natural environment.

The Official Plan amendment, Zoning By-law amendment and Draft Plan of Condominium applications are consistent with the policies of the PPS because the approval of these applications would assist in:

- promoting efficient development and land use patterns, avoiding development patterns which may cause environmental or public health safety concerns, and promoting cost-effective development to minimize land consumption and servicing costs (Section 1.1.1); and
- facilitating growth within an existing built-up area that promotes compact form and a mix of uses and densities (Section 1.1.3.6).

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The current provincial Growth Plan (A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019) came into effect on May 16, 2019 and was most recently updated as of August 28, 2020. The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region aiming to create compact, vibrant and complete communities by directing new growth and development (i.e. residential and employment) to occur within settlement areas, with a focus on providing a diverse range of housing and employment, high quality public open spaces, easy access to local amenities and protection of cultural heritage resources.

The Official Plan amendment, Zoning By-law amendment and Draft Plan of Condominium applications conform to the policies of the Growth Plan because the applications would facilitate:

- directing growth to a settlement area with full municipal services (Section 2.2.1);
- supporting the achievement of a complete community through providing a diverse range and mix of housing options (Section 2.2.1.4);
- efficient development and land use patterns, which avoid development patterns that may cause environmental or public health safety concerns, and promote cost-effective development to minimize land consumption and servicing costs (Section 1.1.1); and
- growth within an existing built-up area that promotes compact form and a mix of uses and densities (Section 1.1.3.6).

### **County of Dufferin Official Plan**

The subject lands are designated “Urban Settlement Area” on Schedule ‘B1’ in the County of Dufferin Official Plan (County OP).

The County Official Plan identifies urban settlement areas as focal points for growth, which are intended to accommodate a broad range of uses. These areas are comprised of lands that provide full municipal services (i.e. sewage, water and stormwater management) and support a broad range of land uses and densities, including a mix of

housing types. Urban settlement areas are to be designed to support walkable communities with opportunities for public transit use. The range of permitted uses and associated land use policies are to be prescribed in municipal official plans.

The Official Plan amendment, Zoning By-law amendment and Draft Plan of Condominium applications are consistent with the policies of the Dufferin County Official Plan.

### **Town of Orangeville Official Plan**

The northern part of the subject lands is designated “Residential”, with the southern part designated “Open Space Conservation” on Schedule ‘A’ (Land Use Plan) in the Town of Orangeville Official Plan (OP). The “Residential” designation permits a range of housing types including single detached, converted dwellings, semi detached dwellings, duplex dwellings, triplexes, quadruplexes, and multi-family housing including row/townhouses and apartments (Section E1.3). The “Open Space Conservation” designation represents areas where the land is protected for natural features, and development is prohibited. Permitted uses are limited to public works associated with watercourses (i.e. bridges, wells and sewage treatment facilities), outdoor recreational uses, and accessory uses, subject to approvals by all appropriate agencies (Section E5.3.6).

The subject lands are designated as “Greenfield Areas” on Schedule ‘B1’ (Built Boundary) in the OP. New development within Greenfield Areas is to be planned to achieve a density that contributes towards an overall minimum density of 46 resident and jobs per hectare, which is measured over the entire Greenfield Area of the Town (Section E1.11.8).

In order to permit 33 condominium townhouse units, an Official Plan Amendment is required to revise the “Residential” designation area (Schedule A – ‘Land Use Plan’) and add a new “Low Density Multiple” (Schedule C – ‘Residential Density Plan’) overlay designation. The Official Plan Amendment would remove the “Open Space Conservation” designation from the southern part of the subject lands, such that the entirety of the subject land is designated “Residential”. The “Open Space Conservation” designation will remain on the newly delineated conservation lands owned by the Town, located between the subject lands and the properties on Dinnick Crescent, as shown in Attachment No. 1.

The Low Density Multiple designation permits a range of residential uses including single detached, 2 to 4 unit dwellings, and row/townhouses with a maximum permitted density of up to 49 units per net residential hectare. The residential density resulting from the proposed development is approximately 32 units per net residential hectare (upnha).

The Official Plan amendment, Zoning By-law amendment and Draft Plan of Condominium applications are in keeping with the policies of the Town OP because the applications would:

- increase supply of good quality living accommodations with a full range of types, densities and architectural forms (Section B2.2);
- provide a balanced range of housing that meets a variety of needs in terms of size, type, ownership status and location (Section E1.2.3);
- consider converted dwelling units where appropriate, ensuring surrounding areas are not detrimentally affected (Section E1.5.1);
- contribute to an overall density of 46 resident and jobs per hectare (Section E1.11.8); and
- contribute to the creation of a complete community that provides a diverse mix of land uses, high quality of urban design, and complements the established character of the neighbourhood (Section E1.11.7).

The proposed Official Plan Amendment (OPA No. 127) is included as Attachment No. 2.

The proposed Draft Plan of Condominium has been reviewed in the context of the OP's Neighbourhood Design policies contained in Section E1.9. Section E1.9.2 highlights the importance of promoting a mix of lot sizes to achieve visual variety and to accommodate a broader range of households in the Town's neighbourhoods. The proposed development includes a mix of dual frontage townhouses and standard townhouses which contributes to a mix of lot sizes and also achieves visual variety within the development. The subject property is surrounded by a mix of residential uses including single detached dwellings and townhouses on a range of lot sizes.

The Draft Plan of Condominium implements the Official Plan Amendment and conforms to the residential and neighbourhood design policies of the OP.

### **Town of Orangeville Zoning By-law No. 22-90**

The subject property is zoned "Development" (D) Zone, subject to a Holding (H) Symbol on Schedule 'A' (Map No. C1 & C2) to Zoning By-law No. 22-90, as amended. The 'D' Zone permits any existing dwelling units, as well as home occupations.

The Zoning By-law Amendment application proposes to rezone the subject lands to "Multiple Residential Medium Density" (RM1 Zone) to permit the proposed development. The RM1 zone permits a townhouse, a converted dwelling house, a multiple dwelling, group home, crisis care facility, long-term care facility and retirement home.

Site-specific provisions are also required to permit the development as proposed. The following table outlines the site-specific provisions proposed in comparison to the "Multiple Residential Medium Density" Zone (Section 12) standards of the by-law:

Regulation (RM1 Zone)	Requirement	Site Specific (SP.24.225)	
		Dual Frontage	Standard
Lot Area (min)	180 sq. m.	140 sq. m.	160 sq. m.
Lot Frontage (min)	5.5 m	7.8 m	5.8 m

Front Yard (min)	6.0 m	-	6.0 m to garage 5.0 m to front of dwelling
Interior Side Yard (min)	1.5 m	-	-
Exterior Side Yard (min)	3.5 m	-	-
Rear Yard (min)	10 m	4 m	-
Building Height (max)	9.2 m	12 m	-
Lot Coverage (max)	-	62%	50%
Ground Floor Area (min)	-	55 sq. m.	75 sq. m.
Density (max)	-	32 units per hectare	

The Zoning By-law amendment will maintain the Holding (H) Symbol currently applied to the subject lands. The Holding (H) Symbol will need to be removed in order for the proposed development to proceed. This will require satisfactory confirmation that the necessary servicing capacity is formally allocated to this development.

The proposed Zoning By-law Amendment is included as Attachment No. 3. The Draft Plan of Condominium implements the Zoning By-law Amendment.

### Parkland

Parkland dedication or cash-in-lieu of parkland is required for the proposed development. Since the lands are intended to be developed as a condominium, no public land will be dedicated to the Town for the purpose of parkland. Rather, the owner will be required to pay cash-in-lieu of parkland in accordance with the Town's Parkland Dedication By-law 41-2012 and will be collected prior to the issuance of building permits. A condition of draft approval has been included to this effect.

### Additional Applications Required

In addition to the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium approvals for the subject lands, the following applications will be required:

1. **Residential Demolition Permit** to facilitate the demolition of the existing dwellings on the subject land prior to development. A Residential Demolition Application has not been submitted to date in conjunction with these applications.
2. **Site Plan Approval** to facilitate the proposed development. The site plan review and approval process will address the exterior elements of the development in detail, including site servicing, drainage and stormwater management, architectural design, lighting, and landscaping, as applicable. These site design measures can also be used to mitigate any potential impacts and assist in ensuring compatibility with surrounding uses. An executed Site Plan Agreement between the Town and the applicant will be required prior to the commencement of construction. A Site Plan Application has not been submitted to date in conjunction with this development proposal.

3. **Lifting of the Holding (H) Symbol** to facilitate the removal of the Holding (H) Symbol that is placed on the land as part of the Zoning By-law Amendment. The purpose of the (H) symbol is to ensure the appropriate servicing capacity needed to accommodate the proposed development is formally allocated to the development before it proceeds. An application to remove the Holding (H) Symbol will be required after Site Plan approval has been granted.

## **Review and Consultation**

### **Internal Departments and External Agencies**

The applications and supporting documentation were circulated to internal departments and external agencies for comment, pursuant to the mandate and technical area of expertise of each reviewing department/agency.

The following agencies and Town departments have expressed no concerns with the application and/or have included appropriate conditions of draft approval (Attachment No. 6):

- Infrastructure Services, Building
- Infrastructure Services, Transportation and Development
- Infrastructure Services, Environment
- Infrastructure Services, Planning
- Community Services, Orangeville Fire
- County of Dufferin – Planning
- County of Dufferin – Public Works
- County of Dufferin – Waste Management Services
- Upper Grand District School Board
- Dufferin-Peel Catholic District School Board
- Conseil Scolaire Viamonde
- Rogers Communications
- Enbridge Gas Inc.
- Hydro One
- Bell Canada
- Canada Post

No additional comments have been received from internal departments or external public agencies with respect to this application.

### **Public Consultation**

Public information meetings were held in accordance with the Planning Act requirements on December 2, 2019 (OPZ 4/19) and September 23, 2020 (CD 2/20). The purpose of the public meetings was to provide opportunities for the applicant to present their applications to the public and Council, to receive comments, and answer any questions raised about the proposed development.

Comments and questions were expressed at the public meetings seeking clarification on certain aspects of the proposal and responses were provided by Planning division staff and the applicant's representative in attendance at the meetings. The questions and comments raised at the meetings which required further exploration as part of the application review process, as well as staff responses, are summarized in the following table:

<b>Question/Comment</b>	<b>Response</b>
Council requested that the developer consider the inclusion of a parkette.	A 198 square metre private parkette, which will include a 'tot lot', has been added to the southeastern corner of the development.
The public requested that the applicant consider re-routing the walkway to the east, rather than connecting through to Dinnick Crescent.	Staff worked with the applicant to explore suitable options for a pedestrian walkway connection. Due to grading constraints between the proposed development and Dinnick Crescent, the walkway connection has been revised to connect to the adjacent open space conservation/stormwater management area, leading out to Samuel Court.
The public raised concerns with the removal of trees and the impact on privacy.	A qualified arborist was engaged to undertake a tree inventory to confirm the quality of existing trees. The report concluded that "based on the condition and species of the majority of trees on site and the proposed Site Plan, all fifty-eight (58) trees and tree groups require removal." A conceptual landscape plan has also been prepared with a list of replacement trees and proposed buffer plantings adjacent to the existing development on Dinnick Crescent. The final landscape plan will be reviewed and approved through the Site Plan process.
The public raised concerns with location of the second row of townhouses and their impact on privacy and overlook.	Architectural cross-sections were prepared and submitted to demonstrate the relationship between the existing houses on Dinnick Crescent and the proposed second row of Townhouses. The proposed second row of townhouses will have walk-out basements that will be approximately 2.5m above the existing walk-out basements of the houses on Dinnick Crescent. This is change in elevation is mitigated by an approximate distance of 40m between houses, and proposed buffer plantings.
The public raised concerns with increase traffic.	A Traffic Impact Study submitted by the applicant concluded that the proposed development can be fully accommodated on the existing road network without needing any upgrades. The County of Dufferin has reviewed and approved the proposed entrance location and the Traffic Study.

## **Strategic Alignment**

### **Orangeville Forward – Strategic Plan**

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

### **Sustainable Neighbourhood Action Plan**

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities.

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## **Notice Provisions**

### **Official Plan and Zoning By-law Amendment Applications (OPZ 4/19)**

The applications were received on July 25, 2019 and deemed incomplete by Planning Division staff on September 4, 2019 due to certain required supporting information not being included with the application submission. The applications were subsequently deemed complete by Planning Division staff on September 18, 2019 upon receipt of the outstanding submission material.

In accordance with the requirements of the Planning Act, on October 3, 2019, a Notice of Complete Application was:

- i. circulated to all property owners within 120 metres of the subject property;
- ii. advertised in the Orangeville Citizen;
- iii. published to the Town website; and
- iv. posted via signage on the subject property.

A public information meeting was held in accordance with the Planning Act requirements on December 2, 2019. A Notice of Public Meeting was provided on November 7, 2019, in the same manner as described above.

### **Draft Plan of Vacant Land Condominium Application (CD 2/20)**

The application was received on August 17, 2020 and deemed complete by Planning Division staff on August 24, 2020. A public information meeting was held in accordance with the Planning Act requirements on November 23, 2020.

In accordance with the requirements of the Planning Act, on September 3, 2020, a Notice of Complete Application and Public Meeting was:

- i. circulated to all property owners within 120 metres of the subject property;

- ii. advertised in the Orangeville Citizen;
  - iii. published to the Town website; and
  - iv. posted via signage on the subject property.
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### **Financial Impact**

There are no anticipated financial impacts to the Town arising from this Report.

Respectfully submitted

Reviewed by

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- Attachments:**
- 1. Location Map
  - 2. Official Plan Amendment No. 127
  - 3. Zoning By-law Amendment
  - 4. Conceptual Site Plan
  - 5. Draft Plan of Vacant Land Condominium
  - 6. Conditions of Draft Approval