Planning Justification Report

for ...... 2416987 Ontario Inc. - Lang Construction Inc.

... in support of a 52 unit residential plan of subdivision and rezoning

... Egan Street, St. Marys, On

December 2019
1.0 Introduction

The following document is a Planning Justification Report for a plan of subdivision of 52 ground oriented attached dwellings, of mixed housing types, on a net site of 2.04 ha, in the Town of St. Marys, Ontario. The proponent owner is 2416987 Ontario Inc. – c/o Lang Construction Inc. The infill site location is in the north central older part of the Town. It is located along the north side of Egan Street between Wellington Street to the west, and James Street North to the east. See LOCATION MAP - Figure 1.

Figure 1 – Location Map showing the approximate location of the site in the red oval. (Source: Town of St. Marys Trail Map and Guide excerpt)

The subject lands are presently designated “Residential” in the St. Marys Official Plan, and zoned Residential RD. The "RD" zone symbol indicates that some form of residential development is contemplated in the future for the lands within the "RD" zone; however timing for development and development standards (i.e. housing type and density) still have to be determined. Permitted Interim Uses are Existing Uses. Therefore, the proposed residential development is not permitted by the existing zone. An application to amend the Zoning Bylaw to a site specific Residential zones is required and being applied for, to which this Report is a part.
This Report demonstrates that the proposed residential development would be in keeping with Provincial and Municipal land use planning policies, is suitable for the subject lands, and would be compatible with neighbouring land uses. In fact, it is the opinion of the writer that the mixed housing form residential development would significantly compliment the older, north central St. Mary’s neighbourhood, in terms of land use and offering a wider variety of housing types and design of built form.

2.0 Site Description and Development Proposal

Features of the site are as follows: SEE PHOTOS IN FIGURES 2 THRU 6.

SITE AREA – 2.04 ha
SITEFRONTAGE – 223.9 m
SITEDEPTH - ranges from:
- west boundary along Wellington street – 56.534 m
- east boundary abutting Holy Name of Mary School playground – 117.494 m
SITE SHAPE – irregular rectangular
SITE TOPOGRAPHY – gently undulating to flat but has some fill placed in mounds.

SITE SURROUNDINGS
NORTH – Grand Trunk Trail (multi-use for pedestrians and cyclists) then agricultural crop fields and zoned Open Space
EAST – Holy Name of Mary School playground, single detached residential and St. James Street North, and zoned Institutional-I and Residential - R2-1
SOUTH – Egan Street and then Holy Name of Mary School playground and single detached residential and zoned Institutional-I and Residential R2-1
WEST – Wellington Street then vacant land, and residential and zoned RD and R2.

PAST LAND USES – industrial, but buildings and parking areas etc., have been cleared.

The DEVELOPMENT PROPOSAL

The 56 dwelling unit development Proposal is a Plan of Subdivision (see in Appendix 1) of 6 LOTS and 4 BLOCKS, comprising:

- 4 SEMI-DETACHED BUILDINGS (8 units in total) on Lots 2 thru 5 fronting onto Egan Street - TO BE FREEHOLD.
- 2 buildings comprising 3 TOWNHOUSE DWELLING UNITS each (6 units in total) on Blocks 1 and 8 TO BE STANDARD CONDOMINIUMS. The 6 units would occupy 2171 m2 of land.
- 3 FOURPLEX BUILDINGS (8 units in total) on Lots 6 and 7 TO BE A STANDARD CONDOMINIUMS.
• 30 condominium townhouse units on Block 9 served by a private street of 6 m in width, accessing from Egan Street, and would occupy 14,121 m² of land – TO BE CONDOMINIUM (VACANT LAND). Therefore, each unit occupant would own a “unit” with a “front yard”, a “rear yard” and if an end unit, would also own a “side yard”. The UNIT is the land parcel upon which a dwelling unit is erected. The common element would be the private road that the Condominium Corporation would maintain.

The following definitions are taken from the Zoning Bylaw.

**3.47.9 Dwelling, Row or Townhouse** means a separate building that has been divided vertically into three (3) or more dwelling units each of which has a separate and independent entrance and which are separated from the adjoining unit or units by a common unpierced wall with no interior access between the units.

**3.47.10 Dwelling, Semi-Detached** means a separate building containing two (2) dwelling units that are divided vertically by a common unpierced wall with no interior access between the units and where each unit has a separate independent entrance directly from the outside.

**3.47.6 Dwelling, Fourplex** means a separate building containing only four dwelling units which are divided into four parts with each dwelling unit having an independent entrance, either directly or through a common vestibule.

In total, the project would be of 56 new housing units in the Town of St. Marys. A conceptual site plan and elevations of the buildings are contained in the Appendix. As part of and required by the subdivision proposal, is the Town’s initiative to rebuild Egan Street to provide full services and a new roadway with sidewalks, is underway and expected to be constructed during 2020.

**Photos of the Subject Site and Surrounding Land Uses:**

![Figure 2: Subject Lands centre and right, viewing Northwest from Egan Street (Source: KCI, 2019)](image-url)
Figure 3: Subject Lands, viewed northerly from Egan Street with Holy Name of Mary School playground to the right of chain link fence. (Source: KCI, 2019)

Figure 4: Viewing south along Peel Street from Egan Street (opposite the Site) showing Holy Name of Mary School, and Parish (Source: KCI, 2019)
3.0 Planning Policy Framework

Being situated in the Town of St. Marys, the proposal is subject to the Towns’ Official Plan, and the Provincial Policy Statement (PPS) which governs land use planning in all Municipalities throughout Ontario. Relevant policies from the aforementioned documents that create the planning policy framework for the proposed development are provided below.

3.1 Provincial Policy Statement (PPS):

The PPS generally encourages growth and infill development in settlement areas (Section 1.1.3.1). With respect to land use patterns in settlement areas (Section 1.1.3.2), the PPS states that land use patterns should be based on densities and a mix of land uses which efficiently use land and resources; and are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified or uneconomical expansion. Appropriate opportunities are to be identified for intensification and redevelopment (Section 1.1.3.3).

Housing shall have an appropriate mix of housing types and densities (Section 1.4.1). Healthy, active communities are promoted (Section 1.5.1). Full municipal services are the preferred method of servicing (Section 1.6.6.2). Long term prosperity should be supported by … promoting the development of brownfield sites (Section 1.7.1).

The proposed plan of subdivision supports the principles of building of strong communities and the wise use and management of resources in the Town of St. Marys as follows (Section 1.1):

- promoting efficient development and land use patterns;
- accommodating an appropriate range of and mix of residential ... affordable - - housing.
- promoting cost effective land use patterns
- ensuring that necessary infrastructure, ........ and public service facilities are or will be available to meet current and projected needs;

RESPONSE: In the opinion of the writer, the subject housing proposal would be consistent with the PPS because:

- The site is an infill site
- The site development would contribute to intensification
- The site redevelops a former brownfield site
- Full services will be available
- A mix of family type, affordable housing types are being proposed in the form of semis-detached residences and townhouses.

3.2 Town of St Marys Official Plan:

The subject lands are designated RESIDENTIAL on the Land Use Plan Schedule A – see Figure 7 following page.

The two major HOUSING GOALS of the St. Marys Official Plan are providing a range of housing accommodation suitable for all age groups and household incomes, and providing stable, attractive residential areas for all its residents (Section 2.1).

HEALTHY COMMUNITIES policies (Section 2.6) encourages actions/initiatives that support a healthy community ............... such as:

a) the development of a compact development form in order to encourage and facilitate active transportation (i.e. walking, cycling, etc.);  b) .................; c) subdivision designs that include suitable open space areas, incorporate walkways, and provide space for active living; .................
d) ......e) ........... and f) encourage the use of and sustain existing trails and open spaces throughout the Town and linkages with those in Perth County.
The adjacent Grand Trunk Trail and the grid street system support walking and cycling and supporting active living. The overall density of the proposed attached housing development is “compact”.

Section 3.1 of the St Marys Official Plan states:

“St. Marys continues to thrive as a community. Development activities averaging only 11 dwelling units per year in the mid 1980’s has swelled to over 40 dwelling units per year
over the last 15 years….The residential areas of the Town are well maintained and relatively free from conflicting land uses.”

The proposed plan of subdivision helps achieve the following residential objectives of the Official Plan (section 3.1.1.1) which are as follows:

- encourage the provision of an adequate supply and choice of housing
- promote creativity and innovation in new residential development
- provide an attractive and enjoyable living environment within the Town.
- promote housing for Senior Citizens; the handicapped and low income families.
- promote additional housing through intensification and redevelopment.
- encourage a diversification and inter mixing of different housing types and forms.

The proposed residential development would provide a variety of housing forms apart from single detached dwellings and would contribute to attractive affordable housing and a mix of housing types that cater to the local market.

![Figure 7: Location of Subject Lands on OP Land Use Schedule (excerpt) noting the RESIDENTIAL land use designation. (Source: Town of St. Marys)](image-url)
Section 3.1.2.4 is significant in that it states that *Council will favour residential intensification and redevelopment over new green land residential development as a means of providing affordability and efficiencies in infrastructure and public services.*

Section 3.1.2.5 sets out targets that the proposed residential development would help to achieve, specifically:

*Semi-detached, duplex dwellings 15-25 units per hectare;*  
*Townhouse dwellings 25-40 units per hectare;*  
The proposed residential development yields a density of 60 units on 1.4 ha = 34 units per ha.

Section 3.1.2.7 applies based on density exceeding 18 units per hectare, and the following items have been taken into account:

a) *not in excess of three full stories*  
b) *not present a hazard to buildings structures and residents;*  
c) *density shall not exceed 75 units per hectare;*  
d) *That the development is serviced by municipal water supply and sewage disposal facilities;*  
e) *is within 100 metres of an arterial or collector road;*  
f) *sufficient on-site parking is provided;*  
g) *adequate buffering, screening or separation distance is provided.*

Section 3.1.2.14 encourages the development of affordable housing with 30% of the new housing units created being considered by Council as affordable to households with incomes in the lowest 60 per cent of income distribution for Perth County households.  
The attached housing forms and compactness of the proposed housing development is likely to contribute to the affordability of housing in St. Marys.

Section 4.0 sets out policies for LAND DIVISION and states that .... *All proposed plans of subdivision will be carefully examined* on the basis of the following (summarized)  
- they will preclude the satisfactory use, development, or redevelopment of surrounding lands.  
- they will adversely affect existing amenities and the predominant character of the area  
- The social aspects of residential development, including the mix of housing types and the density of the development, shall be reviewed.  
- suitability for the intended purposes and their effect on public facilities, utilities, and services.  
- designed in a manner which is sensitive to the contour of the land.  
- unique natural assets, including topographic features of vegetation such
as groves of trees, and mature individual trees, should be preserved to the greatest extent possible.
- shall enter into subdivision agreements ..... 
- the developer pay a development charge fee .......
- that adequate services such as schools, municipal recreation facilities, fire protection, water supply, sewage disposal, storm drainage facilities, solid waste disposal facilities, and road maintenance are or can be supplied and that the provision of these services will not adversely affect the financial position of the Town.
- consider energy related factors in its review of proposed plans of subdivision.
- approve only plans of subdivision/condominium that conform to the policies and land use designation of this Plan.

**Section 4.1.2** sets out policies on STAGING OF PLANS OF SUBDIVISION

*It is the intent of this Plan that development by plan of subdivision in the Town be phased in accordance with the provision of full municipal services. ............. Proponents of plans of subdivision shall indicate their proposed staging and the facilities to be provided with each stage, when required by Council.*

**Section 7.10** of the Official Plan states that *Council should approve plans of subdivision that conform to the policies of the Official Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire and police protection, water supply, sewage disposal, storm drainage facilities, road maintenance, solid waste collection and disposal, and where such approval would not adversely affect the financial position of the Town.*

It is understood that the above facilities and services will be provided.

**REPONSE:** The proposed plan of subdivision respects and is in conformity with the Residential land use designation and related policies of the St. Marys Official Plan, in the opinion of the writer.

**Section 7.17.4** of the Official Plan, the following criteria must be addressed when considering a proposed Zoning By-law Amendment:

1. *the need for the proposed use;*
   Positive housing demand and continued growth projections for St. Marys are indicative of the need to ensure adequate housing supply for current and new residents. The proposed residential subdivision would provide desirable housing that would help meet this need.
II. 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;

The proposed single detached residential development would complement the existing housing stock in the Town of St. Marys, would likely be considered partly “affordable” and therefore fulfill some of the Official Plan housing objectives.

III. the compatibility of the proposed use with conforming uses in adjoining areas;

The proposed subdivision comprising all attached low rise, low density dwellings would be compatible with the surrounding land uses being mostly institutional and low density residential.

IV. 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;

The proposed low density residential development would be of high standard to compliment surrounding residential properties and be much more favourable than the prior industrial use.

V. the potential effects of the proposed use on the financial position of the Town;

The proposed subdivision would contribute positively to the tax base of the Town and help support local businesses.

VI. the potential suitability of the land for such proposed use in terms of environmental considerations;

The subject lands have been designated Residential in the Official Plan for a long time. It is timely that a development proposal of this quality is now being made.

VII. 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;
There would be adequate road infrastructure to support the planned development. Egan Street is to be rebuilt with full services.

VIII. the adequacy and availability of municipal services and utilities; and

Municipal sanitary and water services are available and would be utilized to support the planned subdivision.

IX. the adequacy of parks and educational facilities and the location of these facilities;

The subject lands are located centrally in the north part of the Town, close to play grounds, walking trails and within walking distance of Downtown and the River.

4.0 Town of St Marys Zoning By-law

The Town of St Marys Zoning By-law presently zones the subject lands Residential RD. Section 28.3.1 states:

The "RD" zone symbol indicates that some form of residential development is contemplated in the future for the lands within the "RD" zone; however timing for development and development standards (i.e. housing type and density) have yet to be determined.

Permitted Interim Uses: Existing Uses.

Since the RD zone does not permit semis, plexes or townhouse, an AMENDMENT to THE ZONING BYLAW is required by way of application AND TO WHICH THIS REPORT IS A PART.

Proposed Zoning

The proposed zoning is twofold. The semi-detached and plex units would utilize the RESIDENTIAL R4 zone. The townhouse units (Blocks 1 and 8 and Block 9) would utilize the RESIDENTIAL R5 zone. The 4-plex units would occupy Lots 6, and 7. The definitions of the housing forms from the Zoning Bylaw are as follows:

- **Dwelling, Fourplex** means a separate building containing only four dwelling units which are divided into four parts with each dwelling unit having an independent entrance, either directly or through a common vestibule.

- **Dwelling, Row or Townhouse** means a separate building that has been divided vertically into three (3) or more dwelling units each of which has a separate and independent entrance and which are separated from the adjoining unit or units by a common unpierced wall with no interior access between the units.
Dwelling, Semi-Detached means a separate building containing two (2) dwelling units that are divided vertically by a common unpierced wall with no interior access between the units and where each unit has a separate independent entrance directly from the outside.

The zoning regulations are compared to the three housing types Parts A, B, C and D. A summary of the various minimum lot frontage, depth, and area requirements are provided below:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>FRONTAGE (MIN.)</th>
<th>DEPTH (MIN.)</th>
<th>AREA (MIN.)</th>
</tr>
</thead>
</table>

**Bold type indicates a regulation that is not satisfied by the Proposal and special provision needed in the Zoning Amendment**

**PART A:** Blocks 1 and 8 – TOWNHOUSES (3 in a cluster for each block – 6 units)

<table>
<thead>
<tr>
<th>ZONE</th>
<th>FRONTAGE (MIN.)</th>
<th>DEPTH (MIN.)</th>
<th>AREA (MIN.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R5- townhouse</td>
<td>27.5 m (int) for first 3 Units and 29.0 m (corner) - need</td>
<td>37.0 m</td>
<td>1017.5 m²</td>
</tr>
<tr>
<td>Section 12.4 for the Block</td>
<td>= 27.5 /29.5 m</td>
<td></td>
<td>Density not to exceed 50 units per ha max</td>
</tr>
<tr>
<td>PROPOSED TOWNHOUSES</td>
<td>32.3m</td>
<td>30.60 m</td>
<td>Block 1 – 985 m²</td>
</tr>
<tr>
<td>R5- townhouse (Section 12.5 for Individual lots)</td>
<td>6.0 m – interior 10 75 m - end 12.25 m – corner</td>
<td>37.0 m</td>
<td>222 m² per unit - interior 397.75 per unit - end 453.25 m² per unit - corner</td>
</tr>
<tr>
<td>Density – 6 units = 63 upha</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Density – 6 units = 52 upha</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PART B:** Lots 2 thru 5 – SEMI-DETACHED (8 units)

<table>
<thead>
<tr>
<th>ZONE</th>
<th>FRONTAGE (MIN.)</th>
<th>DEPTH (MIN.)</th>
<th>AREA (MIN.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-semi regulations (Section 11.3) for Entire Lot</td>
<td>18.0m</td>
<td>30.0m</td>
<td>540m²</td>
</tr>
</tbody>
</table>

PROPOSED SEMI-DETACHED

<table>
<thead>
<tr>
<th>ZONE</th>
<th>FRONTAGE (MIN.)</th>
<th>DEPTH (MIN.)</th>
<th>AREA (MIN.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-semi regulations (Section 11.4) for Individual Lot</td>
<td>9.0m- interior 30.0m</td>
<td>270m²</td>
<td></td>
</tr>
</tbody>
</table>
**PART C: Block 6 and 7 – 4 PLEXES (8 units)**

<table>
<thead>
<tr>
<th>R4- 4-plexes (section 11.6)</th>
<th>21.0 m</th>
<th>37.0 m</th>
<th>777 m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPOSED 4–plex units</td>
<td>22.5 m</td>
<td>35.0 m</td>
<td>878 m²</td>
</tr>
</tbody>
</table>

**PART D: Block 9 – TOWNHOUSES (30 units)**

| R5- townhouse (section 12.4) for entire block | interior - 6.0m | 37.0m+ | 1017.5 m² | Density not to exceed 50 units per ha |
|-----------------------------------------------|-----------------|--------|------------|
| int - 8.0m                                   | end - 10.75     |        | 14,120.9m² | Density = 21.3 upha |
| PROPOSED TOWNHOUSE                           | end - 10.75m+   | >37.0m+|            |

<table>
<thead>
<tr>
<th>R5- townhouse (section 12.4) for Individual unit</th>
<th>interior 6.0 m</th>
<th>37.0 m</th>
<th>interior-222m² per dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>end – 10.75 m</td>
<td>corner – 12 25 m</td>
<td></td>
<td>end –397.75 m² per dwelling</td>
</tr>
<tr>
<td>PROPOSED TOWNHOUSE</td>
<td>appears compliant from site plan concept in Report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The bolded and underlined tabulations above indicate where the proposed residential development would not meet the existing zone regulations. They are summarized as follows:

1. The LOT DEPTH for TOWNHOUSES in Blocks 1 and 8 is to be 30.0 m instead of 37.0 m minimum.
2. The LOT DEPTH for the 4-PLEXES is to be 35.0 m instead of 37.0 m minimum.
3. The LOT AREA for the TOWNHOUSE in Block 1 is to be 985 m² minimum.
4. The DENSITY for the TOWNHOUSE in Block 1 and 8 is to be 63 and 52 upha respectively, maximum.
5. In addition, the Lang team advises that the standard lot coverage maximum of 40% is insufficient and needs to be increased to 50%. This increase was recently supported by
Council in a rezoning application by Meadowridge Properties Inc. rezoning application in St. Marys. The rationale is based on greater efficiency of utilizing land resources, encouraging a wider range of house types, the trend of increasing coverage or no coverage regulation at all depending otherwise on other regulations such as yard setbacks)

The above four regulations would have to be provided by SPECIAL REGULATION.

There is a further need to consider the regulations for the internal large townhouse block in that it is intended to be tenured as a CONDOMINIUM (VACANT LAND). In the Condominium (Vacant Land) legislation, the term “unit” is used to describe the land which the condominium owner would “own”, and then a dwelling unit is placed on the “unit” in which the owner would dwell and own. There appears to be provisions to regulate a condominium “unit” as there is for the traditional “lot”. The regulations such as setbacks and coverages are provided in the general regulations of the current Zoning Bylaw through the definition of LOT LINE as set out below. In examining the Zoning Bylaw for St. Marys, three relevant terms of “Lot” and “Condominium” are defined as well, as follows:

1. **Lot** means:
   (a) a parcel of land or contiguous parcels of land under one ownership, having frontage on a public street and which is described in a deed or other document legally capable of conveying an interest in land and which is on record in the Land Registry Office No. 44; or
   (b) a parcel of land shown as a whole lot or block on a registered plan of subdivision within the meaning of the Planning Act, having access on a public street, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed by the Council pursuant to the Planning Act.

2. **Condominium** means:
   a building or buildings in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the Condominium Act.

3. **Lot Line** means:
   means any boundary of a lot or the vertical projection thereof. Internal lot lines created by:
   (a) a registration of a plan of condominium; or
(b) a plan or plans of condominium registered on all or a portion of a lot which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the Planning Act;

(c) shall not be construed to be lot lines for the purposes of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are strictly observed.

5.0 Conclusion

The proposed 52 – dwelling unit residential subdivision is an infill form of development within an existing and desirable residential neighbourhood. The proposal seeks to maintain the desirability and character of this neighbourhood, and has therefore been designed to be of complimentary use, intensity and built form. Based on the aforementioned planning analysis, the proposal for a 56 unit attached, ground oriented, dwelling subdivision has been demonstrated:

1. to be a logical and suitable development of the subject lands at the given location which would provide desirable housing that is compatible with the surrounding built environment and amenities;

2. to be consistent with the PPS;

3. to conform to the Town of St Mary’s Official Plan;

4. to respect the intent and structure of the Town of St Marys Zoning By-law, notwithstanding some special provisions being required; and

5. to be appropriate for the Residential R4 and R5 Zones.

Thus, the proposal represents sound land use planning that is desirable for St. Marys, would contribute to the residential vitality of the Town, and supports the efficient use of land and resources. In turn, it is requested that:

I. the proposed 60 unit Draft Subdivision application be supported by the Town of St Marys Planning Staff and Council; and

II. the related Zoning By-law Amendment application to change the zoning of the subject lands from R4 and R5 be supported.
Bibliography

1. Provincial Policy Statement
2. Official Plan, Town of St. Marys
3. Zoning Bylaw, Town of St. Marys

Appendix

1. Draft Plan of Subdivision
2. Conceptual Site Plan of Townhouses
3. Conceptual Architectural Elevations – Townhouses