



# INFORMATION REPORT

<b>To:</b>	Chair and Members of the Advisory Committee
<b>Prepared by:</b>	Mark Stone, Planner
<b>Date of Meeting:</b>	2 December 2019
<b>Subject:</b>	<b>Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc. 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016)</b>

## PURPOSE

To provide background information, staff comments and recommended direction for Planning Advisory Committee's consideration with respect to the above referenced Official Plan and Zoning By-law Amendment Applications.

## RECOMMENDATION

**THAT** the Planning Advisory Committee receive this report; and,

**THAT** the Planning Advisory Committee recommend that Council refuse the Official Plan and Zoning By-law Amendment Applications by 1934733 Ontario Inc., 151 Water Street North, Town of St. Marys (File Nos: OP01-2016 and Z06-2016) for the reasons set out in this report.

## BACKGROUND

The subject property is a through lot with frontage onto Water Street North and Wellington Street North as shown on the general and specific location maps (refer to Attachment 2 of this report).

The applicant is seeking to develop the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, constructed in two phases. At full build-out, the development will consist of a mix of assisted living and seniors' apartment units with shared access to a dining hall and other ancillary uses such as a hair salon, games room and theatre room. Outdoor amenities include a patio/amenity area located at the north end of the property and resident gardens. On site parking for residents, visitors and staff will be provided via covered parking (first storey of some buildings) and surface parking areas.

Property Details	
Municipal Address	151 Water Street North
Lot Area	1.3 hectares
Official Plan	
Current	Residential
Proposed	Residential with site-specific exception to: <ul style="list-style-type: none"> <li>• permit mid-rise apartments with maximum density of 138.5 units/hectare and maximum heights ranging from 3 to 5 storeys</li> <li>• not apply Sections 3.1.2.3 and 3.1.2.5 of the Official Plan provided that:</li> </ul>

	<ul style="list-style-type: none"> <li>- an Amendment to the Town's implementing Zoning By-law is approved to regulate the residential use of the property. Such Zoning By-law Amendment shall place the subject land within a site-specific zone classification which will regulate the maximum building height, lot area requirements and building setbacks; and</li> <li>- the owner enter into an Site Plan Agreement with the Town to ensure that the building location, servicing arrangements, and building appearance (including building façades and cladding materials), will all be to the satisfaction of the Town.</li> </ul>
<b>Zoning By-law</b>	
Current	Development Zone (RD)
Proposed	Residential Zone Six (R6) with special provisions to: <ul style="list-style-type: none"> <li>• reduce the minimum lot area requirement from 550 m<sup>2</sup> for the first dwelling unit plus 90 m<sup>2</sup> for each additional dwelling unit to 550 m<sup>2</sup> for the first dwelling unit plus 69 m<sup>2</sup> for each additional dwelling unit</li> <li>• reduce the minimum front yard requirement from 7.5 to 3 metres</li> <li>• reduce the minimum rear requirement from 10.5 to 6 metres</li> <li>• increase the maximum building height requirement from 13.5 to 19.1 metres</li> <li>• increase the maximum number of storeys permitted from 3 to 5</li> <li>• deem Wellington Street North as the front lot line and Water Street North as the rear lot line</li> </ul>
<b>Surrounding Land Uses</b>	
North	<ul style="list-style-type: none"> <li>• Grand Trunk Trail</li> <li>• Lands designated Residential and partially draft plan approved and zoned to permit 168 single detached lots and approximately 55 townhouse units</li> </ul>
South	<ul style="list-style-type: none"> <li>• Low density residential</li> </ul>
East	<ul style="list-style-type: none"> <li>• Wellington Street North</li> <li>• Low density residential</li> <li>• Vacant (former industrial) property located at northeast corner of Wellington Street North and Egan Avenue (designated Residential and zoned Development Zone - RD)</li> </ul>
West	<ul style="list-style-type: none"> <li>• Water Street North</li> <li>• Low density residential</li> </ul>

A copy of the applicant's proposed Official Plan Amendment is provided as Attachment 3.

## DEVELOPMENT CONCEPT

The most recent proposed plans received by the Town in August 2017 are summarized as follows and copies are provided as Attachment 4:

- Site Plan (Drawing #A101) prepared by Phillip Agar Architect Inc. and dated August 8, 2017
- Schematic Elevations (Drawing #A301) prepared by Phillip Agar Architect Inc. and dated August 8, 2017
- Schematic Elevations (Drawing #A302) prepared by Phillip Agar Architect Inc. and dated May 1, 2017
- 3D Views (Drawing #A5) prepared by SPH Engineering Inc. and dated August 24, 2017

The following chart provides a summary comparison of the most recent development proposal (August 2017) to the initial proposal submitted with the applications in October 2016 and a resubmission in May 2017.

	OCTOBER 2016	MAY 2017	AUGUST 2017
<b>UNITS</b>			
Seniors Apartment	84	76	50 <sup>1</sup>
Assisted Living	115	126	130 <sup>2</sup>
<b>Total</b>	<b>199</b>	<b>202</b>	<b>180</b>
<b>LAYOUT</b>	<ul style="list-style-type: none"> <li>Buildings along south, west and north property lines</li> <li>Parking area facing Wellington Street North</li> </ul>	<ul style="list-style-type: none"> <li>Buildings along west, north, east and part of south property lines</li> <li>Parking area internalized</li> </ul>	
<b>GROSS FLOOR AREA</b>	18,565 m <sup>2</sup>	20,829 m <sup>2</sup>	22,689 m <sup>2</sup>
<b>DENSITY (units/ha)</b>	153	155	138.5
<b>PARKING</b>	132 (58 surface + 74 underground)	167 (62 surface + 105 covered)	107 (59 surface + 48 covered)
<b>BUILDING HEIGHTS</b>	<ul style="list-style-type: none"> <li><b>Phase 1</b> – 5 storeys<sup>3</sup></li> <li><b>Phase 2</b> – 5 storeys</li> </ul>	<ul style="list-style-type: none"> <li><b>Phase 1</b> – 4 storeys<sup>3</sup> and 5 storeys<sup>3</sup></li> <li><b>Phase 2</b> – 4 storeys</li> </ul>	<ul style="list-style-type: none"> <li><b>Phase 1</b> – 3 storeys<sup>3</sup> and 5 storeys<sup>3</sup></li> <li><b>Phase 2</b> – 3 storeys and 4 storeys</li> </ul>
<b>LOT COVERAGE</b>	35%		36%

Notes:

1 – 27 one-bedroom and 23 two-bedroom seniors apartment units

2 – 130 assisted living units

3 – part of basement above ground

Copies of the concept site plans and building elevations submitted by the applicant in October 2016 and May 2017 are provided as Attachment 5.

A copy of the most recent Planning Justification Report prepared by Sierra Construction Group (dated August 25, 2017) and an Addendum dated October 13, 2017 are provided as Attachment 6. In the October 13, 2017 Addendum, the applicant states that “the seniors’ apartments are proposed as ‘slab-on-grade’ construction (the main floor being covered parking) and the assisted-living portion is 5-storeys over a basement. Basement levels are not normally included in descriptions of the number of storeys even though they often contain habitable areas (e.g. a building with four floors of offices and three levels of underground parking would be considered to be a 4-storey office building). Due to the existing slope of the site, the assisted living portion would have a ‘walk-out’ basement at the north end”. It is recognized that it is common practice to not include underground areas in the description of the number of storeys in a building. However, portions of basements that are above ground are noted in the chart above for information purposes.

## Phasing

Phase 1 consists of 3 connected buildings along Wellington Street North and the north property line:

1. 1 storey covered parking + 3 storeys seniors' apartments
2. Basement + 5 storeys assisted living units
3. Basement + main floor entry lobby + 4 storeys assisted living units along north property line, transitioning to basement + 1 storey amenity area

**Phase 1 Gross Floor Area – 14,784 m<sup>2</sup>**

Phase 2 consists of 2 connected buildings along Water Street North:

1. 1 storey covered parking + 3 storeys seniors' apartments, transitioning to 2 storeys seniors' apartments near south property line
2. Basement + 4 storeys assisted living units

**Phase 2 Gross Floor Area – 7,905 m<sup>2</sup>**

## APPLICATIONS HISTORY

### 2016

October 17 - Official Plan and Zoning By-law Amendment Applications received by Town.

November 7 - The Planning Advisory Committee (PAC) received an Information Report dated November 4, 2016 regarding the preliminary review of the applications and requested that Staff prepare a follow-up report to address any issues and concerns raised at the meeting. Issues, comments and concerns discussed at the meeting included:

- concern that five storey buildings will be tallest in St. Marys and inappropriate in low density neighbourhood;
- shadowing and privacy impacts on adjacent lots;
- seniors housing is needed and appropriate but concerns with scale of development;
- concerns regarding location and design of loading and garbage areas, and patio;
- ability of Fire Services to respond to emergencies;
- increased traffic;
- impacts on servicing infrastructure;
- creating a precedent for future similar development in Town; and
- more appropriate to determine policies for heights and densities through Official Plan review rather than through site-specific applications.

### 2017

May 15 - The PAC received an Information Report dated May 15, 2017, deferred consideration of the applications to permit the applicant the opportunity to address issues including compatibility and scale of development, and directed Staff to prepare a final recommendation report to the PAC based on the review of revisions to the applications.

August 25 - Revised site plan, schematic elevations and 3D view plans, and revised planning justification report received by the Town.

October - Planning justification report addendum received by the Town. Following review of the revised submission, staff advised the applicant that there continue to be concerns with the scale of the proposed development and that the planning justification submissions did not provide sufficient analysis and justification to support the proposal. The applicant indicated to staff that they were satisfied with their latest submission and requested that the Town proceed to public meeting.

November 20 - The PAC received an Information Report dated November 15, 2017 and passed a resolution recommending that Council proceed to public meeting.

## **2018**

January 9 - Council held the statutory public meeting, received a Formal Report dated January 9, 2018 and passed a resolution directing that the comments received at the public meeting be addressed in a comprehensive report presented at a subsequent PAC meeting, outlining staff recommendations on the disposition of the applications. A copy of the minutes of the public meeting are provided as Attachment 7. There were comments and concerns discussed at the public meeting including, but not limited to:

- concerns that the proposed development is not compatible with the neighbourhood / no effort to blend the design of the development with the community;
- potential impacts on the property designated under the Ontario Heritage Act at 137 Water Street North and insufficient consideration of the cultural heritage of the area;
- insufficient demonstrated need for this type of housing;
- support for the project due to economic benefits to the Town in the form of additional full-time jobs, and increased tax base and demand for medical, personal, entertainment and retail services from residents and visiting relatives/friends;
- impacts on viewscales;
- shadowing impacts;
- traffic and parking issues;
- many of the residents of the proposed facility may have acute or chronic health needs, and this may affect wait times at the local hospital; and,
- ability of the Town to provide appropriate fire services.

February 12 – Town staff met with applicants to discuss comments received at the public meeting, outstanding issues and requirements to demonstrate conformity with the Official Plan.

February 16 - M. Stone letter to applicant (K. Thompson) reiterating that:

- the resubmission received in the Fall of 2017 demonstrated some minor changes in the heights of some buildings however overall, changes to the proposal were limited and the revised planning justification submission did not provide an acceptable analysis of character, design, etc.;
- there is the need to identify and discuss the character of the neighbourhood based on a variety of attributes and accounting for differing contexts/interfaces; and,
- following the character assessment, the applicant should provide a summary of how the design of the proposed (revised) development responds to these attributes, and to evaluate the proposed development and site alterations to ensure that the heritage attributes of the designated heritage property adjacent to the south property line on Water Street will be conserved.

February 22 - Letter from C. Jasinski to M. Stone indicating that they did not understand some issues discussed at the last meeting but would undertake “to address with more clarity, the character

assessments and how a development could respond to those conditions” and provide additional information.

March 5 - C. Jasinski email to M. Stone stating that that the concerns of the Town would be addressed expeditiously and that “it will likely be best to engage an independent Planner to take the rezoning process forward from this point” and that the process of interviewing planners was underway.

May 30 - M. Stone letter to C. Jasinski referencing March 5<sup>th</sup> email and noting that the Town had not received any update regarding the status of the applications, and requesting an update in writing no later than June 13, including when the Town could expect a resubmission to address concerns raised by the Town.

June 12 - C. Jasinski letter to G. Brouwer and M. Stone stating that C. Zaluski and C. Jasinski were discussing a re-organization of the ownership structure of their company and once resolved, an independent planner will be retained. C. Jasinski also noted that “the concerns the Town is putting forth have been clear for a long time and could have been addressed in a much more efficient manner than we have done”. C. Jasinski also requested a meeting “with the intent of refining the planning report and drawing set to address your concerns and will be calling soon to coordinate our schedules”.

July 13 - G. Brouwer email to C. Jasinski referencing May 30 and June 12 letters and stating that there had been no substantial movement forward with respect to addressing Town concerns, and requested a written update no later than August 8 and timing for a resubmission as Town Council is expecting an update at the August 28 meeting.

August 1 - G. Brouwer and M. Stone met with C. Jasinski, K. Thompson and B. Jasinski. C. Jasinski presented concepts showing a preliminary revised design showing reduced densities, massing, etc.

## **2019**

June 27 - C. Jasinski email to G. Brouwer and M. Stone informing the Town that he has agreed to sell his interest in the company.

June 28 - Town receives Urban Design Brief prepared by Sierra (dated June 12, 2019) – copy provided as Attachment 8.

September 12 - Town emails Peer Review of Urban Design Brief by Zelinka Priamo (dated September 12, 2019) – copy provided as Attachment 8

September 17 - S. Cornwell letter to M. Stone responding to September 12, 2019 Peer Review – copy provided as Attachment 8

November 4 - G. Brouwer and M. Stone met with C. Zaluski and S. Cornwell. During the meeting, the applicants indicated that it was their understanding that an urban design brief was suggested by the Town to assist in providing design justification to address concerns from the community. Town staff reminded the applicant that assistance from an architect or urban designer was recommended to assist the applicant in providing information and analysis lacking in the planning justification submissions. The applicants also suggested that the proposed development is appropriate as it meets the maximum lot coverage requirements of the Town’s R6 Zone. Town Staff reminded the applicants that lot coverage is not the only issue when considering compatibility, massing, building heights, etc. The applicants were reminded that the issues related to Official Plan conformity have been discussed throughout the process, and that Town staff have made a number of suggestions to address issues with their planning justification submissions and to modify the design of the site. At the end of the meeting, Town staff requested a response no later than November 8 indicating if they will be addressing outstanding concerns and issues, including those identified in the Peer Review of the Urban Design Brief.

November 11 - C. Zaluski and S. Cornwell letter to G. Brouwer and M. Stone requesting that the Town proceed to schedule a meeting with the PAC to consider their applications, stating that they “remain entirely satisfied that our applications are consistent with the Provincial Policy Statement and in compliance with the Official Plan of the Town of St. Marys (outside of our proposed site-specific changes), and that their approval represents good planning”. A copy of the letter is provided as Attachment 8.

In the November 11 Sierra letter, the applicants indicated that they were surprised to learn that their development is not in conformity with the Official Plan and would have expected such information to be included in the November 15, 2017 or January 9, 2018 staff reports. Town staff have indicated conformity issues on a number of occasions as noted above. In the November 15, 2017 staff report to PAC and Jan 2018 public meeting report, there was no suggestion by Town staff that the development conforms with the Official Plan, and did state there are a range of outstanding issues. In February 2018, in a meeting and a letter the Town indicated that the applicant has not demonstrated conformity with the Official Plan.

In the November 11, 2019 letter, the applicants also stated they were surprised that the Zelinka Priamo Peer Review memorandum did not note any Official Plan compliance issues either. Town staff notes that the applicant’s Planning Justification Report and Addendum already discussed Official Plan conformity and Zelinka Priamo was not asked to review these documents. Zelinka Priamo was retained to peer review the Sierra Urban Design Brief which did not include a review of Official Plan policies.

The applicant also stated that they were surprised that staff was not aware of their concerns about the Peer Review and refused to explain Official Plan policies in which there was non-conformity. At the November 4, 2019 meeting, staff specifically referenced their correspondence and invited the applicants to elaborate on their concerns so that the Town could respond. In addition, staff did not refuse to discuss the Official Plan policies where there were conformity issues. Staff clearly stated that the issues continue to be with respect to the scale of the development, compatibility, lack of a fulsome assessment of the character of the area, lack of consideration of the attributes of the adjacent property designated under the Ontario Heritage Act, etc. During the meeting and as reflected in the November 11, 2019 letter, the applicants indicated that they are satisfied with their proposed development and have no interest in revising their submission.

## **REPORT**

### **PLANNING CONTEXT**

#### **Provincial Policy Statement**

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The purpose of this section is to identify policies in the PPS relevant to these Applications.

Section 1.1.1 of the PPS states, in part, that “healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and

commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs”.

Section 1.1.3.2 states, in part, that “land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which: 1. efficiently use land and resources; 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated”.

Section 1.1.3.3 states that “planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety”.

Section 1.1.3.4 states that “appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”.

Section 1.4.3 states, in part, that “planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- b) permitting and facilitating: 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”.

With respect to cultural heritage, the following PPS policies apply:

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.



2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”.

‘Adjacent lands’ are defined as for the purposes of policy 2.6.3, “those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan”.

‘Protected heritage property’ is defined as a property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

‘Heritage attributes’ is defined as the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).

### Town Official Plan

The subject property is currently designated Residential in the Town Official Plan. The primary use of land in the Residential designation is for a range of dwelling types from single detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan.

The following identifies and discusses relevant Official Plan policies.

SECTION	POLICY
<b>Section 2 – Goals and General Principles</b>	
2.1.1	Residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes.
2.1.2	The Town will endeavour to provide stable, attractive residential areas for all its residents.

The development of this site for seniors’ housing would contribute to the supply of housing accommodation in the Town.

SECTION	POLICY
<b>Section 2.3.2 – Heritage Conservation Policies</b>	
2.3.2.2	The “Heritage Conservation” policies shall apply throughout the Town, where applicable. The locations of Heritage Conservation Sites are shown on Schedule “D” to this Official Plan. Schedule “D” shows the location of those sites that are “Category 1 – Designated” for heritage conservation under Part IV of the Ontario Heritage Act as well as other sites of interest. Those sites identified on Schedule “D” as “Category 1 – Not Designated” are worthy of designation for reasons of architectural/historic significance and a designation for heritage conservation would be recommended for approved by the St. Marys Heritage Committee. Those sites identified on Schedule “D” as “Category 2 – Not Designated” and “Category 3 - Not Designated” are also important and may be worthy of designation for reasons of architectural/historic significance but may be less important or have been somewhat altered from their original condition.

SECTION	POLICY
2.3.2.4	In considering development applications, Council will attempt to protect the cultural heritage resources in its context by promoting the redevelopment of designated historical properties with uses compatible with the historical or architectural character of the structures(s) or natural features on the properties. Where this is not feasible, Council will attempt to protect important aspects of the cultural heritage resources, or where this is not feasible; will encourage the re-creation of the cultural heritage resources.

The subject property is identified on Schedule “D” as “Category 3 – Not Designated” however, the property is not identified on the Town’s Properties of Cultural Heritage Value list. 137 Water Street North was designated under the Ontario Heritage Act (OHA) in November of 2013 and not reflected as such on Schedule “D” of the Official Plan. Schedule “D” identifies other nearby properties Designated under the OHA and Not Designated – Categories 1, 2 and 3.

SECTION	POLICY
<b>Section 2.6 – Healthy Communities</b>	
2.6	Council encourages actions/initiatives that support a healthy community in the Town of St. Marys and healthy living by the residents of the Town. While the ability of an Official Plan document to achieve a healthy community and healthy living in the Town is limited, this Official Plan supports and encourages actions/initiative such as:  a) the development of a compact development form in order to encourage and facilitate active transportation (i.e. walking, cycling, etc.);

The proposal does represent a compact form of development.

SECTION	POLICY
<b>Section 3.1.1 – Residential Objectives</b>	
3.1.1.1	To encourage the provision of an adequate supply and choice of housing for the existing and future residents of St. Marys in terms of quality, type, location and cost.
3.1.1.3	To maintain and improve the existing housing stock and character of residential areas.
3.1.1.4	To prevent the location of non-compatible land uses in residential areas.
3.1.1.5	To continue to provide an attractive and enjoyable living environment within the Town.
3.1.1.6	To promote housing for Senior Citizens; the handicapped and low income families.
3.1.1.7	To encourage and promote additional housing through intensification and redevelopment.
3.1.1.8	To encourage a diversification and inter mixing of different housing types and forms.

The proposed development would contribute to the supply and choice of housing in the Town by providing a mix of seniors’ apartments and assisted living units through the redevelopment of this site. Refer to the Neighbourhood Character / Compatibility section of this report with respect to Residential Objective 3.1.1.3 (i.e. character of residential areas).

SECTION	POLICY
<b>Section 3.1.2 – Residential Policies</b>	
3.1.2.2	Within the “Residential” designation on Schedule “A”, the primary use of land shall be for a range of dwelling types from single-detached dwellings to walk-up type apartments, parks and open spaces, as well as the institutional uses.

SECTION	POLICY
3.1.2.3	Residential infilling type development is generally permitted throughout the “Residential” designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). In cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be considered to permit the proposed development provided that the spirit of this Section is maintained.
3.1.2.4	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.
3.1.2.5	<p>When reviewing development or redevelopment proposals, Council shall consider following density targets:</p> <ul style="list-style-type: none"> <li>a) Single-detached dwellings 10-15 units per hectare;</li> <li>b) Semi-detached, duplex dwellings 15-25 units per hectare;</li> <li>c) Townhouse dwellings 25-40 units per hectare;</li> <li>d) Low rise apartments 40-75 units per hectare.</li> </ul> <p>Council may moderately increase or decrease these densities dependent upon specific site circumstances, provision of on-site amenities, and capabilities of municipal servicing systems to accommodate any increase.</p> <p>Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development.</p>
3.1.2.7	<p>In reviewing proposals for residential development with a net density of more than 18 units per hectare, Council shall consider the impact on municipal capacity, hard services and utilities including sanitary sewer, municipal water supply, storm drainage, service utilities and roadways. Council shall take the following into account prior to enacting an amendment to the Zoning By-law:</p> <ul style="list-style-type: none"> <li>a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;</li> <li>c) That the net density of development shall not exceed 75 units per hectare;</li> <li>d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;</li> <li>e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule “B” of this Plan; and</li> <li>f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing.</li> </ul>
3.1.3.8	Proponents of townhouse and apartment developments are encouraged to provide on-site recreational facilities in keeping with the proposed development.
3.1.2.12	Council intends to monitor the need and demand for various types of housing, including the need for additional senior citizen facilities and those with special needs through bi-annual review of relevant statistical information related to demographics, building permits and types of dwellings constructed.
3.1.3.13	<p>If sufficient demand is demonstrated, Council may endeavour to encourage the provision of senior citizen and assisted family housing through participation in various programs of the senior governments.</p> <p>Council, seeking to provide a balanced mix of housing types, has established targets of 60% lower density single-detached dwellings, 20% medium density attached dwellings and 20% higher density dwellings. These targets are holistic to the Town and it is not Council’s intention that every development will meet these objectives.</p>
3.1.2.14	Council will encourage 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.

SECTION	POLICY
3.1.2.17	Institutional uses of land such as hospitals, churches, schools, parks, senior citizen homes etc. are permitted in the “Residential” designation on Schedule “A” of this Plan except where prohibited by the policies of Section 3.8 of this Official Plan.
3.1.2.23	The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various forms of housing types. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).

A range of residential uses, ranging from single-detached dwellings to walk-up type apartments, are permitted in accordance with Section 3.1.2.2. The proposed site-specific Official Plan Amendment is required to permit low rise apartments.

The applicant provided a discussion of Section 3.1.2.3 in their August 2017 Planning Justification Report. However, the analysis was selective and did not sufficiently define the attributes of the neighbourhood and demonstrate that the proposed development is in keeping with these attributes. Refer to the Neighbourhood Character / Compatibility section of this report for further discussion in this regard. It is also noted that in the October 2017 Planning Justification Report Addendum, the applicant suggests that Section 3.1.2.3 should not apply to the proposed development and that the final sentence of the policy confirms that the “policy is intended to guide consideration of Zoning By-law Amendment and Minor Variance applications for infill developments”. Section 3.1.2.3 applies to all proposed infill development:

- stating that residential infill development is generally permitted in the Residential designation provided such development is in keeping with the attributes of the neighbourhood;
- setting out considerations for the required evaluation of neighbourhood attributes for infill development; and,
- stating that if existing zone provisions are not met, an amendment to the Zoning By-law or minor variance may be considered provided the spirit of the Section is maintained.

The applicant is requesting an exception in the Official Plan that would exempt the development from Section 3.1.2.3.

The applicant is also proposing site specific provisions that would exempt the property from Section 3.1.2.5 of the Official Plan provided an amendment to the Zoning By-law is approved to apply site-specific provisions and the owner enters into a site plan agreement with the Town.

SECTION	POLICY
<b>Section 5 – Transportation and Services</b>	
5.3.1.2	The Collector Roads collect traffic from the Local Roads and distribute it to the other Local Roads and to the Arterial Roads. (Schedule “B” of the Official Plan illustrates the roads that are currently classed as Collector Roads.) Collector roads connect to all other roads. All types of traffic utilize these roads although trucks are typically service types. Traffic flow is interrupted by stop conditions and turning at land access points. The right-of-way for Collector Roads is generally 26 metres, with direct access and on street parking regulated. Generally, sidewalks are provided on both sides of the road.
5.3.1.3	The Local Roads collect traffic from lands that are adjacent to the roads. They carry low volumes of traffic (with not set standard) since most of the traffic on a local road will have its origin or destination to be to the lands that lie alongside the road. (Schedule “B” of the Official Plan illustrates the roads that are currently classed as the Local Roads.) Local roads connect primarily

SECTION	POLICY
	Collector roads and other local roads. The traffic flow is interrupted frequently as vehicles are turning into driveways. The right-of-way for Local Roads is generally 20 metres with direct access and on street parking both being permitted. Generally, sidewalks are provided on one side of the road.
5.3.8	All new developments must front on and have access to a public road, which is constructed to meet the minimum standards established by Council. New development or redevelopment proposals of more than thirty (30) dwelling units shall incorporate at least two points of public road access. Council will not approve infilling development in areas served by only one public road if those areas currently exceed thirty (30) dwelling units or where such infilling development will increase the number of dwelling units beyond thirty (30) dwelling units.
5.3.9	Access driveways should not create traffic hazards. The driveways should be limited in number and designed to minimize dangers to pedestrians and vehicles. Council may regulate the number of driveway access as a function of the road classification.
5.3.12	To meet the needs for the growing community, Council may need to extend existing roads or construct new roads or bridges. The location of new or extended roads and proposed roads are shown on Schedule "B". The locations shown on Schedule "B" are to be considered as approximate and not absolute.
5.3.13	In consideration of pedestrian safety, Council had developed guidelines for sidewalk development in the Town. Generally, sidewalks are included on both sides of Arterial and Collector Streets and on one side for Local Streets and cul-de-sacs with higher lot/unit counts.

According to Schedule "B" of the Official Plan, Wellington Street North is classified as a Collector Road, while Water Street North is classified as a Local Road. The Town will require the provision of sidewalks in accordance with the Official Plan and Town development standards. The Town's Public Works Department has not identified any major concerns with respect to transportation considerations however, more detailed submissions and review will be required at the site plan approval stage.

SECTION	POLICY
<b>Section 7.17 – Review of Official Plan and Amendments</b>	
7.17.4	<p>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:</p> <ul style="list-style-type: none"> <li>a) the need for the proposed use;</li> <li>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;</li> <li>c) the compatibility of the proposed use with conforming uses in adjoining areas;</li> <li>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;</li> <li>e) the potential effects of the proposed use on the financial position of the Town;</li> <li>f) the potential suitability of the land for such proposed use in terms of environmental considerations;</li> <li>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;</li> <li>h) the adequacy and availability of municipal services and utilities; and</li> <li>i) the adequacy of parks and educational facilities and the location of these facilities.</li> </ul> <p>If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.</p>

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 certain criteria. The applicant has indicated that a market study has been prepared by CBRE however, this has not been provided to the Town. Compatibility of the proposed use is discussed in the Neighbourhood Character / Compatibility section of this report. Any potential environmental considerations will be assessed at the site plan approval stage however, the applicant has indicated that Phase 1 and Phase 2 Environmental Assessments have been conducted and no environmental concerns were noted. The existing road system in the area is adequate to accommodate the proposed uses and existing services and utilities are available to service the property.

### Town Zoning By-law

The subject property is currently zoned Development Zone (RD) in the Town’s Zoning By-law Z1-1997. Permitted uses are limited and Section 28.3.1 states that “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”.

### COMMUNICATIONS

The following is a summary of comments received from Town Departments and agencies to date.

Department/ Agency	Date	Summary of Comments
Upper Thames River Conservation Authority	October 28, 2016	<ul style="list-style-type: none"> <li>• No objection to Applications</li> <li>• 15 metre setback from existing fence line must be maintained</li> </ul>
	January 9, 2018	<ul style="list-style-type: none"> <li>• No additional comments</li> </ul>
Fire Chief/CEMC	November 1, 2016	<ul style="list-style-type: none"> <li>• Although the St. Marys Fire Department has the ability to fight a fire in the buildings proposed for this development, there are several operational considerations for the Fire Department in servicing structures of five storeys in height.</li> <li>• A secondary means of providing rescue from an elevated platform, such as windows and balconies above the third storey, would not be achieved. The reason for this is the St. Marys Fire Department currently owns a 50 foot Aerial Ladder truck. The placement of the vehicle and proper angulation of the ladder to perform such rescue operations would not prove favourable for a structure exceeding three storeys in height. There are future plans to purchase a 75 foot Aerial Ladder truck. This would assist in meeting those demands.</li> <li>• Currently, none of the Fire Department’s ground ladders would be able to reach the top three floors. The Fire Department currently owns a 40 foot ladder which would not be adequate to service this building.</li> <li>• The Fire Department currently does not have the equipment to assist with fighting a fire in a structure of this height, including high-rise packs that the firefighters would carry containing hoses, nozzles, wrenches, etc. required to connect to a standpipe system to assist in fighting a fire on a given floor.</li> <li>• This Department requires that it be demonstrated that water servicing is adequate in the immediate area of the development to</li> </ul>

Department/ Agency	Date	Summary of Comments
		<p>provide fire protection to the site. Size of fire mains; and pressure and volume of water in the immediate area need to be confirmed.</p> <ul style="list-style-type: none"> <li>The Fire Department requires further details on the degree of Assisted Living proposed within the complex.</li> </ul>
	September 6, 2017	<ul style="list-style-type: none"> <li>No issues with August 2017 resubmission.</li> </ul>
<b>Town Engineering and Public Works Department</b>	November 1, 2016	<ul style="list-style-type: none"> <li>The primary vehicular access to the site as proposed from Wellington Street North is preferred.</li> <li>Proposed delivery truck entrance off of Water Street is not preferred. Proponent to clarify whether loading area is appropriately designed for truck maneuvering.</li> <li>Applicant to confirm sanitary system capacity requirement and that sanitary servicing to property is adequate.</li> <li>Applicant to confirm water system capacity requirement for fire protection and hydrant flow testing will need to be completed to confirm water servicing to property is adequate.</li> <li>Concrete curb and gutter system to be extended northerly from current termination point on Wellington St. adjacent to the property.</li> <li>Visual block should be provided for proposed garbage storage.</li> </ul>
	November 24, 2016	<ul style="list-style-type: none"> <li>Town's sanitary treatment and conveyance system, and water supply and distribution system are adequately sized to accommodate the proposed use. Assumptions on flow volumes generated from the site will need to be verified prior to site plan approval.</li> </ul>
	September 6, 2017	<p>Regarding August 2017 resubmission:</p> <ul style="list-style-type: none"> <li>Although servicing capacities were tentatively confirmed in theory, the developer at this stage has not provided any specific details to fully confirm system capacities. Capacity confirmation for utilities would be confirmed during detailed design.</li> <li>Regarding the garbage and delivery entrance for Phase I located at the north extent of the development, previous reviews identified a desire to have a hammerhead installed to prevent backing out onto Wellington Street in proximity to the intersection, as well as its collector road status, and potential extension north. The current design still does not identify this aspect.</li> </ul>

Public submissions received are provided in Attachment 9 of this report.

## PLANNING ANALYSIS

The proposed development supports Provincial and Town policies with respect to encouraging development that efficiently uses land, infrastructure and public service facilities, and that provides a range and mix of housing types and densities to meet the needs of current and future residents.

However, Sections 1.1.3.3 and 1.1.3.4 of the PPS speak to planning authorities promoting intensification and redevelopment that takes into account existing building stock or areas, and also promoting appropriate development standards to facilitate such development. As discussed below, the proposed development represents an inappropriate level of intensification given the context of the surrounding area and the requested amendments do not provide appropriate development standards to regulate the proposed form of development on this property.

The applicant has not met the tests of the Official Plan with respect to demonstrating that the proposed development will be in keeping with the attributes and character of the surrounding neighbourhood.

### **Neighbourhood Character / Compatibility**

The area surrounding the subject property is predominantly characterized by one and two storey single detached lots and some of the key features of the area are the greenery, open spaces and spacing between buildings.

Residential objective 3.1.1.3 of the Town's Official Plan is to maintain and improve the existing housing stock and character of residential areas. The applicant has not sufficiently defined the character of the area nor demonstrated that the proposed development will maintain and improve the character of this residential area.

Section 3.1.2.3 of the Official Plan generally permits residential infill development in the Residential designation provided such development is in keeping with the attributes of the neighbourhood "in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height)". The applicant's planning justification and urban design submissions do not sufficiently identify and discuss the attributes of the neighbourhood in terms of building type, form, spatial separation, setbacks, massing, scale and height.

Town staff is concerned that there will be significant impacts on the character of the area due to the combination of proposed building heights and lengths, and reduced setbacks along road frontages.

In the August 2017 Planning Justification Report, the applicant suggests that "as the former school was deemed compatible with the surrounding neighbourhood when it was constructed, the proposed residential infill will be compatible in the same way". Staff does not agree with this assumption. The previous school design and built form had significant differences in terms of massing, heights and setbacks of buildings, and lot coverage/amount of open space, when compared to this proposed redevelopment project.

In the August 2017 Report, the applicant also states that "the height of the proposed senior's complex is comparable to the former school". The applicant goes on to state that "the lot coverage of the development is proposed to be 35%, which is identical to the lot coverage of the surrounding R2 neighbourhood's maximum lot coverage. Similarly, both the R6 and R2 zones require 30% landscaped open space". Town staff is of the view that these comparisons are selective and do not provide appropriate justification for the scale, height and coverage of the proposed development. While the R2 Zone permits a maximum lot coverage of 35 percent and requires a minimum of 30 percent landscaped open space, the only permitted dwelling type is a single detached dwelling with a maximum building height of 10.5 metres. The Zoning By-law Amendment Application for the subject lands is proposing site specific regulations to permit low rise apartments with a maximum height of 19.1 metres, which would permit a scale of development that is very different to what is permitted in the R2 Zone.

### **Density**

In the August 2017 Planning Justification Report, the applicant states that "due to the nature of a senior's development, the higher density will not equal a high impact on the surrounding neighbourhood" and contends that "this can be demonstrated by examining existing densities in the Town of St. Marys". The applicant mistakenly assumes that a residence for seniors means that there will not be a high impact on the surrounding neighbourhood and it raises a question: does the applicant suggest that impacts are acceptable provided such impacts are not "high"? The applicant references other developments in Town with similar or higher densities and on this basis, seems to therefore



conclude that this proposal is appropriate in this neighbourhood, without any detailed assessment of the specific developments and surrounding neighbourhoods.

The applicant also states that “the proposed 138.5 units per hectare (UPH) would not be the most dense development in the Town” with “the Kingsway Lodge and Mattiussi Apartments have a density of 170 UPH, the Trillium Apartments have a density of 149.3 UPH, and many other developments have a density higher than the maximum permitted 75 UPH (Knox Apartments, Jones St. Apartments, and the Cain Street Apartments)”. What the applicant fails to point out is that the proposed development at 151 Water Street North will have a significantly higher gross floor area (GFA) and floor space index (FSI) than the other developments referenced. FSI is calculated by dividing the GFA of the proposed development by lot area. This is an important, overlooked consideration because it provides an indication of the scale and massing of development. The following chart provides a comparison of the proposed development to existing apartment-type development in St. Marys

Name	Storeys	Property Size (ha)	Units	Density (units/ha)	GFA (m <sup>2</sup> )	FSI
Kingsway Lodge	3.5	0.63	108	171.4	6,038	0.96
Knox Apts.	3	0.21	17	81.0	2,075	0.99
Mason Apts.	2.5	0.43	24	55.8	1,737	0.40
Wildwood Nursing	1	1.56	85	54.5	3,376	0.22
Trillium Apts.	4	0.20	30	150.0	2,072	1.04
Mattiussi Apts.	3	0.14	24	171.4	1,774	1.27
Cain St. Apts.	3	0.08	6	75.0	356	0.45
Elgin St. Apts.	2	0.13	6	46.2	734	0.56
Little Falls Co-op	2	0.49	35	71.4	2,078	0.42
Stoneridge	2.5	1.40	30	21.4	4,055	0.29
<b>151 Water Proposal (Aug 2017)</b>	3 to 5	1.30	180	138.5	22,689	1.75

Of the properties referenced by the applicant, the Kingsway Lodge is 3.5 storeys in height, has 108 units and fronts onto Queen Street East (an Arterial Road). The Mattiussi Apartments is 3 storeys in height, has 24 units, is located on lands designated Central Commercial and fronts onto Church Street (Arterial Road). The Trillium apartments is 4 storeys in height, has 30 units, fronts onto Queen Street West (Arterial Road) and is located in a mixed-use neighbourhood with low density residential, commercial uses and the St. Marys Memorial Hospital directly across on the north side of Queen Street West.

Section 3.1.2.5 of the Official Plan identifies a target density for low rise apartments ranging from 40 to 75 units per hectare subject to Council allowing moderate increases or decreases subject to certain criteria. The applicant is proposing 180 units which is almost double what would be permitted at a density of 75 units per hectare (i.e. 1.3 ha x 75 = 97.5 units).

### Urban Design Brief and Peer Review

Following a review of the various submissions, Town staff suggested that the applicant have their architect or urban designer prepare an urban design brief to assist with the Official Plan conformity exercise, including neighbourhood character assessment and recommended changes to the design of their proposal. The purpose of an urban design report is to describe an overall design strategy for a

proposed development and to assess how the proposal responds to the surrounding physical context and conforms to applicable planning policies.

### **Urban Design Brief**

The applicant submitted an Urban Design Brief (UDB) dated June 12, 2019 and prepared by Sierra Construction Group in support of the applications. The UDB provides a site description, a review of existing neighbourhood character, and a proposed facility design response. The following is a summary of the discussion in the proposed facility design response:

- Like the institutional uses previously occupying the site, the proposed building is significantly larger than the surrounding built form.
- The proximity to the streets provides for the extension of the built form along Water Street North and Wellington Street North, helping to define and delineate the extent of the public realm within those corridors.
- The proposed facility has been designed with three storey portions bordering the existing single-family homes adjacent to the south of the subject property to avoid shade/shadow and loss of privacy impacts, as well as to more seamlessly integrate the proposed facility into the scale of existing development.
- The design utilizes the existing slope of the site, which slopes down towards the small watercourse at the north end of the site, to reduce the visibility of the taller portions of the planned buildings. The northerly residential units would have views overlooking the small ravine and trail area, without impacting the use of existing residential areas to the east, west and south.
- The centralized surface parking generally reflects rear-access, shared driveway facilities in the area, albeit at a larger scale. This arrangement reduces the visibility of surface parking area, and is in keeping with the character of the existing neighbourhood.
- While no new construction could be expected to perfectly match the 19<sup>th</sup> century characteristics of existing development in the area, the building façade would include a mix of brick and stone cladding as well as window elements that are generally consistent with the existing buildings. The massing of the building would be fragmented through roof design elements, textures, fenestration, and projections.

The UDB provides the following summary:

1. The existing neighbourhood has a character that is a mixture of late 19th century homes on the west, and early to mid-20th century home on the east.
2. The subject property has historically contained structures larger than the surrounding single-family homes.
3. The proposal would fill gaps in the existing streetscape with a building designed as a contemporary response to the character of this historic neighbourhood.
4. The proposed facility would make use of the existing grading and changes to the urban fabric (the conversion of a rail corridor to a community trail) to provide intensification that avoids conflicts with existing development.

### **Peer Review**

The Town retained Zalinka Priamo Ltd. to complete a peer review of the UDB and the following is a summary of comments:

- Consideration should be given to examining the broader range of the existing neighbourhood of up to 400 m (approximate 5 minute walk) from the subject lands in all directions and should

include examining existing built form (architectural style, massing/scale, spatial separation etc.), existing lot fabric, and existing land uses.

- The UDB briefly lists the proposed materials; however, no details are provided with regard to how those materials will be implemented or how they will relate to the style/character of the existing low-density residential uses. Additional details on the proposed materials is needed to better evaluate compatibility with existing buildings in the area.
- The proposed tiering of the building as it approaches the existing development to the northwest is commendable and effective. While this approach is effective, this statement should not be considered as approval of the overall design.
- The proposed 3-storey portion adjacent to existing designated heritage property at 137 Water Street should be lowered or tiered to reduce the crowding impact on the property. Alternatively, the setback along that property could be increased. The impact of the proposed 3-storey building which is also sited higher because of grading changes (retaining walls) could be substantial.
- Street level amenity area (patios, sitting areas etc.) along Water Street & Wellington Street should be provided to animate the streetscapes and help integrate the proposed development into existing streetscapes.
- No analysis of existing viewscales is provided. The proposed 5-storey building may have significant impacts to existing viewscales, particularly from the east, along Egan Street, where the basement becomes a 'walk-out' creating the appearance of a 6-storey building (the UDB makes no reference to this 'walk-out' condition). Renderings showing the proposed changes to those viewscales would be beneficial in evaluating the compatibility of the proposed development with the existing character of the neighbourhood.
- The UDB does not discuss pedestrian circulation throughout the site, or connections to the public realm, particularly how residents can access the adjacent Grand Truck Trail system.
- It is recognized that the garbage access from Water Street North is consistent with the vehicular and garbage access of the previous institutional use. However, as the main vehicular access has been relocated to Wellington Street, perhaps consideration should be given to relocating the garbage access to eliminate all vehicular access from Water Street North for the proposed development.
- The UDB states that the reduced setback provides an extension of the built form along Water Street North, and Wellington Street North. While the existing building line is maintained, built form also includes elements such as building type and design, massing, amount of landscaping etc. Additional analysis should be provided to better support the proposed building's built form and its placement.
- While the previous institutional building was larger than the surrounding built form, the proposed building has a lot coverage three times the previous building. Additional analysis is needed to support such a significant increase and whether or not the larger built form is compatible with the surrounding community.
- No Tree Preservation Plan was provided as part of the UDB, or the full application package. Given the mature state of some of the trees on the subject lands, and along the streetscape, a Tree Preservation Plan should be undertaken to determine potential impacts to the existing trees.
- Given the scale of the proposed development, a detailed landscape plan should be undertaken to assist in better understanding the compatibility of the proposed development with the existing neighbourhood. A general landscape concept may be acceptable in advance of a Site Plan Approval application.

- The subject lands are adjacent to 137 Water Street North which is a property designated under Part IV of the Ontario Heritage Act (OHA). There are also three listed non-designated properties adjacent to the subject lands. Section 2.6.3 of the PPS is relevant stating that “planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”. The UDB provided does make reference to 137 Water Street North as being a property designated under Part IV of the Ontario Heritage Act; however, it does not provide an evaluation that demonstrates that the heritage attributes of the protected heritage property will be conserved. The UDB references the character of the neighbourhood but does not address the individual heritage attributes of the neighbouring property. While such an evaluation may help inform an UDB, typically the evaluation itself is not provided in an UDB. Rather, it usually is in the form of a heritage study, such as a Heritage Impact Assessment.
- Adjacent listed non-designated properties are not considered protected heritage properties in the PPS, therefore, a HIA is not required. However, the listed non-designated properties may contribute to the neighbourhood character which should be addressed as part of an UDB.

### **Traffic Impacts**

Concerns have been expressed with respect to potential traffic impacts as a result of this development. Town Staff has indicated that a traffic impact study is not required at this time.

### **Shadowing Impacts**

The applicant has submitted a Shadow Impact Study prepared by Phillip Agar Architect Inc. and dated February 24, 2017 (see Attachment 10) that concluded that “there is minimal to no impact on the surrounding buildings and properties” and that “most of the shadow impact is on public streets” with “some minimal shadow impacts to the adjacent buildings and properties”.

### **Impacts on Servicing**

Concerns have been expressed regarding the ability of the Town’s sanitary treatment and conveyance system, and water supply and distribution system to accommodate the proposed development. Town Staff have indicated that the water and sanitary systems are adequately sized to accommodate the proposed use however, assumptions on flow volumes generated from the site will need to be verified prior to site plan approval.

## **CONCLUSION**

It is staff’s opinion that the proposed development is inconsistent with the PPS, does not meet all of the tests set out in the Official Plan and represents over-development of the site. It is staff’s opinion that the applicant has not demonstrated that the design and scale of the proposed development is compatible within the context of the surrounding neighbourhood. Staff is concerned that the proposed building lengths, massing and form is out of scale with the existing context of the area and could alter the character of the area. There is also a significant contrast when comparing the landscape pattern of the proposed development and existing areas.

For these reasons, it is recommended that the Applications for Official Plan Amendment and Zoning By-law Amendment be refused.

## **ATTACHMENTS**

- 1) Application for Official Plan and Zoning By-law Amendments
- 2) General and specific location maps
- 3) Proposed Official Plan Amendment
- 4) Site plan, schematic elevations and 3D views (August 2017 submission)
- 5) Concept site plan and building elevation (October 2016 and May 2017 submissions)
- 6) Planning Justification Report and Addendum
- 7) Minutes of January 9, 2018 public meeting
- 8) Urban design brief, peer review and related correspondence
- 9) Correspondence received
- 10) Shadow impact study

Respectively submitted,



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Mark Stone  
Planner