



Planning Report

To: Municipality of Brockton Council

From: Coreena Smith, Senior Development Planner

Date: February 8, 2022

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

Recommendation:

That Council adopt Walkerton Community Official Plan Amendment L-2021-013 and the necessary by-law be forwarded to County Council for approval; and

That Council approve Zoning By-law Amendment Z-2021-067 as attached and the necessary by-law be forwarded to Council for adoption.

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 with Holding (R2-10-H).

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

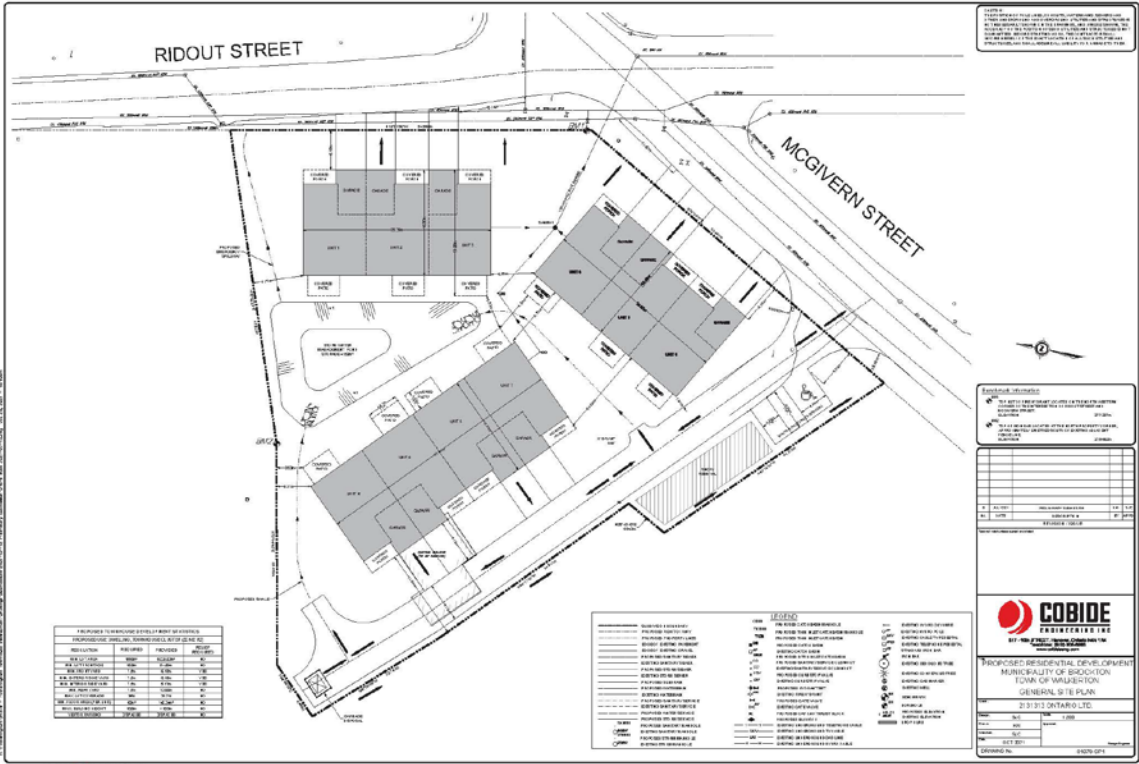
The site is 0.51 ha in size and located northwest of the intersection of Ridout Street and McGivern Street West, in Walkerton. The lands are identified for business park purposes but are currently occupied by a single detached residential dwelling. There are residential lands to the east and business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

The local Official Plan Amendment and Zoning By-law Amendment applications were previously presented to Council at a Public Meeting held on January 11, 2022 wherein comments were received from members of Council. No public comments were received. The proposal has been revised to reduce the number of access points onto the municipal streets from five to three, and to reduce the number of units proposed from ten to nine.

Airphoto



Original Site Plan



Revised Site Plan



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 with Holding (R2-10-H). 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 nine-unit residential 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 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. These lands are primarily used for single and semi-detached residential dwelling purposes, but duplex and townhouse dwellings would also be permitted. 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 two adjacent single detached residential legal non-conforming dwellings, one on the lot to the immediate west and a second on a lot to the north.

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.

It should be noted that the applicant is seeking to reduce the interior side 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 determine the siting of an industrial building on those lands.

As such, the applicant has demonstrated the proposed residential development is compatible and will not preclude future business owners from siting new buildings or otherwise using their lots for their intended business park purposes on the neighbouring 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." 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

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.

The property is located on the west side of Walkerton within the Settlement Area. 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.

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

The residential 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 utilizing existing municipal infrastructure. 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.

Based on an initial review of the original 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. A revised plan was provided on January 6, 2022 which reduced the number of access points onto municipal roads from five to three. Three residential units are now shown with direct driveway access onto Ridout Street (two with a shared driveway), while the remaining six units have driveway access onto

the proposed private lane at McGivern Street West. Visitor parking is also proposed along the private lane.

This revised site plan addressed concerns raised by Brockton staff on the original proposal.

The Municipality has also advised that staff will engage the owner regarding the provision of sidewalks on Ridout Street through the site plan approval process.

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 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 Official 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 residential unit rented out to separate individuals or families. The project will contribute to the 30% targets set by the County and Municipality.

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 revised density of approximately 18 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, 78% of the units proposed are townhouses which exceeds the identified targets.

Zoning By-law Amendments

As discussed above, the subject lands are currently zoned Business Park 2 (BP2). 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 special provisions requested are to allow:

- A reduction in the minimum front yard setback from 7.5 m to 6.0 m for consistency among all dwelling types permitted in this zone;
- A reduction in the minimum interior side yard setback from 7.5 m to 5.0 m as discussed earlier in this report; and
- An increase in the maximum width of any joint driveway from 7.5 m to 9.0 m, which applies to the shared driveway on Ridout Street.

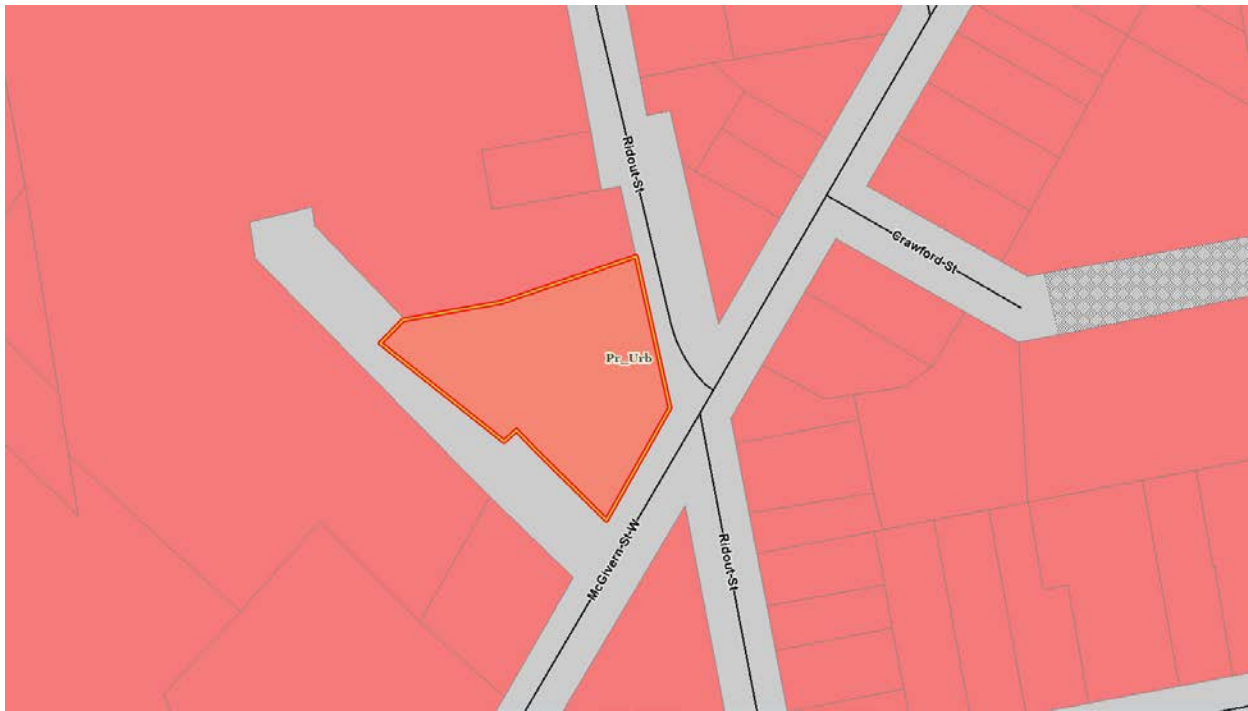
The applicant no longer requires a reduction in the minimum exterior side yard setback based on the revised site plan. The proposed development complies with all other provisions of the Zoning By-law.

Municipal staff have also requested that a holding provision be included which can be lifted by Council once staff are in receipt of a Record of Site Condition for the property and there is a Site Plan Agreement in place.

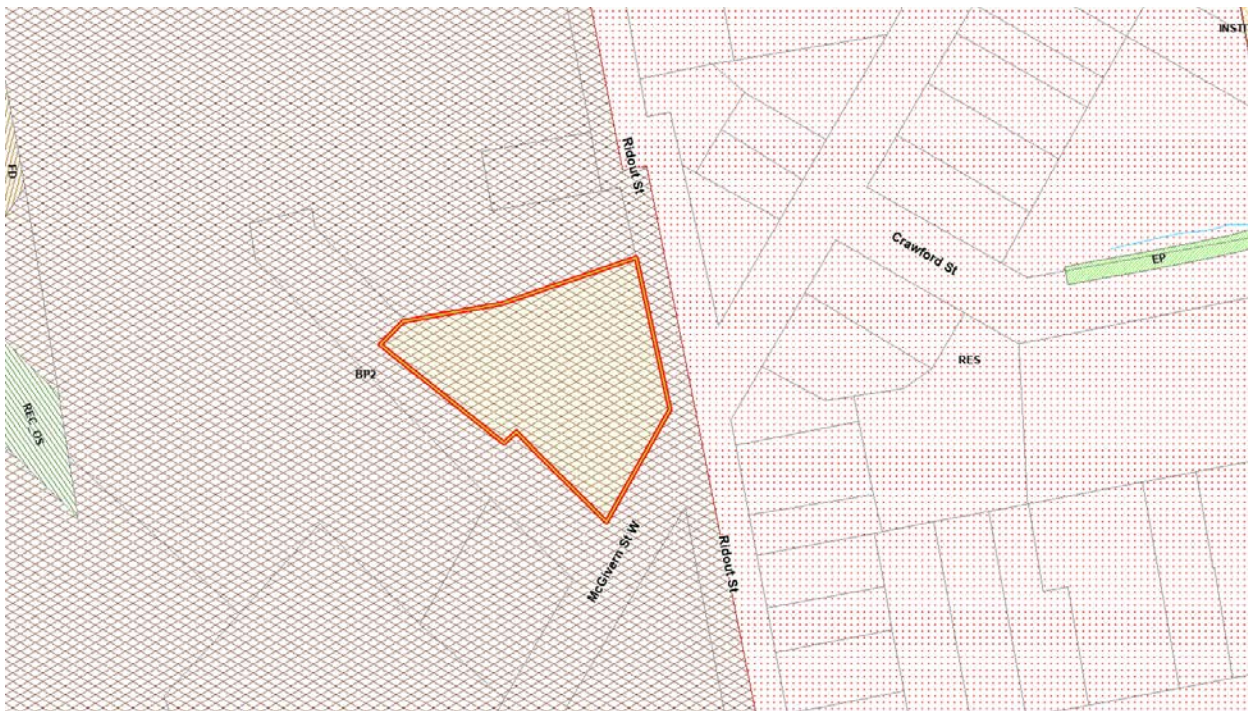
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Revised Site Plan #2
- Public Notice

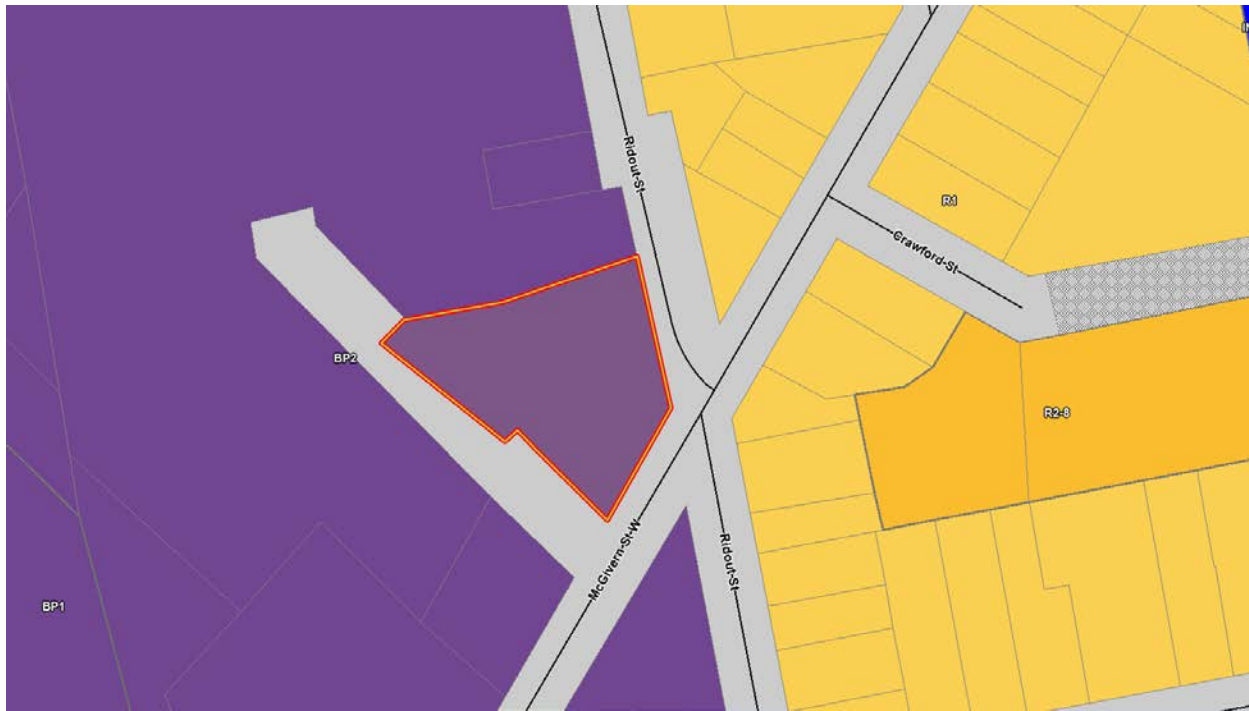
County Official Plan Map (Designated Primary Urban Communities)



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
- NEW - Revised Site Plan #2

Agency Comments

Municipality of Brockton:

- Original Comments: 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.

- **Amended Comments:** The revised site plan addresses concerns raised by Brockton staff on the proposed number of driveway entrances.

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

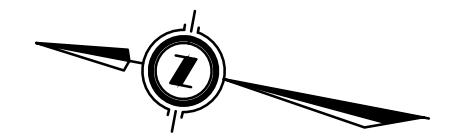
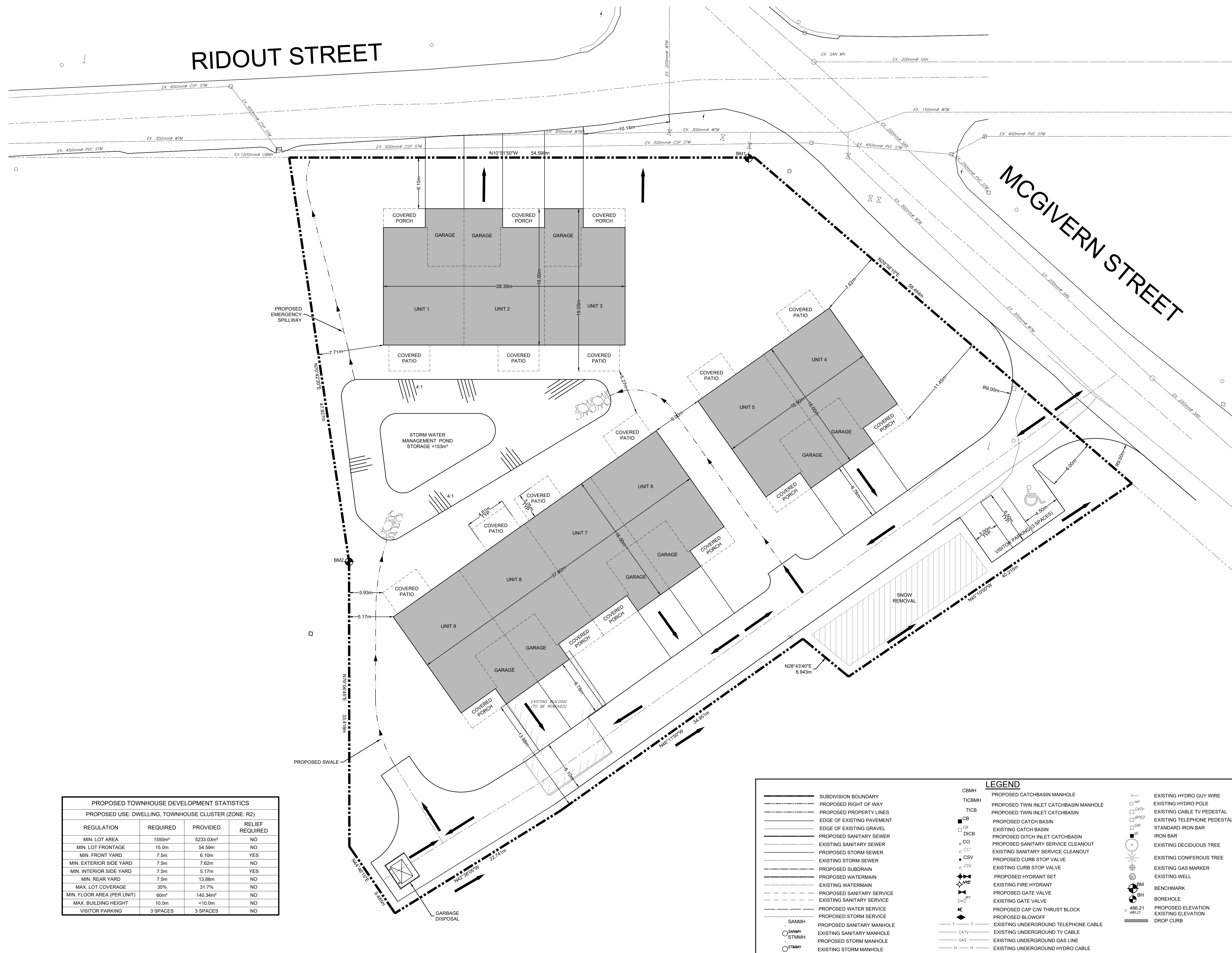
Bruce-Grey Catholic District School Board: No comments.

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 exiting the site. The SVCA's full letter is attached to this report.

CAUTION:
THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE DRAWINGS, AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.



Benchmark Information

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|-----|--|----------|
| BM1 | TOP NUT OF FIRE HYDRANT LOCATED ON THE NORTH WESTERN CORNER OF THE INTERSECTION OF RIDOUT STREET AND MCGIVERN STREET.
ELEVATION | 277.297m |
| BM2 | TOP OF IRON BAR LOCATED AT THE NORTH PROPERTY CORNER, APPROXIMATELY 6 METRES SOUTH OF EXISTING ADJACENT FENCE LINE.
ELEVATION | 275.662m |

1	JAN 03/22	REVISED BUILDING LAYOUT	KW	SJC
0	JUL 12/21	PRELIMINARY SUBMISSION	KW	SJC
No.	DATE	DESCRIPTION	BY	APPD

REVISION / ISSUE

Seal not valid unless signed and dated



Title: PROPOSED RESIDENTIAL DEVELOPMENT
MUNICIPALITY OF BROCKTON
TOWN OF WALKERTON
GENERAL SITE PLAN

Client: 2131313 ONTARIO LTD.

Design:	SJC	Scale:	1:200
Drawn:	KW	Approved:	

Checked:	SJC
Date:	JAN 2022

DRAWING No.	01879-SP1
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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)

