

Subject: 99 Mill Street, Recommendation Report, OPZ 2/20

Department: Infrastructure Services

Division: Planning

Report #: INS-2020-002

Meeting Date: 2020-11-23

Recommendations

That report INS-2020-002, 99 Mill Street, Recommendation Report, OPZ 2/20, be received;

And that the Official Plan Amendment and Zoning By-law Amendment Applications (OPZ 2/20) 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. 125 to re-designate the subject lands from “Neighbourhood Commercial” to “Residential” on Schedule ‘A’ and “Low Density Multiple” on Schedule ‘C’ to permit a fourplex;

And that the amending Zoning By-law included as attachment No. 3 to this report be enacted to rezone the subject lands from “Neighbourhood Commercial (C2) Zone” to “Multiple Residential Medium Density (RM1) Zone with Special Provision (24.219)” to permit a fourplex.

By-laws:

That a By-law to adopt Amendment No. 125 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 Lot 23, Block 7, Plan 138, Town of Orangeville, County of Dufferin, municipally known as 99 Mill Street, as a fourplex.

Background and Analysis

The subject property is located on the east side of Mill Street, between Mary Street and South Wellington Street. The property is legally described as Lot 23, Block 7 on

Registered Plan 138, and is municipally known as 99 Mill Street. The subject land has a lot area of approximately 0.063 hectares (0.16 acres), with approximately 15.6 metres (51.3 feet) of frontage along Mill Street. Attachment No. 1 includes a location map of the subject land.

The subject land is presently developed with a two-storey building, which previously contained a ground-level convenience store fronting onto Mill Street, with residential units above and to the rear. Over time, the convenience store use has vacated from the premises and four (4) dwelling units now occupy the building. The building is included on the Municipal Register of Cultural Heritage Properties as non-designated.

Development Proposal

On, April 15, 2020, Pedro Pimentel Architect Inc. submitted applications on behalf of Clover Tuah to amend the Town's Official Plan and Zoning By-law. The applications propose to legalize the conversion of the existing building from a mixed-use commercial and residential building, to a multiple-residential building containing four (4) units. Five (5) parking spaces can be accommodated in the driveway at the rear of the property, accessed by Peavoy Lane.

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); 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 and Zoning By-law amendment applications conform to the policies of the Growth Plan because the amendments 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 and Zoning By-law amendment applications are consistent with the policies of the Dufferin County Official Plan.

Town of Orangeville Official Plan

The subject land is designated “Neighbourhood Commercial” on Schedule ‘A’ (Land Use Plan) in the Town of Orangeville Official Plan (“OP”). Neighbourhood Commercial

areas are distributed in various parts of Orangeville, primarily in response to the location of residential uses. They are intended accommodate smaller scale retail uses that serve the immediate residential area, including: supermarkets, drug stores, hardware stores, service establishments, small retail outlets, recreational establishments, nursery schools, business or professional offices, and veterinarian clinics. Residential uses are permitted within upper floors of buildings containing other permitted uses. The existing Neighbourhood Commercial designation reflects the previous mixed-use building on the property, which included a convenience store on the ground floor with residential units above and to the rear of the retail store. The convenience retail use vacated the site many years ago and there is no intent to revive a commercial retail use at this location.

In order to permit the intended use of the existing building for four (4) residential dwelling units, and Official Plan Amendment is required to re-designate the subject lands to “Residential” (Schedule A – ‘Land Use Plan’) with a “Low Density Multiple” (Schedule C – ‘Residential Density Plan’) overlay.

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. With four (4) units proposed for the existing building and a site area of approximately 643.5 square metres, this calculates to a density of approximately 63 units per (net) hectare. Therefore, a site-specific policy (E.8.79) is proposed to permit a maximum density of up to 65 units per hectare in order to legalize the 4 units at this location.

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

- increases supply of good quality living accommodations with a full range of types, densities and architectural forms (Section B2.2);
- promote logical infilling of existing residential neighbourhoods in order to improve the neighbourhood quality (Section B2.13);
- 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); and
- consider converted dwelling units where appropriate, ensuring surrounding areas are not detrimentally affected (Section E1.5.1).

The proposed Official Plan Amendment (OPA No. 125) is included as Attachment No. 2.

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

The subject land is zoned “Neighbourhood Commercial” (C2 Zone) with Special Provision 24.58 on Schedule ‘A’ (Map No. C4) to Zoning By-law No. 22-90, as amended. The ‘C2’ zone permits the following uses:

- Converted Dwelling House
- Multiple Dwelling
- Townhouse Dwelling
- Home Occupation
- Public Park or Playground
- Crisis Care Facility

- Group Home
- Retirement Home
- Nursing Home

Notwithstanding the range of permitted uses of the applicable C2 zone, the site-specific Special Provision limits the use of the subject land to convenience retail on the ground floor with dwelling units on the upper floors.

The Zoning By-law Amendment application proposes to rezone the subject lands to Multiple Residential Medium Density” (RM1 Zone) to legalize the conversion of the existing building to a residential building containing four (4) units. The RM1 zone permits a townhouse, a converted dwelling house (containing four or more units) and a multiple dwelling (i.e. with units accessed through a common area). Although the RM1 zone permits a “converted dwelling house”, the proposal does not technically meet this definition, which requires that the building be enlarged, altered or changed to provide additional units after the passing of the by-law. Given that the units already exist, the use would constitute a “fourplex”, which is defined as “a free standing building containing four dwelling units which may be divided vertically or horizontally with each unit having an independent entrance”. A fourplex is therefore being added is a permitted use through site-specific special provisions (SP 24.219) proposed for this property.

Site-specific provisions are also proposed to recognize the existing building location on the subject land and rectify those regulations of the RM1 zone that the current site conditions would not comply with. 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.24.219)
Lot Area (min)	500 sq. m.	-
Lot Frontage (min)	20 m	15.63
Front yard	6 m	0.62
Interior side yard (min)	½ height of the building	north – nil; south – 0.96 m
Rear yard	10 m	-
Building height (max)	14 m	-
Density	99 units per hectare	4 units (65 units per hectare)

In addition, the following site-specific provisions to the General Provisions (Section 5.17.1) are required to recognize existing parking conditions for the site:

Regulation (General Provisions)	Requirement	Site Specific (SP.24.219)
Parking Space Requirements (min)	2 spaces per unit = 8 spaces	1.25 spaces per unit = 5 spaces

The existing site parking configuration has been increased to accommodate five (5) spaces but is physically unable to accommodate eight (8) full size parking spaces as required by the By-law. The requested reduction of this requirement to 1.25 spaces per unit (5 spaces) is similar to the parking requirements for multi-dwelling units, which require 1.5 spaces per unit.

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, as applicable. These site design measures can also be used to mitigate any potential impacts and assist in ensuring compatibility with surrounding uses.

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:

- Infrastructure Services, Building
- Infrastructure Services, Transportation and Development
- Infrastructure Services, Environment
- Community Services, Orangeville Fire
- Heritage Orangeville
- County of Dufferin – Planning
- Rogers Communications
- Enbridge Gas Inc.
- Canada Post

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 September 23, 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. There were no questions or comments raised at the meeting which required further exploration as part of the application review process.

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.

Notice Provisions

The applications were received on April 15, 2020 and deemed incomplete by Planning Division staff on April 21, 2020 due to certain required supporting information not being included with the application submission. The applications were subsequently deemed complete on May 8, 2020 upon receipt of the outstanding submission material.

In accordance with the requirements of the Planning Act, on May 21, 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; and
- iv. posted via signage on the subject property.

A public information meeting was held in accordance with the Planning Act requirements on September 23, 2020. A Notice of Public Meeting was provided on September 3, 2020, in the same manner as described above.

Financial Impact

No financial impact is anticipated as a result of the recommendations of this report.

Respectfully submitted

Reviewed by

Douglas G. Jones, M.E.Sc., P.Eng.
General Manager, Infrastructure Services

Brandon Ward, MCIP, RPP
Manager, Infrastructure Services

Prepared by

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Attachment(s):

1. Location Map
2. Official Plan Amendment No. 125
3. Zoning By-law Amendment
4. Conceptual Site Plan