 DRYDEN The Corporation of The City of Dryden	STAFF REPORT	For Administration Use Only: Meeting Date: March 29, 2021 Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Approved for Agenda: [CAO] Report No. BP-2021-04
Date Submitted:	March 24, 2021	
Title:	249 Grand Trunk Avenue, Zoning By-law Amendment	
Prepared by:	Jamie Robinson, MCIP, RPP – MHBC Planning Limited Patrick Townes, BA, BEd – MHBC Planning Limited Revised by: Pam Skillen, Chief Building Official	
Department:	Building and Planning	

Recommendation:

THAT Council receives this report, dated March 23, 2021 and directs staff to prepare a Recommendation Report, considering the comments and feedback received at the March 29, 2021, Statutory Public Meeting, for presentation to Council at a subsequent Council Meeting for a decision on the application.

Background:

A Zoning By-law Amendment (ZBA) application has been submitted to facilitate the establishment of a crematorium on the subject lands, known locally as 249 Grand Trunk Avenue in the City of Dryden. The subject lands are legally described as Con 6, Pt Lot 4 Part 4.6.7 ON23R4907 PCL32789 and are identified in Figure 1. The site specific amendment proposed would permit a crematorium as an accessory use to the existing funeral home.

Figure 1: Subject Lands

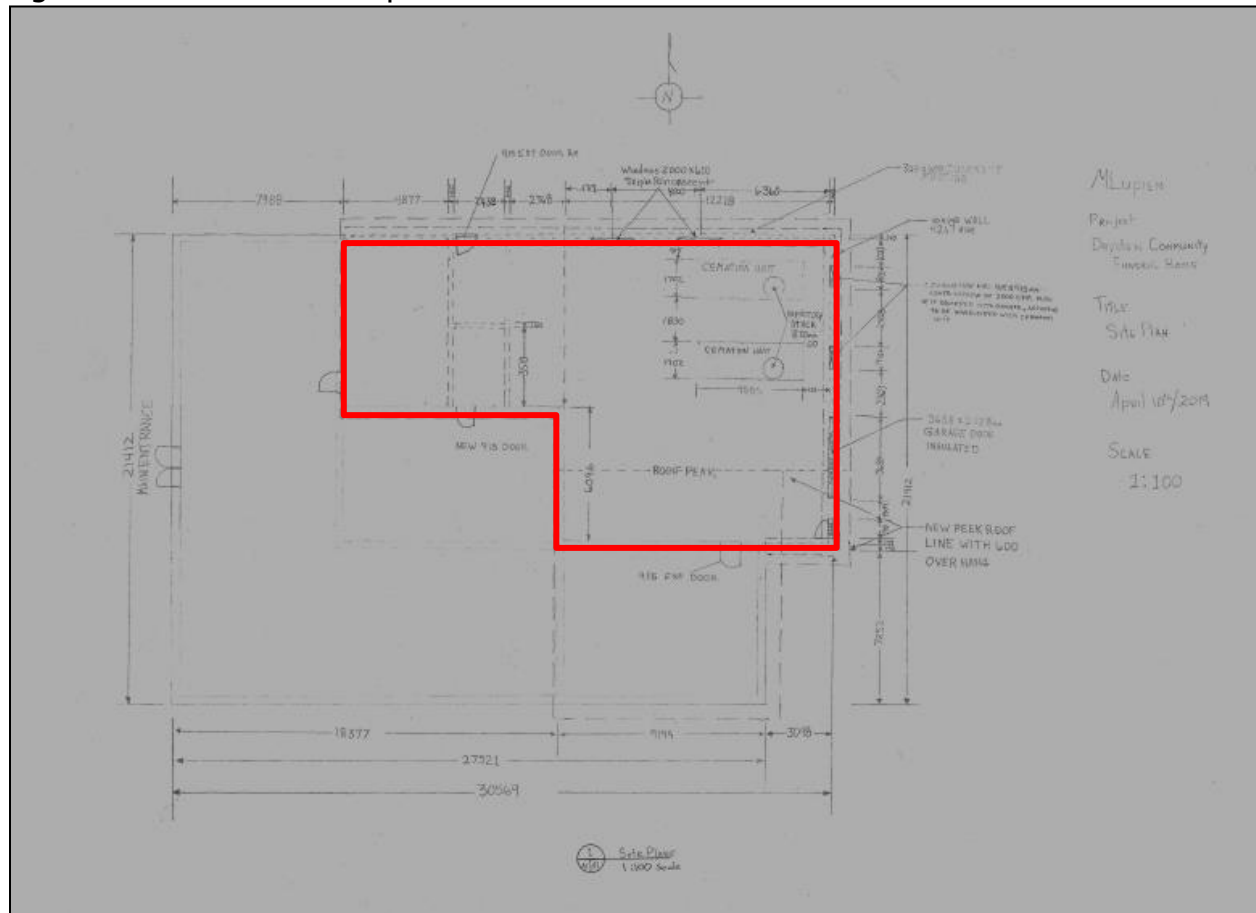


The subject lands have been the subject of prior applications under the *Planning Act*, R.S.O. 1990, cP. 13, as amended. In November of 1995, a funeral home was approved as a permitted use through Minor Variance (A/8/95). The funeral home existing on the subject lands has been operating since that time.

In September of 2018, Council approved a funeral home as a site-specific permitted use within the Highway Commercial Exception One (HC-1) Zone under the current Zoning By-law of The Corporation of The City of Dryden (2740-2000). This brought the existing funeral home use from legal-nonconforming status into conformity with the current municipal zoning framework. At its time of initial submission, the 2018 ZBA proposed to add both a funeral home and an accessory crematorium as a permitted use to the HC-1 Zone. The ZBA however was revised by the applicant to exclude the accessory crematorium use prior to Council making their decision to only approve the funeral home use, in September of 2018.

In April of 2019 an application for ZBA was submitted to add a crematorium as a permitted use within the subject lands. On August 12, 2019 a Public Meeting was held in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, cP. 13, as amended. This application for ZBA was subsequently withdrawn from consideration in the fall of 2019.

Figure 2: Sketch of the Proposed Addition



A description of the subject lands and the surrounding lands uses is included in Table 1.

Table 1: Description of the Subject Lands

City of Dryden Official Plan	Natural Heritage and Environmental Protection and Regional Business Centre
City of Dryden Zoning By-law	Highway Commercial Exception One (CH-1) and Hazard Lands (HZ) Zone
Present Use	Funeral Home
Adjacent Zones	North: Highway Commercial (CH), Hazard Lands (HZ), Open Space (OS) and Rural (RU) South: Highway Commercial (CH), Multiple Residential (RM) and Residential Type Two (R2) East: Hazard Lands (HZ), Institutional (I), Rural (RU) and Open Space (OS) West: Hazard Lands (HZ), Highway Commercial (CH) and Light Industrial (M1)
Immediate Surrounding Land Uses	Auto Parts Store and Car Dealership
Lot Area	0.48 hectares
Lot Frontage	30.4 metres

Discussion:

Provincial Policy Statement:

The 2020 Provincial Policy Statement (the "PPS") came into effect on May 1, 2020 and is applicable to the subject lands. The PPS is a key component of Ontario's policy-led planning regime and provides policy direction on matters of provincial interest related to land use planning and development. All local policies and development applications must be consistent with the policies contained in the Provincial Policy Statement.

The PPS has been reviewed in relation to this application. The following is a summary of those policies that have particular relevance to this ZBA. Section 1.1.1 a) of the PPS states that "Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term".

The subject lands are located within the Urban Service Area of City of Dryden. Section 1.1.3.1 of the PPS directs growth and development to Settlement Areas promoting their vitality and regeneration. Section 1.1.3.2 b) of the PPS states that land use patterns within Settlement Areas shall be based on a range of uses and opportunities for redevelopment.

Section 1.2.6 of the PPS contains policies that apply to land use compatibility. Sensitive land uses are required to be planned to prevent or mitigate adverse effects from odour,

noise and other contaminants. The proposed use includes facilities that could have the potential to cause noise or odour impacts on nearby land uses, and are therefore subject to an Environmental Compliance Approval (ECA) process. As per the requirements of Ontario's ECA process, the cremation procedure and equipment used as part of it, must operate in accordance with MECP guidelines. Provided the equipment and operations are in alignment with the conditions of the required ECA, the proposed use would not have an adverse effect on nearby land uses and would be considered to be compatible. The applicant has provided technical studies which demonstrate consistency with MECP guidelines.

The PPS also includes policies that aim to protect natural heritage features. Section 2.1.1 of the PPS states that natural features and areas shall be protected for the long term. Development is not permitted within certain natural heritage areas, however the nearest feature (wetland) is located approximately 300 metres from the subject lands. There are no anticipated negative impacts to natural heritage features as a result of the proposal based on the separation distance between the subject lands and the wetland feature (being more than 120 metres).

Section 3.1 of the PPS includes policies regarding natural hazards. Development is generally directed away from areas adjacent to rivers or streams which are impacted by flooding or erosion. The City of Dryden Official Plan includes a flood overlay on Schedule B – Map 1. Furthermore, the City of Dryden Zoning By-law zones a portion of the subject lands as Hazard Lands (HZ) however the location of the existing building and proposed small addition is outside of the Hazard Lands Zone.

City of Dryden Official Plan:

The subject lands are located within the Natural Heritage and Environmental Protection designation and the Regional Business Centre designation in the City of Dryden Official Plan. The subject lands are also located within the Urban Service Area.

Section 4.9 of the Official Plan states that Environmental Protection Areas represent lands that are environmentally sensitive and should not be developed and protection of these natural features will preserve the ecological function of areas such as floodplains. Areas identified as floodplains shall not be developed, however, where remedial measures can be undertaken to safely address flooding and erosion hazards in accordance with Section 5.6 of the Official Plan, applications such as ZBAs to allow development and site alteration in floodplain areas may be permitted.

Section 5.6 of the Official Plan states;

Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansion to such uses will be discouraged, however, reconstruction and/or

minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the City.

The subject lands are currently developed and have been used as a funeral home for some time. The proposal does include a small addition to the existing building, however, an increased risk of flood damage as a result of the proposed addition is not anticipated. Any proposed addition is to be constructed (minimum opening elevations) to any standards the Municipality may have related to flood proofing requirements. Again, the existing building and proposed addition is located outside the Hazard Lands (HZ) Zone in the Zoning By-law, and is generally located further setback from the adjacent watercourse than the neighbouring building to the north. The Official Plan does allow for limited development within a mapped floodplain area for additions to existing buildings.

A small portion of the subject lands and the majority of the lands along Grand Trunk Avenue are located within the Regional Business Centre designation. This area is to be the focus of large scale commercial and industrial uses in the region. Section 4.4.1 of the Official Plan promotes the use of existing commercial and light industrial uses in this area.

Where development is located within 120 metres of a wetland, Section 4.9.3 of the Official Plan requires the proponent to prepare and submit an Environmental Impact Assessment. The nearest wetland is located approximately 300 metres from the subject lands, therefore no Environmental Impact Assessment is mandated.

Policies regarding land use compatibility are included in Section 5.10 of the Official Plan. Crematoriums are being proposed within developed areas more and more often, as accessory uses to existing funeral home operations. Historically, crematoriums were only permitted within cemeteries, however this is no longer the case.

From a land use compatibility perspective, the proposed crematorium is expected to have negligible impact on parking demand or traffic generation within the site. In terms of the cremation process itself, the noises and emissions that could occur are regulated under the Environment Compliance Approval process. The applicant has prepared the required technical studies to satisfy that process and has provided these studies in support of the ZBA application submitted.

City of Dryden Zoning By-law:

The subject lands are located within the Highway Commercial Exception One (CH-1) Zone and the Hazard Lands (HZ) Zone in the City of Dryden Zoning By-law. The existing funeral home building and proposed addition are located within the portion of the subject lands zoned Highway Commercial Exception One (CH-1).

The Highway Commercial Exception One (CH-1) allows for a funeral home as a permitted use, but does not permit an accessory crematorium use. This ZBA proposes to permit a crematorium as an accessory use to the existing funeral home. A crematorium is not currently defined in the Zoning By-law, therefore the exception zone would also need to include a definition. The proposed definition of a crematorium is:

"a portion of a funeral home that is used to cremate human remains."

Based on a review of the zone standards for the Highway Commercial Exception One (CH-1) Zone, the proposed crematorium use and associated addition comply to the standards as listed in Section 4.11 of the Zoning By-law. It should be noted that the interior side yard setback on the southern lot line does not meet the minimum requirement of 6 metres, however this is an existing setback and the proposed addition is located on the opposite side of the building therefore, Section 3.12.1 of the Zoning By-law, which relates to non-complying buildings, is in compliance because there is no further encroachment taking place.

Emission Summary and Dispersion Modelling Report:

Cambium Inc. services were obtained by the applicant to provide an Emission Summary and Dispersion Modelling (ESDM) Report. This revised report was prepared in October 2020 and accompanied the proposed ZBA application. The intent of the modelling exercise was to address potential air quality impacts of the proposed crematorium operations as a requirement of the ZBA process and additionally as a required step in the Environmental Compliance Approvals process. As per Cambium's report, the modelling completed identified that the pollutant concentrations emitted from the Dryden Community Funeral Home Ltd. crematorium facility would not exceed the limits prescribed by the MECP at any of the required points of reception modelled (reg. 419/05). Points of reception include both those residential uses along Skillen Crescent, and New Prospect Public School.

The Emission Summary and Dispersion Modelling report estimates mercury emissions to be 1.75% of the limit permitted by the MECP. The report found that levels of all contaminants considered within the report were estimated below ministry guidelines.

Acoustic Assessment Report:

Cambium Inc. was also employed by the applicant to provide an Acoustic Assessment Report (AAR) (October 2020) for the proposed ZBA application and as a requirement in the Environmental Compliance Approvals process. This exercise is intended to address potential noise impacts of the proposed crematorium operations, as presented. As per Cambium's report, the results of the acoustic modelling indicate that the noise originating from the proposed Dryden Community Funeral Home Ltd. crematorium facility at the

established points of reception, are less than the limits defined in the applicable Ministry publications (NPC-300). Points of reception did include locations within 50 metres from the established residential uses along Skillen Crescent.

Conclusions:

The proposed ZBA and the applicable policies and regulations have been discussed. The studies were required in order to provide the information necessary to assess the completeness of the application. The City of Dryden neither confirms nor disputes Cambium Inc.'s findings. The purpose of this Statutory Public Meeting is to receive comments on the application and the proposed crematorium use within the subject lands.

Following the Statutory Public Meeting, planning staff recommend undertaking a review of the comments received, and that a subsequent Recommendation Report be prepared for Council's consideration at a future meeting.

As with the 2019 application, planning staff have received comments on the proposed crematorium use. Further comments will be collected at the March 29, 2021 Statutory Public Meeting, consolidated, and then considered through a subsequent recommendation report.

Notice Provisions:

Notice of the Public Hearing was provided by City staff in accordance with the requirements of the Planning Act.

Financial Implications:

None.

Attachments (Reference Material):

1. Cambium Inc., Acoustic Assessment Report – Funeral Services Facility (September 28, 2020)
2. Cambium Inc., Emission Summary and Dispersion Modelling Report for a Crematorium Facility (October 16, 2020)