



Subject: 71 Fifth Avenue, Recommendation Report, OPZ 1/20

Department: Infrastructure Services

Division: Planning

Report #: INS-2020-001

Meeting Date: 2020-10-19

Recommendations

That report INS-2020-001, 71 Fifth Avenue, Recommendation Report, OPZ 1/20, be received;

And that the Official Plan Amendment and Zoning By-law Amendment Applications (OPZ 1/20) 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. 124 to re-designate the subject lands from “Institutional” to “Neighbourhood Commercial” on Schedule ‘A’ to permit an office use;

And that the amending Zoning By-law included as attachment No. 3 to this report be enacted to rezone the subject lands from “Institutional (INST) Zone” to “Neighbourhood Commercial (C2) Zone, with Special Provision (24.220)” to permit the proposed office use.

By-laws:

That a By-law to adopt Amendment No. 124 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 Lots 15 & 16, Block 15, Plan 222 as in MF14890, Town of Orangeville, County of Dufferin, municipally known as 71 Fifth Avenue, as an office.

Background and Analysis

The lands subject to these applications are located on the south side of Fifth Avenue, between Second Street and Third Street. The subject lands are municipally known as 71 Fifth Avenue and have a lot area of approximately 0.1 hectares (0.25 acres), with

approximately 40 metres (131.2 feet) of frontage along Fifth Avenue. Attachment No. 1 includes a location map of the subject lands.

Proposed Development

On, April 3, 2020, MHBC Planning Ltd. submitted applications on behalf of LLRT Holdings Corporation (Absolute Insurance Brokers) to amend the Town's Official Plan and Zoning By-law to convert the existing building from a hall/private club to an office, including interior renovations and alterations to the façade. No alterations or additions are proposed that would impact the size or location of the building. The surface parking lot is proposed to be expanded to accommodate a total of 19 parking spaces, whereas approximately 12 spaces are currently provided on the site. There is one driveway access to the subject lands from Fifth Avenue.

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. 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 and Zoning By-law amendment applications are consistent with the policies of the PPS because the approval of these amendments 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);
- providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long terms needs (Section 1.3.1.a);
- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (Section 1.3.1.b); and
- encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities (Section 1.3.1.d).

Growth Plan for the Greater Golden Horseshoe (2019)

The most recently-updated Growth Plan (“A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019) came into effect on May 16, 2019. 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 and Zoning By-law amendment applications conform to the policies of the Growth Plan because the amendments would facilitate:

- directing development to a settlement area (Section 2.2.1);
- supporting the achievement of a complete community (Section 2.2.1.4); and
- directing office uses to a location that supports active transportation and has existing transit (Section 2.2.5.3).

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

Town of Orangeville Official Plan

The subject lands are designated ‘Institutional’ on Schedule ‘A’ (Land Use Plan) in the Town of Orangeville Official Plan (“OP”). Institutional uses are considered to be public and semi-public buildings and establishments, religious institutions, public and private schools, parks, cemeteries, hospitals, medical centers, convalescent homes, and senior citizen homes. The Institutional designation reflects the previous use of the subject lands as a masonic lodge, which is a privately-operated club that is now discontinuing its operations.

In order to implement the development as proposed, and Official Plan Amendment is required to re-designate the subject lands to 'Neighbourhood Commercial' on Schedule 'A' (Land Use Plan).

Neighbourhood Commercial areas are distributed in various parts of Orangeville, primarily in response to the location of residential uses. Neighbourhood commercial uses should generally be located on arterial or major collector roads. Permitted uses include a supermarket, drug store, hardware store, service establishments, smaller retail outlets, recreational establishments, a nursery school, business or professional offices and a veterinarian clinic. Residential uses are permitted within upper floors of buildings containing other permitted uses (Section E2.6).

The subject lands are located in an area characterized by a range of general commercial and neighbourhood commercial uses. The subject lands are located on Fifth Avenue, which is identified as a Minor Collector Road in the OP. It provides immediate access to First Street, a Major Collector Road, and Highway 10, a Provincial Highway.

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

- locate additional office space in an appropriate area surrounded by a mix of uses, with access to a suitable road network and public transportation (Section E.2.6);
- support an existing business and encourage their continued success and potential expansion (Section D.1.4); and
- create new development that fits within the neighbourhood, minimizes impact on surrounding uses and respects the local scale and character of the areas (Section D.7.2.1 & D.7.2.3).

The proposed Official Plan Amendment (OPA No. 124) is included as Attachment No. 2.

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

The subject property is zoned 'Intentional' (INST Zone) on Schedule 'A' (Map No. B4) to Zoning By-law No. 22-90, as amended. The 'INST' Zone permits a range of commercial uses including:

- Assembly hall
- Club house
- Community centre
- Nursing home
- Crisis care facility
- Day nursery
- Government administration building
- Hospital
- Library
- Medical centre
- Public park
- Religious institution or cemetery
- Retirement home
- School

The Zoning By-law Amendment application proposes to rezone the subject lands to 'Neighbourhood Commercial' (C2 Zone) to permit the conversion of the existing institutional building to an office for an insurance brokerage. The 'C2' zone permits the following uses:

- Dwelling unit or units on upper floors
- Automobile service station
- Business or professional office
- Financial establishment
- Home occupation
- Medical laboratory
- Nursery school
- Personal service shop
- Recreational establishment
- Restaurant
- Retail store
- Repair, service or rental establishment
- Veterinarian clinic

Site specific provisions are also proposed to recognize the existing building location on the subject land. The following table outlines the site specific provisions (SP.24.220) proposed in comparison to Neighbourhood Commercial (Section 15) standards of the by-law:

Regulation (C2 Zone)	Requirement	Site Specific (SP.24.220)
Lot Area (min)	800 sq. m.	-
Lot Frontage (min)	20 m	-
Exterior side yard (min)	3.5 m	-
Exterior side yard (max)	22.5 m	-
Interior side yard (min)	5 m	-
Rear yard (min)	7.5 m	1.8 m
Building height (max)	12 m	-

In addition, the following site-specific provisions to the General Provisions (Section 5.17.7) are required:

Regulation (General Provisions)	Requirement	Site Specific (SP.24.220)
Parking Area Location on a Lot	No part of any parking area other than the driveway shall be located within 3 metres of any street line or residential zone, which area shall be landscaped.	North: 0.0 m South: 1.8 m West: 0.0 m

The purpose of requiring a 3.0m separation between parking areas and street lines and/or residential zones is to provide visual and physical buffering between the uses. Although reductions to 0.0m are being sought for the north and west property lines, and 1.8m on the south property line, the intent of this provision will be maintained through site design as follows:

- North: although the parking area is being expanding to create a 0.0m setback to the property line abutting the street, there is an existing sidewalk that will function

a visual and physical buffer. The applicant is also exploring opportunities to provide plantings beside the sidewalk through the Site Plan application.

- South: no further expansion is proposed, and there is an existing fence between the current parking area and the residential uses which will continue to create a visual and physical buffer between them.
- West: no further expansion is proposed, and there is an existing fenced walkway between the current parking area and the residential uses which will continue to create a visual and physical buffer between them.

The proposed Zoning By-law Amendment is included as Attachment No. 3.

Additional Applications Required

In addition to the Official Plan Amendment and Zoning By-law Amendment approvals for the subject lands, Site Plan Approval will also be required 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. These site design measures can also be used to mitigate any potential impacts and assist in ensuring compatibility with surrounding uses.

A Site Plan application (SP 6/20) has been submitted by the applicant and is currently under review.

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 Environment division has requested that Low Impact Development (LID) features be incorporated into the site to improve stormwater infiltration. A review and implementation of such features will be undertaken through the Site Plan application process (SP 6/20).

Comments from the following agencies and Town departments have expressed no concerns with the application:

- Infrastructure Services, Building
- Infrastructure Services, Transportation and Development
- Community Services, Economic Development and Culture
- Community Services, Orangeville Fire
- Corporate Services, By-law and Property Standards
- County of Dufferin – Planning
- Upper Grand District School Board
- Conseil scolaire Viamonde

- Rogers Communications
- Enbridge Gas Inc.
- Canada Post
- Orangeville Hydro

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

Public Consultation

A public information meeting was held in accordance with the Planning Act requirements on July 6, 2020. The purpose of this public meeting was to provide an opportunity for the applicant to present their application 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 meeting 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 meeting. The questions and comments raised at the meeting which required further exploration as part of the application review process, as well as staff responses, are summarized in the following table:

Question/Comment	Response
Council asked whether or not space would be leased to additional tenants.	At the time of the meeting it was the agent's understanding that Absolute Insurance would own and occupy the entire building. To clarify, the matter has been further discussed and the lower level may be leased to an additional tenant. The additional use would be consistent with the uses permitted by the zoning by-law (as amended).
Council requested that consideration be given to reducing the parking to meet the minimum by-law requirement.	Based on the provisions of the Zoning By-law, parking is not required for the gross floor area of a basement. As such, 12 parking spaces are required for the proposed development. However, as noted in the previous comment, the basement space may be used for an additional tenant. The applicant is proposing 19 parking spaces to ensure there is enough parking to meet any future demand. In order to mitigate the any impacts of the additional paved area, the applicant is proposing the inclusion of LID features. The proposed features are being reviewed by staff through the Site Plan application (SP 6/20) to ensure they are appropriate for site conditions.
Concerns were raised regarding the additional paving on the property and any potential impacts on flooding in the area.	As noted in the previous comment, the applicant is proposing LID features to mitigate any adverse impacts through the Site Plan application (SP 6/20).

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Sustainable Orangeville
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.

Notice Provisions

The applications were received on April 2, 2020 and deemed complete by Planning Division staff on April 6, 2020. In accordance with the requirements of the Planning Act, on April 16, 2020, 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;
- iv. posted via signage on the subject property.

A public information meeting was held in accordance with the Planning Act requirements on July 6, 2020. The notice for this public meeting was circulated and advertised on June 11, 2020 in the same manner as described above.

Financial Impact

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

Respectfully submitted

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Attachments:

1. Location Map
2. Official Plan Amendment No. 124
3. Zoning By-law Amendment
4. Conceptual Site Plan