



INFORMATION REPORT

Meeting Date: July 12, 2021

Title: 276 Duke Street – Zoning By-law Amendment

Prepared By: MHBC Planning Limited and revised by Pamela Skillen, Chief Building Official

Department: Building and Planning

Report Number: Building & Planning-2021-03

Background:

Fusion Capital Corporation has submitted a Zoning By-law Amendment (ZBA) application on behalf of CPS Abacus Ltd., to facilitate the establishment of a residential apartment use within the subject lands, known locally as 276 Duke Street in the City of Dryden. The subject lands are legally described as Parcel 25313 Section DFK; Part of Block B Plan M318 Part 1, KR1013 Except Part 1, Registered Plan 23R-9595 (Dryden), and are identified in Figure 1. A description of the subject lands and surrounding lands uses is provided in Table 1.

The Subject Lands are proposed to be rezoned from the Residential Type 2 (R2) Zone to the Multiple Residential Exception Two Holding Two (RM-2-H2) Zone, in order to permit the development of four (4) separate buildings, each containing a 12 unit dwelling units, totaling 48 dwelling units. Additional zoning exceptions are requested, as follows:

- (i) a minimum lot frontage of 125 metres where 384 metres is required;
- (ii) a rear yard setback of 4.5 metres where 10 metres is required; and,
- (iii) no loading spaces shall be required.

Figure 1: Subject Lands

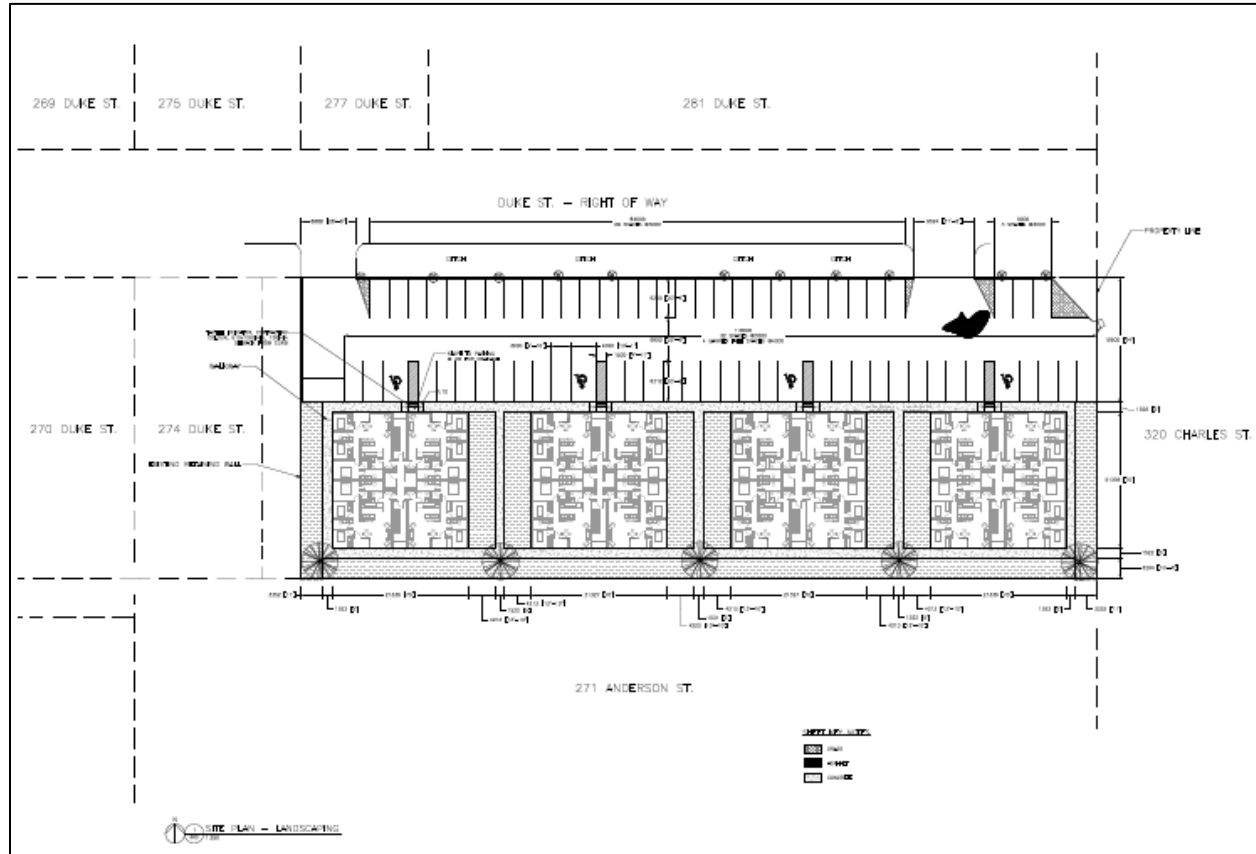


Table 1: Description of the Subject Lands

City of Dryden Official Plan	Stable Areas
City of Dryden Zoning By-law	Residential Type 2 (R2) Zone
Present Use	Vacant
Adjacent Zones	North: Residential Type 2 (R2) South: Institutional (I) East: Rural (RU) and Hazard (HZ) West: Residential Type 2 (R2) and Residential Multiple (RM)
Immediate Surrounding Land Uses	Residential Uses, wooded areas, and Milanese's Lakes.
Lot Area	0.59 hectares
Lot Frontage	125 metres (Duke Street)

As noted, the proposal is to develop four (4) apartment buildings, each containing a 12 unit dwelling units, totaling 48 dwelling units. Each Dwelling unit will feature 3-bedroom floorplans. The main access to the Subject Lands will be provided from Duke Street. Parking facilities will include a total of 63 parking spaces, including four (4) barrier free spaces. The proposed site plan drawing is provided in Figure 2.

Figure 2: Excerpt from the LBE Group Inc. Site Plan Drawing Package



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 PPS. 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 of the PPS provides policy direction regarding managing and directing land uses to achieve efficient and resilient development and land use patterns. Generally, this objective is sustained by promoting efficient development patterns, accommodating a range and mix of land uses, improving accessibility, and ensuring infrastructure meets current and future needs.

The Subject Lands are located within the Urban Service Area of the 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.

Policy direction relating to housing is contained in Section 1.4 of the PPS. Generally, the PPS encourages a diverse range and mix of housing types and densities that help to meet the needs of a diverse population. Intensification is encouraged in areas where infrastructure and public services are readily accessible to support current and projected needs.

Policies regarding stormwater management are included in Section 1.6.6.7 of the PPS, and provide that planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

Public works will have to be satisfied that stormwater has been appropriately considered for the site, prior to the preparation of a recommendation report.

The PPS contains policy direction that aims to protect natural heritage features. Section 2.1 of the PPS provides that natural heritage features and areas shall be protected for the long term. Development is not permitted within certain natural heritage areas. The nearest wetland feature (Milanese's Lake Wetland) is located within 120 metres of the Subject Lands. An Environmental Impact Study has been prepared in support of the proposed development. Staff are in the process of reviewing the findings of this study against the policies of the PPS

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 proposed development is outside any area of known flood hazard.

City of Dryden Official Plan:

The City of Dryden Official Plan includes Housing objectives for the City, as identified in Section 3.2.5 of the Official Plan. Objectives include: directing residential development primarily to the urban serviced area of the City; encouraging intensification and infill development; and, encouraging a range of housing opportunities to meet the needs of the population. Infill and intensification opportunities are especially encouraged through Section 4.1.3 of the Official Plan. This policy sets a target of 10% of new housing in the City to be provided in Stable Areas. The development provides an in-need variety of housing geared towards both density and affordability, consistent with Official Plan policy.

The Subject Lands are located within the Stable Area designation in the Official Plan. Residential development is a permitted use within Stable Area designation. Section 4.1 of the Official Plan states that Stable Areas 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 the City's Official Plan.

Section 4.1.5 of the Official Plan permits minor changes to land use through amendments to the Zoning By-law provided the use does not result in significant increases to traffic or noise, and that the use is similar in character and scale to surrounding land uses. Compatibility is to be maintained between land uses. The applicant has provided a noise impact study for both the impact of the development on the surrounding neighbourhood as well as noise impacts due to the close proximity of the railway corridor. A traffic brief in support of the proposed development has also been supplied. These materials are important in understanding the compatibility of the proposed development with the existing Stable Areas neighborhood. Staff are in the process of reviewing these materials against applicable Official Plan policy.

Section 4.9.3 of the Official Plan states that where development is proposed within 120 metres of a wetland, the applicant shall provide the City an Environmental Impact Assessment (EIA); in this case otherwise known as an Environmental Impact Statement (EIS). As noted, an EIS has been prepared in support of the proposed development. Staff are in the process of reviewing the findings of this study against the policies of the Official Plan and may require additional clarifications from the applicant on study findings and/or scope.

City of Dryden Zoning By-law:

The Subject Lands are currently located within the Residential Type 2 (R2) Zone in the City of Dryden Zoning By-law. The proposed ZBA seeks to rezone the Subject Lands to the Multiple Residential Exception Two Holding Two (RM-2-H2) Zone.

An apartment building is permitted within the RM Zone. The RM Zone includes provisions related to a multiple residential use. A review of the zone standards for the RM Zone is

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included in Table 2. This review is based on the details provided in the ZBA application and supporting documentation. It is noted that the Site Plan for the Subject Lands would be subject to the City's Site Plan Approval process.

Table 2: Zoning Review

PROVISION	RM REQUIRED	RM-2-H2 PROPOSED
Min. Lot Area – Apartment Building	200 m ² per unit plus 93 m ² per unit after 4 = 4,892 m ²	5,910 m ²
Min. Lot Frontage	8.0 m per unit = 384 m	125 m
Min. Front Yard	7.5 m	21.2 m
Min. Interior Side Yard	Lesser of 4.5 m or Half the Height of the Building(s)	4.9 m
Min. Exterior Side Yard	7.5 m	N/A
Min. Rear Yard	10.5 m	4.5 m
Max. Lot Coverage	50%	31%
Min. Landscaped Open Space	20%	28%
Min. # of Parking Spaces	1.25 Spaces Per Unit = 60 Spaces	63 Spaces
Min. # of Barrier Free Parking Spaces	4 Spaces are Required	4 Spaces
Min. # of Loading Spaces	1 Space for Floor Areas from 300 - 2300 m ²	0

Three exceptions to the RM Zone are proposed:

- (i) a minimum lot frontage of 125 metres where 384 metres is required;
- (ii) a rear yard setback of 4.5 metres where 10.5 metres is required; and,
- (iii) no loading spaces shall be required.

The lot frontage on the Subject Lands is existing, and the requirement in the Zoning By-law would result in a minimum lot frontage of 384 metres for an apartment building in the RM Zone. 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. It is typical that mid-rise buildings require a lesser lot frontage than multiple units on the ground level. The proposed building complies with all other setback, parking and lot coverage standards, except for minimum required rear yard setback.

The intent of minimum required rear yard setback is primarily to ensure development has sufficient separating distance from uses abutting the rear. The reduced rear yard setback

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is appropriate in this instance, as the abutting use to the rear is a wooded area. Again, the Subject Lands exceed the minimum lot area for the parent RM Zone, and the proposed building complies with all other setback, parking and lot coverage standards, except for minimum required rear yard setback

Technical Reports:

The applicant has provided a number of technical studies with the submission of the Zoning By-law Amendment application, including:

- an Environmental Impact Study prepared by Scott Schelske Engineering and dated January 27, 2021;
- a Land Use Compatibility Study prepared by Channel Technical Services and dated February 11, 2021;
- Noise Studies prepared by Scott Schelske Engineering and dated February 17, and June 24, 2021;
- A Traffic Impact Brief prepared by Andrew Brookes, P. Eng., CMVP of LBE Group Inc. and dated June 28, 2021;
- a Phase I ESA prepared by Eng-Tech Consulting Limited and dated February 2021; and
- a topographic survey prepared by Rugged Geomatics Inc. and dated December 18, 2020.

Upon request, the applicant has also provided a Site Plan Control Drawing Package prepared by LBE Group Inc. and dated May 2, 2021.

As noted, technical materials are currently under review by staff. Additional clarifications related to these studies may be requested from the applicant in order to ensure conformity with applicable planning policy.

Conclusions:

The proposed ZBA and the applicable policies and regulations have been discussed. The purpose of the Statutory Public Meeting is to receive comments on the application and the proposed apartment use within the subject lands.

Following the Statutory Public Meeting, a review of both the comments received, and the technical studies/drawings provided with the application will be completed. Any additional technical details required to inform a decision on the proposed application can be provided by the applicant through a subsequent submission of technical documents.

Following this review, a Recommendation Report will be presented to Council at a subsequent Council meeting for a decision on the application.

Notice Provisions:

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

Financial Implications:

Current Budget Allocation: Planning Application Fee \$1590.00 received

Account #: 490-3557

Attachments (Reference Material):

- Environmental Impact Study - Scott Schelske Engineering, dated January 27, 2021;
- Land Use Compatibility Study - Channel Technical Services, dated February 11, 2021;
- Noise Studies - Scott Schelske Engineering, dated February 17, and June 24, 2021;
- Traffic Impact Brief – Andrew Brookes, P. Eng., CMVP, - LBE Group Inc., dated June 28, 2021;
- Phase I ESA - Eng-Tech Consulting Limited, dated February 2021;
- Topographic Plan - Rugged Geomatics Inc., dated December 18, 2020; and
- Site Plan Control Drawing Package - LBE Group Inc., dated May 02, 2021.