



STAFF REPORT

Meeting Date: May 23, 2023

Title: 175 Cecil Avenue, ZBA Recommendation Report

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Department: Building and Planning

Report Number: Building & Planning-2023-009

Recommendation:

THAT Council receives this Staff Recommendation Report dated May 16, 2023, in consideration of the comments and feedback received during the Statutory Public Meeting conducted on May 8, 2023. It is recommended that Council approve the Zoning By-law Amendment application as presented.

The Building and Planning department consulted with the applicant, Bridge Road Construction and staff from the Public Works Department on May 11th, 2023 following the public meeting and discussed traffic concerns, road widening and other comments which were brought forward by members of the public at the May 8th meeting. We recommend that the Council approve the zoning bylaw application as concerns have been addressed and others will be appropriately implemented through site-plan control.

Background:

A Zoning By-law Amendment (ZBA) application was submitted for the Subject Lands, being All of the Lots 484-495, Part of Lots 496, 575-587, Part of Myrtle Avenue., (Closed by By-law 3259-2005 LT305118) Part of Third Street, (Closed by By-law 3259-2005 LT305116), Reg. Plan M-157, PIN 42082-0530 in the City of Dryden and was presented to Council at the legislated public meeting held on May 8, 2023 at 5:00pm in Council Chambers.

The Subject Lands are shown in Figure 1. The Subject Lands are proposed to be rezoned from the Institutional (I) Zone to the Multiple Residential (RM-1) Zone, in order to permit a single storey, 24-unit apartment building.

The RM-1 designation recognizes the existing 10.06 metre lot frontage of the Subject Land whereas the requirements of the RM Zone would require 8 m per unit or 192 metres. As the property fronts onto an existing laneway and dead-end street, namely Myrtle Avenue this reduced frontage documents an existing condition.

As previously presented the following is the assessment by planning staff provided during the public meeting for additional review if required followed by the discussion of concerns raised.

Figure 1: Subject Lands



The proposed development includes a single storey 24-unit apartment building, and features accommodations with one bedroom and two-bedroom barrier free units. The main access to the Subject Lands will be provided from Myrtle Avenue, and the proposed development includes a total of 30 parking spaces including 3 barrier free.

The proposed development includes an amenity area in the north-east portion of the subject lands. It is expected the development will also include a waste collection area, location to be determined though Site Plan Control. The building will be serviced with municipal water and sanitary services.

The proposed site plan drawing is shown on Figure 2. The proposed elevation drawings, 3D-Gable of the proposed building are shown on Figure 3.

Figure 2: Proposed Site Plan

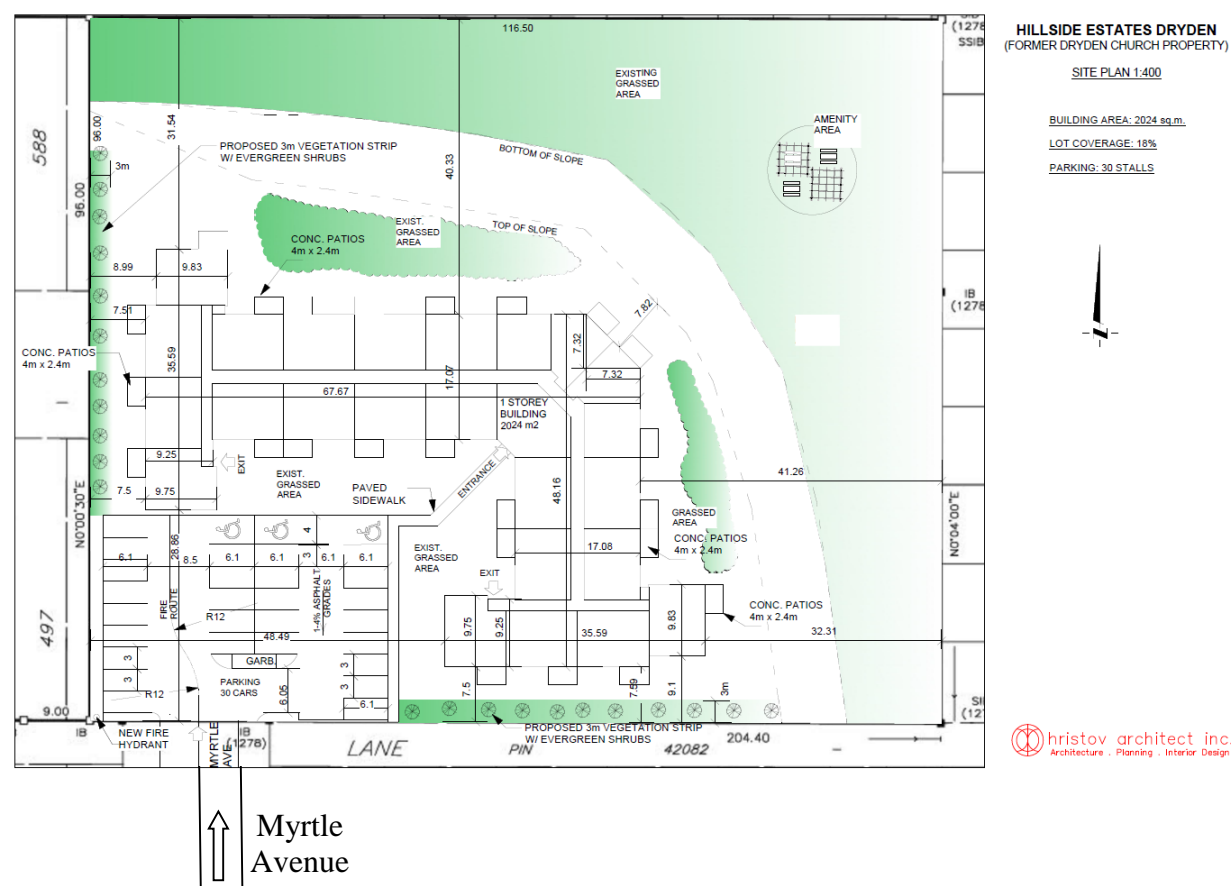
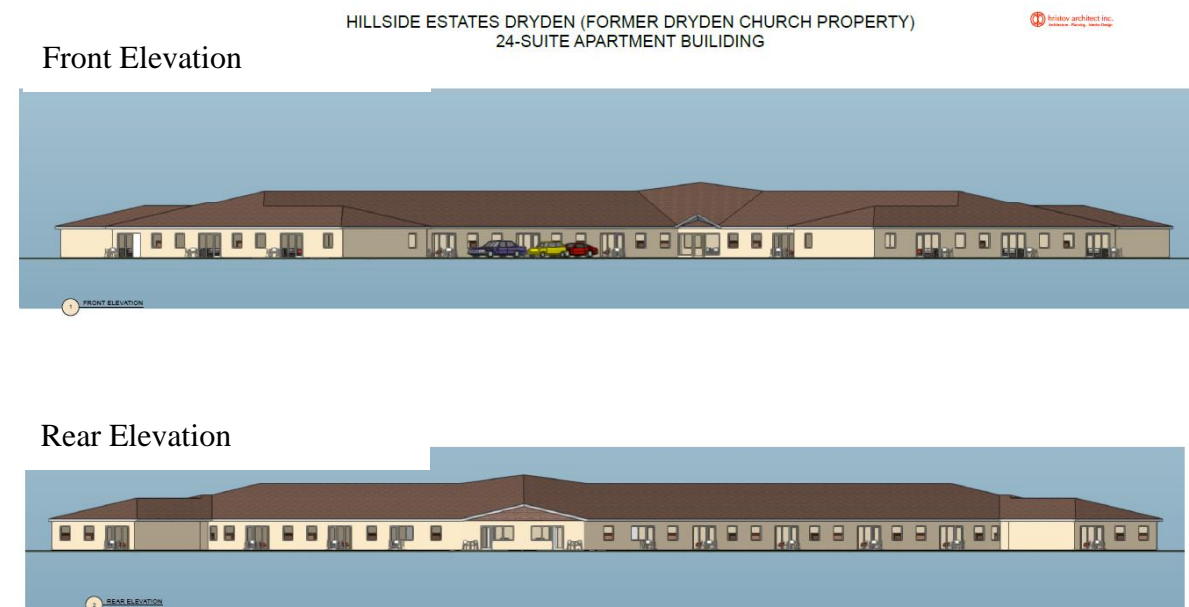


Figure 3: Proposed Elevation Drawings



3-D Gable

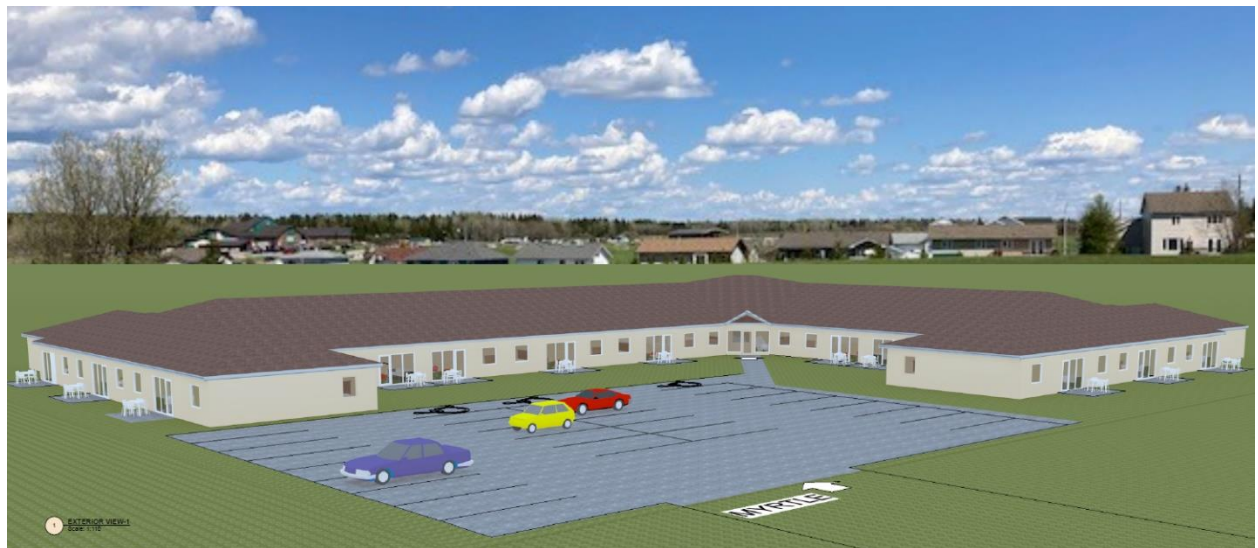


Table 1: Description of the Subject Lands

City of Dryden Official Plan	Stable Areas
City of Dryden Zoning By-law	Institutional (I) Zone
Present Use	Church (consent pending registration)
Adjacent Zones	<u>North:</u> Institutional (I), Residential Type One (R1) <u>South:</u> Residential Type One (R1) and Residential Type Two (R2) <u>East:</u> Residential Type One (R1) and Residential Type Two (R2)

	<u>West:</u> Institutional (I), Residential Type One (R1) and Residential Type Two (R2)
Immediate Surrounding Land Uses	Institutional, Residential
Lot Area	1.07 hectares
Lot Frontage	10.06 metres (Myrtle Street)

The subject lands form part of the property located at 175 Cecil Avenue. The applicant has also submitted a Consent application to sever the property into three separate lots.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) - 2020, is a document that guides development in the province. In the context of the PPS, the subject lands are located within a Settlement Area. Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The new development proposed will generate additional housing units through this application.

City of Dryden Official Plan:

The subject lands are located within the Stable Areas designation of the Official Plan. Acceptable uses include residential, commercial, industrial and institutional uses that presently exist in the City. The designation of the lands as Stable Areas indicates that there will be little change in these areas over the lifetime of this Plan.

Section 4.1.3 of the Official plan encourages new housing through infilling and intensification within the existing residential areas in the Stable Areas. The use of the property to build an apartment building intensifies the use of existing residential area after re-zoning.

Section 4.1.5 of the Official Plan allows for Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic or noise, are similar in scale to the surrounding built form and that improve the quality of life for area residents shall be permitted through an amendment to the Zoning By-law. As the proposed use of the property is to build an apartment building, is compatible with neighbouring land uses. Prior to a decision being rendered by Council regarding this proposed zoning amendment a traffic brief will be provided by the applicant. It is not expected that there will be any increases to traffic or noise resulting from the change in land use designation.

City of Dryden Zoning By-law:

The subject properties are located within the Institutional (I) Zone. The permitted uses within the Institutional (I) Zone are included in Section 4.19.1 of the Zoning By-law. The existing use as a place of worship on the proposed retained lot is a permitted use in the Institutional (I) zone. The Zoning By-Law Amendment application proposes the subject property to be re-zoned to Multiple Residential (RM-1).

The permitted uses within the (RM-1) Zone are provided in Section 4.3.1 of the Zoning By-law and includes apartment building, bed and breakfast, duplex dwelling, group home, home occupation, quadraplex dwelling, semi-detached dwelling, single detached dwelling, townhouse dwelling, triplex building. A review of the zone standards for the RM-1 Zone is included in Table 2. This review is based on the details provided in the ZBA application and supporting documentation.

As the subject lands only have an access from Myrtle Street, the proposed new lot is unique in terms of defining the lot lines in the context of the Zoning By-law. The site-specific Zoning By-law Amendment will establish minimum setbacks from each lot line and define the lot lines accordingly. To provide guidance on appropriate setbacks, Building and Planning staff have determined that the south lot line will be considered the front lot line, due to the entry and exit points to the lot are on Myrtle Avenue.

The lot frontage on the Subject Lands is existing, and the intent of minimum lot frontage is to ensure properties have sufficient room for access along a road, and to assist in maintaining character and spacing amongst buildings. The reduced lot frontage is appropriate in this instance, for the proposed single storey building. It is typical that buildings require a lesser lot frontage than proposed in the Zoning By-law. The Subject Lands exceed the minimum lot area for the RM-1 Zone and the proposed building is compliant to the other setback, parking and lot coverage standards of the zone.

Table 2: Zoning Review

PROVISION	REQUIRED	PROPOSED
Min. Lot Area	6,660m ²	10,746 m ²
Min. Lot Frontage	192 m	10.06 m
Min. Front Yard	7.5 m	7.5 m
Min. Interior Side Yard	4.5 m	7.5 m
Min. Exterior Side Yard	7.5 m	n/a
Min. Rear Yard	7.5 m	40.33 m
Max. Lot Coverage	50%	18%
Min. Landscaped Open Space	20%	25%

Discussion:

For the benefit of Council and members of the public I have included below the purpose and intent of both the zoning amendment and site plan control application processes so that all may understand that comments and concerns are taken into consideration at the appropriate point in the development process.

Zoning By-Law Amendment and Site Plan Control:

Zoning By-Law Amendment	Site Plan Control
<p><u>Definition:</u></p> <ul style="list-style-type: none"> - If a property owner wishes to change the permitted use and develop property in a way that is not currently permitted in the zoning by-law, they may apply for a change in zoning, also known as a zoning by-law amendment or rezoning. An amendment can be made to change the use of land for example from residential to commercial to permit a new store, or simply to decrease the minimum lot area or frontage of a new lot. A zoning by-law amendment may be for just one property, may cover a number of properties or an entire neighbourhood. - Zoning does not regulate who lives in a building and does not determine if the building is owner-occupied or rented. - City Council is the approval authority for zoning amendments. - When considering an application, Council evaluates the application using criteria of the Planning Act, such as: <ul style="list-style-type: none"> • Conformity with the City Official Plan; • Compatibility with adjacent uses of land; • Suitability of the land for the proposed purpose, including the size and shape, access, compatibility and availability of municipal services. 	<p><u>Definition:</u></p> <ul style="list-style-type: none"> - Site plan control is a planning tool that a municipality uses to evaluate more specific site elements, such as walkways, parking areas, landscaping, fire access routes, entry/exits, waste management or exterior design. Site Plan control measures are applied over and above those set out in the zoning by-laws. - Council delegates decisions on site plan applications to staff but retains the authority for the approval of the site plan control agreement . - Site Plan Control seeks to mitigate the impact of a development by control over detailed site-specific matters such as storm water management to ensure that a development proposal is well designed, fits in with the surrounding uses and minimizes any negative impacts. <p><u>Conditions:</u></p> <ul style="list-style-type: none"> - Staff in consultation with Council can also apply conditions to site plan approval. This could include widening of roads that border the subject land, how to access the property, and off-street parking and loading facilities to name a few. <p><u>Agreements:</u></p>

<p><u>How Does City Council Make a Decision?</u></p> <ul style="list-style-type: none"> - City Council makes a decision by considering: <ul style="list-style-type: none"> • The application and supporting studies; • Public input from written comments and/or presentation at the public meeting; • Reports from planners, and other applicable agencies, and other departments 	<ul style="list-style-type: none"> - The municipality requires the owner to enter into an agreement to provide and maintain certain facilities such as off-street parking and loading facilities. Such an agreement is to be registered against the land to which it applies, and the municipality can enforce the agreement against present and future owners. <p><u>Matters not covered by site plan control:</u></p> <ul style="list-style-type: none"> - Site plan control cannot be used to regulate matters that are covered by zoning by-laws such as minimum or maximum parking requirements, minimum lot area, or height and density, nor can it be used to regulate interior design. - Site plan control also cannot be used to regulate the standards or manner of construction of a building. Ontario's Building Code Act and Building Code establish the requirements for construction of buildings, including the physical materials that can be used.
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Since questions sometimes arise in each planning process about how certain design elements of a development interact with zoning, site plan control and provincial building regulation/permit issuance, it is important to understand how these things relate to each other and that each application process has a purpose and will address compatibility in consideration of regulations applicable to that stage.

In addition to the original review provided to Council, the following takes into account the comments and information brought forward by the attending public.

Public Meeting - Recommendation Discussion: During the Public meeting held on 8th May, questions were directed to City staff. Here's a brief on the discussion, response and next course of action as they related specifically to the zoning amendment application:

Question	Discussion, Response and Next Action Steps
1. When was the public made aware of this new rezoning?	The notices were sent out to public on 24th April, 2023. This follows a provincially mandated requirement of minimum 15 days notice period for a ZBA application.
2. The back lane is already very busy – church cars use the lane as a quick exit from the parking lot and cars use the back lane to avoid the stop sign on Cecil.	Discussion ongoing but staff are confident traffic management will be addressed appropriately through coordination with applicant, Public Works and the City's traffic committee.
3. The back lane is maintained by the town and the sander, and more vehicles will increase. We already have sustained damaged from vehicles and the sander kicking up stones against the siding of our garage. Will the lane be paved?	There are no existing or proposed plans to pave laneways in the City of Dryden and curbing is to be installed as a requirement of proper roadway installation which will in turn, help to reduce dust, stone disbursement and boulevard damage.
4. There is currently a very unsafe intersection at Second Street and Myrtle Avenue intersection.	Will be addressed through Site Plan Control and consultation with the City's traffic committee regarding sign installation.
5. Is there intent to widen Myrtle Street?	Will be addressed through Site Plan Control but it is the direction of City Staff to install a proper roadway in this area. Current right of way is appropriate to accommodate the required roadway.

To confirm and in follow-up to the questions posed by the public, the preliminary Site Plan Control discussion and direction included the following:

1. Developer to expand the width of the roadway leading to the property of Myrtle Avenue, to ensure a proper two-way traffic flow.
2. The City will discuss with the Traffic Committee regarding the installation of a stop sign on the intersection of Second street and Myrtle Avenue and at the exit of the property crossing the laneway in order to manage traffic flow.
3. Curbing to be installed as per standard roadway installation.
4. Ensuring a continual 3-meter green strip to be included on un-opened south and east boundaries/lot line to mitigate privacy concerns of neighbours to the South.

Financial Implications:

Current Budget Allocation: None