



Planning Report

To: Municipality of Brockton Council

From: Coreena Smith, Senior Development Planner

Date: January 11, 2022

Re: Local Official Plan Amendment L-2021-013 and Zoning By-law Amendment Z-2021-067 (Fotheringham)

Recommendation:

That Local Official Plan Amendment L-2021-013 and Zoning By-law Amendment Z-2021-067 by 2131213 Ontario Ltd. c/o Troy and Angie Fotheringham be received for information; and

That staff provide a report regarding the public meeting and a recommendation regarding the applications at a subsequent meeting.

Summary:

The purpose of the applications is to:

- Amend the land use designation of the subject lands from Business Park 2 to Residential; and
- Rezone the lands from Business Park 2 (BP2) to Residential: Low Density Multiple Special (R2-11) with special provisions to allow for reduced minimum interior side yard, exterior side yard and front yard setbacks.

The applications would facilitate the construction of a ten-unit townhouse development at 206 McGivern Street West, in the Municipality of Brockton.

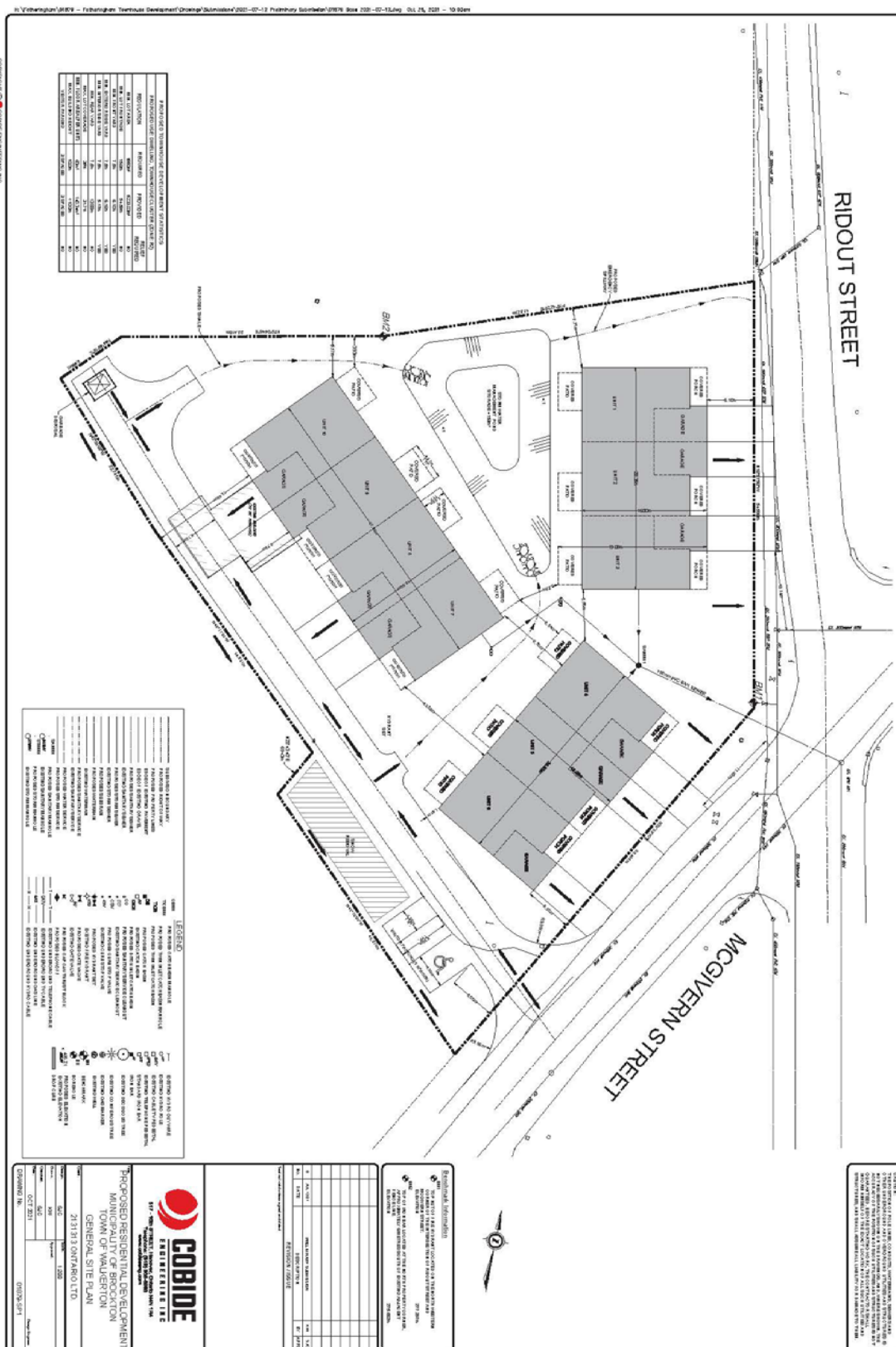
The site is 0.51 ha in size and located northwest of the intersection of Ridout Street and McGivern Street West, in Walkerton. The lands are identified for business park purposes but are currently occupied by a single detached residential dwelling. There are residential lands to the east and business park lands to the north, south and west.

The purpose of this public meeting is to present the proposal to Council and to obtain feedback from the community. At a later date, staff will present a recommendation report which will also address comments arising from this meeting.

Airphoto



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Images of the Site



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and planning policy sections.

Land Use Compatibility

The applications propose to amend the land use designation of the subject property from Business Park 2 to Residential; and, to rezone the lands from Business Park 2 (BP2) to Residential: Low Density Multiple Special (R2-11). Permitted uses in the Business Park 2 designation and zone include heavy manufacturing and industrial uses. Residential uses are not permitted which has triggered the need for the current applications.

If approved, the proposal would permit a townhouse development on lands that are 0.51 ha in size and currently occupied by a single detached dwelling with a large, manicured yard. The existing house on the property is considered a legal non-conforming use. The house will be demolished through the redevelopment of the site.

This area of Walkerton is represented by a mix of residential and business park uses, with Ridout Street being the approximate boundary between them. The lands along the east side of Ridout Street are primarily used for single and semi-detached residential dwelling purposes, while the lands along the west side of Ridout Street are mostly occupied by industrial or commercial businesses. There are a couple of exceptions including the lot to the immediate west of the subject lands which contains a single detached residential dwelling, and a second lot to the north which also contains a single detached residential dwelling.

The local Official Plan requires residential development to be compatible with existing land uses in the immediate area. The Zoning By-law also sets out certain standards related to the siting of industrial and residential uses in proximity to one another to avoid land use conflicts.

The lands on the east side of Ridout Street are zoned for Residential: Low Density Single (R1) and Residential: Low Density Multiple (R2) purposes which permits a variety of low and medium density residential uses (e.g., single detached, semi-detached, duplex and townhouse dwellings). The proposed development would be compatible with these adjacent residential uses.

The lands to the immediate north and west were previously occupied by Bogdon and Gross Furniture Co. Ltd. The former furniture factory has been demolished. A multi-unit residential development is proposed for this site as was noted in a February 8, 2021 media release from the Municipality. These lands are designated Business Park 2 and zoned Business Park 2 (BP2). Similar to the current proposal, a Local Official Plan Amendment and Zoning By-law Amendment will be required to permit residential uses on these lands. Planning Act applications are anticipated, and the County and Municipality have been engaged with this owner in this regard. The current permitted uses as of right include heavy manufacturing and industrial uses.

The remaining lands to the north, south and west are zoned Business Park 2 (BP2) or Business Park 1 (BP1). The Business Park 1 (BP1) zone permits retail commercial, business park commercial, light industrial and other complimentary uses. The surrounding business park lands are occupied by industrial or commercial businesses, such as an excavation and haulage business, a transportation business/bus storage area, and a public works yard. There are also the two adjacent single detached residential legal non-conforming dwellings as noted earlier.

The proposal conforms to the Zoning By-law provisions relating to buffers between industrial and residential uses/zones. These provisions require either a 20 or 70 metre buffer from a residential use to a principle industrial use building depending on the class of industry occupying the building. New industrial uses in the area would need to comply with the buffers noted above and would also need to satisfy the yard setback requirements outlined in the Zoning By-law. The proponent's planning consultant also notes that the proposal complies with the Provincial guidelines for land use compatibility which are similar to the requirements set out in the Zoning By-law.

It should be noted that the applicant is seeking to reduce the residential yard setback to the adjacent business park lands to the north from 7.5 m to 5.0 m. This is to accommodate an encroachment of one corner of one of the proposed townhouse blocks. The remainder of that townhouse block and the rest of the development adjacent to these northern lands meet the 7.5 m requirement based on the current site plan. While the lands to the north are intended for residential development, they are currently zoned Business Park 2 (BP2). If an industrial use were to proceed on those lands instead of the proposed residential development, it is not anticipated that it would preclude development from occurring as there is sufficient space on those adjacent lands to site various industrial uses. There is also another single family detached dwelling to the north that would drive the siting of an industrial building on those lands.

Land Use Change

The Provincial Policy Statement (PPS) states that approval authorities shall protect and preserve employment areas for current and future uses. Conversion of employment lands to non-employment uses shall be limited and should only be considered when it has been demonstrated those lands are not required for employment purposes and there is a need for the conversion.

Through preparation of the Walkerton Community Official Plan in 2016 and 2017, a comprehensive review was undertaken which identified that there was sufficient industrial/commercial/institutional (ICI) lands to service the community to 2026 based on the lands available and the anticipated rate of consumption at that time. The applicant's consultant noted in their Planning Report that "Municipal officials have advised that ICI lands have been consumed since 2016 at a rate of about 1.5 hectares, as anticipated. This would suggest that the existing inventory is still adequate to meet the needs of the community." The consultant concluded that removal of the 0.51 ha parcel from the ICI land inventory would have a negligible effect on the overall supply. It is further noted that the

subject lands are not vacant and are currently already occupied by a residential, albeit legal non-conforming use.

Efficient Use of Land and Infrastructure

The property is located on the west side of Walkerton within the Settlement Area. In accordance with the PPS, Settlement Areas shall be the focus of growth and development.

The lands are designated Primary Urban Communities in the Bruce County Official Plan and Business Park 2 in the Walkerton Community Official Plan. The goals and objectives of both the County and local Official Plans direct much of the future growth to Primary Urban Communities, such as Walkerton.

Directing new development and intensification to Settlement Areas is supported to ensure the wise use of land and resources, to promote efficient development patterns, protect resources (e.g., natural and agricultural), ensure effective use of infrastructure and public facilities, and minimize unnecessary public expenditures.

If approved, the proposal would permit a townhouse development on lands that are 0.51 ha in size and currently occupied by a single detached dwelling with a manicured yard.

The residential townhouse units are proposed to be accessed from the existing municipal street network at Ridout Street and McGivern Street West by private driveways and a private lane. No new municipal roads are proposed.

Similarly, the lands will be connected to existing municipal water and sewer services through extension of these services from Ridout Street and McGivern Street West to the site. Stormwater will also be addressed through an on-site stormwater management pond and connections to the existing storm sewer system. The applicant's consultant has shown there is adequate capacity in the water, sewer and stormwater systems to accommodate the proposed development. This will be further confirmed at the site plan approval stage. Full municipal water and sewage services are the preferred form of servicing in Walkerton.

The subject lands represent the potential to develop to a higher density than currently exists. This proposal represents an efficient use of the land, resources and services.

Access and Parking

The local Official Plan requires applicants to provide adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles. The development shall also not cause traffic hazards or an unacceptable level of congestion on surrounding roads.

As noted earlier, the ten proposed townhouses will be accessed by private driveways and a private lane. Six townhouse units are shown with direct driveway access onto Ridout Street and McGivern Street West, while the remaining four units have driveway access onto the proposed private lane. Visitor parking is also proposed along the private lane.

Based on a review of the proposal, Brockton staff identified concerns with the proposed number of access points and the siting of those access points in relation to the intersection of Ridout Street and McGivern Street West. Conformity with Zoning By-Law section 3.26.9 was identified, which speaks to the width and number of driveways permitted and their location in relation to intersecting streets and adjacent lands. Municipal staff requested a revised site plan to address the driveway entrance concerns.

A revised plan was provided on January 6, 2022, which will be provided for agency comment and presented to Council at a later date along with a recommendation on the Local Official Plan Amendment and Zoning By-law Amendment applications.

Affordability

The affordability policies of the County Official Plan are intended to provide overall direction for growth and development, and guidance to local Official Plans. These policies include that housing should be affordable to residents of the County, with 30% of new residential development and residential intensification affordable to family incomes up to the 60th percentile, and that local plans should require 30% of new development to be available as rental housing. This is a target for all of development in Bruce County and is not expected to be met through every site-specific development.

Similarly, the Walkerton Community Official Plan also sets a target of 30% of new housing to be provided as affordable housing. As with the County Plan target, this is for all development and is not expected to be met through every site-specific development.

For this development, the property will be maintained by a single owner with each townhouse unit rented out to separate individuals or families. The project will contribute to the 30% targets set by the County and Municipality.

The County Official Plan also supports affordability by applying minimum densities and requiring a medium or high-density component for serviced projects with more than 10 units. The applicant is proposing 10 medium density townhouse units. Aside from constructing an apartment building, townhouses are among the most affordable market-based development types that could be achieved for this site. The townhouse building format has lower material, development, and land costs, while remaining consistent with the building scale for the area.

Density targets are also a tool to achieve efficient use of land and infrastructure and, thus, support more compact and economic development forms. The Bruce County Official Plan and the local Official Plan require the residential portion of all multi-unit developments that will be serviced with municipal sewer and water to achieve a density of 15 units per gross developable hectare. For the subject proposal, a density of approximately 20 units per gross developable hectare is proposed.

The Walkerton Official Plan also identifies a maximum density of 35 units per net hectare for medium density residential proposals. 'Net density' is defined as the density of the residential development on the site, not including roads, parks and schools (this differs from

the 'gross density' calculation under the County Official Plan noted above, which excludes natural hazards and other similar environmental lands). The proposal would be below the maximum density identified in the local Official Plan.

Range and Mix of Housing Types

The proposed development contributes to the County and Municipal target requiring 30% of proposed dwelling units to be medium density or higher. In this case, a medium density concept is proposed for the entirety of the site.

Zoning By-law Amendments

As discussed above, the applicant is seeking to rezone the lands from Business Park 2 (BP2) to Residential: Low Density Multiple Special (R2-11). The current Business Park 2 zone allows for a variety of business/industrial uses but does not permit residential uses. The existing house on the property is considered a legal non-conforming use.

The Zoning By-law Amendment would change the zoning on the site to the Residential: Low Density Multiple (R2) zone with special provisions. Permitted uses in this zone include single detached, semi-detached and duplex dwellings, as well as street and cluster townhouses. The current proposal contemplates cluster townhouses.

The special provisions requested are to allow:

- A reduction in the minimum front yard setback from 7.5 m to 6.0 m;
- A reduction in the minimum interior side yard setback from 7.5 m to 5.0 m; and
- A reduction in the minimum exterior side yard setback from 7.5 m to 6.0 m.

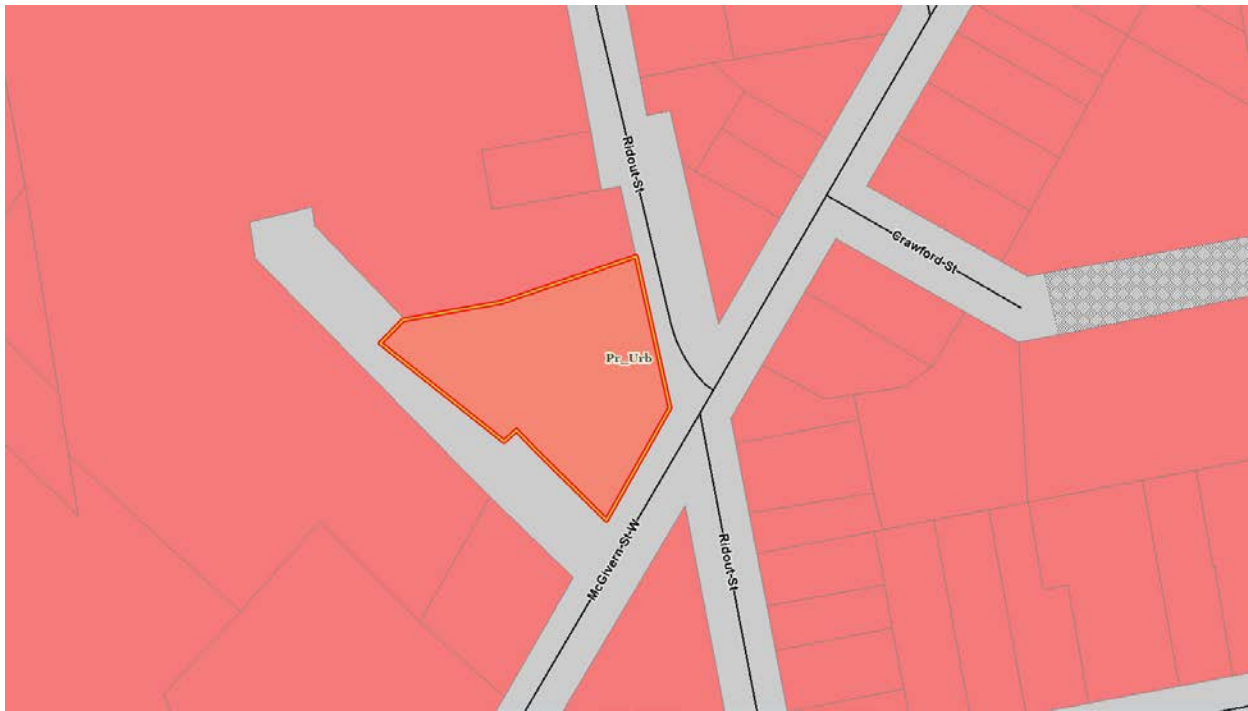
The proposed development would comply with all other provisions of the Zoning By-law, which will be confirmed through review of the recently revised site plan.

A draft Zoning By-law Amendment, along with a draft by-law for the local Official Plan Amendment, will be provided Council's consideration in a future planning report.

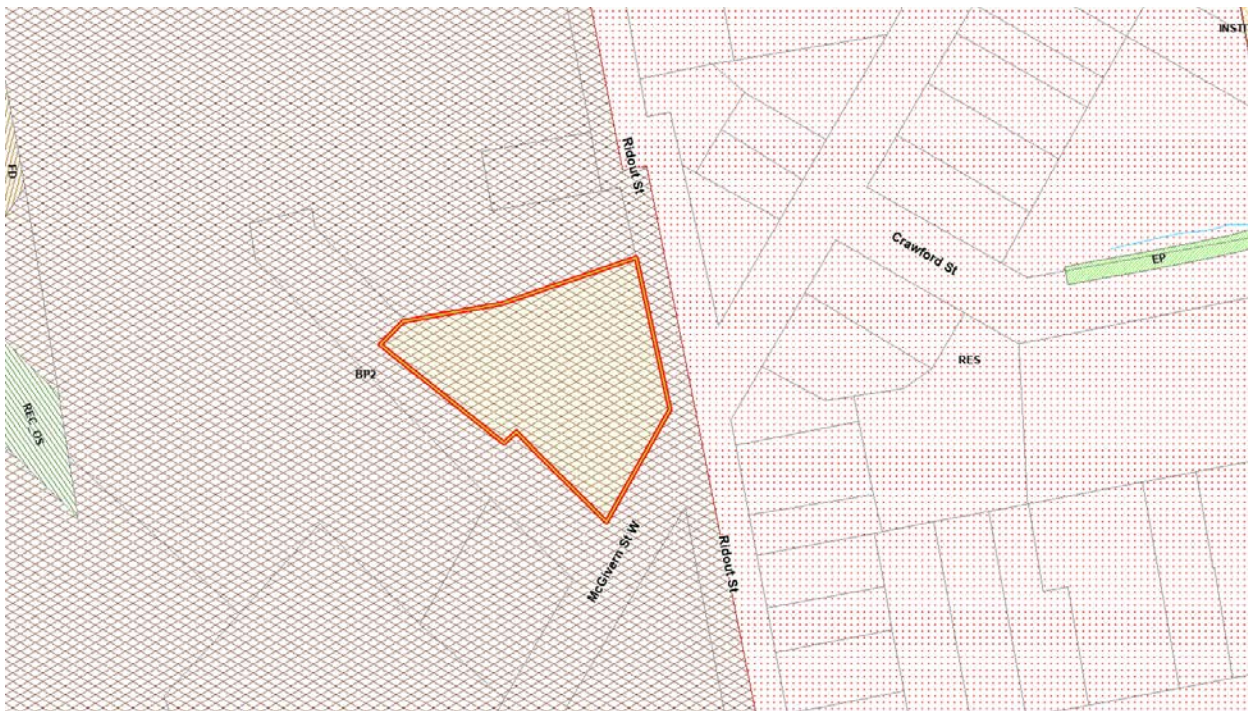
Appendices

- County Official Plan Map
- Local Official Plan Map and Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice

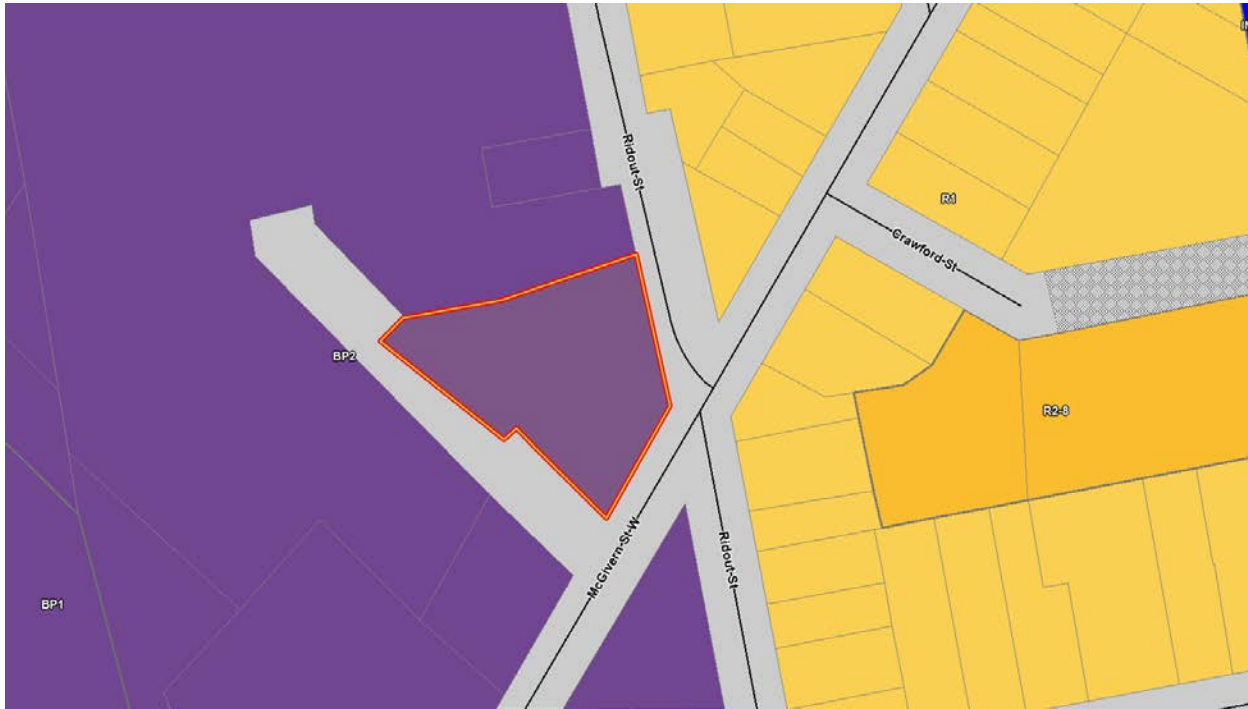
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Business Park 2)



Local Zoning Map (Zoned BP2 - Business Park 2)



List of Supporting Documents and Studies

*Available in full on the Bruce County website ([Land Use Planning - Brockton | Bruce County](#))

- Revised Site Plan
- Submission Letter
- Planning Report
- Planning Report Addendum
- Supporting Maps
- Preliminary Site Servicing and Stormwater Management Review
- Phase 1 Environmental Site Assessment
- Phase 2 Environmental Site Assessment

Agency Comments

Municipality of Brockton: Preliminary comments identified that a revised site plan should be prepared to address driveway entrance concerns as reconfiguration of the entrances and site will have an overall impact on the entire proposed site layout which may bring in other areas of zoning relief. The entrances/driveways will be subject to complying with the Zoning By-Law section 3.26.9 as well as comments from Brockton's roads' department/engineer.

Bruce County Transportation and Environmental Services: There are no concerns or comments on the applications from the County Engineering Technician or Trails Manager.

Bruce-Grey Catholic District School Board: No comments.

Enbridge Gas Inc.: It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge Gas Inc.

Historic Saugeen Métis (HSM): The HSM Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Local Official Plan and Zoning By-law Amendments as presented.

Saugeen Valley Conservation Authority (SVCA): SVCA staff find the applications acceptable. SVCA staff strongly recommend Site Plan Control be implemented for the property, and that a condition of the agreement be that the developer install and maintain erosion and sediment control measures during and after construction until exposed soils have been stabilized with landscaping to prevent sediment laden runoff from existing the site. The SVCA's full letter is attached to this report.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY (cjsmith@brucecounty.on.ca)

December 13, 2021

County of Bruce
Planning and Development Department
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

ATTENTION: Coreena Smith, Planner

Dear Ms./Mrs. Smith,

RE: Application for Local Official Plan Amendment: L-2021-013
Application for Zoning By-law Amendment Z-2021-067
206 McGivern St. W
Roll Number 410436000618300
PLAN 106 BLK B LOTS 7 AND 8;PT LOTS 9 TO 11 AND PT ST.;JOSEPH ST AND RP 3R4068 PART;2
RP 3R8542 PART 1 RP 3R8588;PART 1
Geographic Town of Walker
Municipality of Brockton [Fotheringham]

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to amend the land use designation from Business Park 2 to Residential, and to rezone the lands from Business Park 2 to Residential: Low Density Multiple with special provisions to allow for reduced minimum interior side yard, exterior side yard and front yard setbacks. The application would facilitate the construction of a ten-unit townhouse development.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments for L-2021-013 & Z-2021-067, November 22, 2021
- 2) Planning Report, Ron Davidson Land Use Planning, July 13, 2021
- 3) Planning Report Addendum, Ron Davidson Land Use Planning, November 2, 2021
- 4) Preliminary Site Servicing & Stormwater Management Review, Cobide Engineering Inc., July 15, 2021
- 5) Site Plan, Cobide Engineering, October 2021



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Stormwater Management

SVCA staff have reviewed the Preliminary Site Servicing & Stormwater Management Review to ensure no impact on the control of flooding, erosion, pollution, or the conservation of land in accordance with our mandate under the *Conservation Authorities Act* and as per our MOA with the County of Bruce regarding water resources. In accordance with SVCA's Stormwater Management Guidelines, we are satisfied proposed stormwater quality treatment will be enhanced. We do not recommend a lower level of quality treatment given stormwater effluent from the municipal system to Silver Creek, a sensitive receiving water body. The proposed outlet for stormwater will be to existing municipal storm sewer infrastructure, and as such, SVCA does not require review of the detailed engineering SWM plan or drawings.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Risk Management Official (RMO) at rmo@greysable.on.ca.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS, 2020, Bruce County and Walkerton Community Official Plans. Additionally, the property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required. However, staff strongly recommend Site Plan Control be implemented for the property, and that a condition of the agreement be that the developer must install and maintain erosion and sediment control measures during and after construction until exposed soils have been stabilized with landscaping to prevent sediment laden runoff from existing the site.

Please inform this office of any decision made by Municipality/County with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned at b.walter@svca.on.ca

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation
BW/

cc: Application Technician, Bruce County Planning (via email)
Dieter Weltz, Building and Planning Manager/CBO, Mun. of Brockton (via email)
Fiona Hamilton, Clerk, Mun. of Brockton (via email)
Dan Gieruszak, SVCA Member (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



November 22, 2021

File Numbers: L-2021-013 & Z-2021-067

Public Meeting Notice

You're invited:

**On-line Public Meeting to consider a Local Official Plan
Amendment and a Zoning By-law Amendment
Tuesday, January 11, 2022 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to amend the land use designation from Business Park 2 to Residential, and to rezone the lands from Business Park 2 to Residential: Low Density Multiple with special provisions to allow for reduced minimum interior side yard, exterior side yard and front yard setbacks. The application would facilitate the construction of a ten-unit townhouse development.



206 MCGIVERN ST W – PLAN 106 BLK B LOTS 7 AND 8; PT LOTS 9 TO 11 AND PT ST.; JOSEPH ST AND RP 3R4068 PART; 2 RP 3R8542 PART 1 RP 3R8588; PART 1 (Walkerton), Municipality of Brockton, Roll Number 410436000618300

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use> or in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Coreena Smith

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public meeting.

How to access the public meeting

As a result of the COVID-19 Pandemic, the Municipality of Brockton council meetings are being held in electronic format. For information on how to participate in the public meeting, please refer to the following page or visit the municipal website at:

<https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed applications, you must make a written request to the Bruce County Planning Department.

Know your rights

Section 17(36) of the [Planning Act](#) outlines rights of appeal for Official Plan Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the County of Bruce to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the proposed official plan (or official plan amendment) is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the proposed official plan (or official plan amendment) is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Brockton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

(For Representation Only – Site Plan available on the Bruce County Website)

