



STAFF REPORT

Meeting Date: August 9, 2021

Title: 276 Duke Street Zoning By-law Amendment Recommendation Report

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Department: Building and Planning

Report Number: Building & Planning-2021-05

Recommendation:

THAT Council receives this Recommendation Report, dated July 28, 2021 and enacts By-law No. 2021-___ being a By-law to amend the City of Dryden Zoning By-law, as amended.

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 Three Holding Three (RM-3-H3) Zone, in order to permit the development of four (4) separate buildings, each containing 12 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 10.5 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 12 dwelling units, totaling 48 dwelling units. Each floor of the proposed buildings are three (3) metres in height and the total building height is nine (9) metres. Each dwelling unit is proposed to be a 3-bedroom unit. 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. The elevation drawings of the proposed building are shown on Figure 3.

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

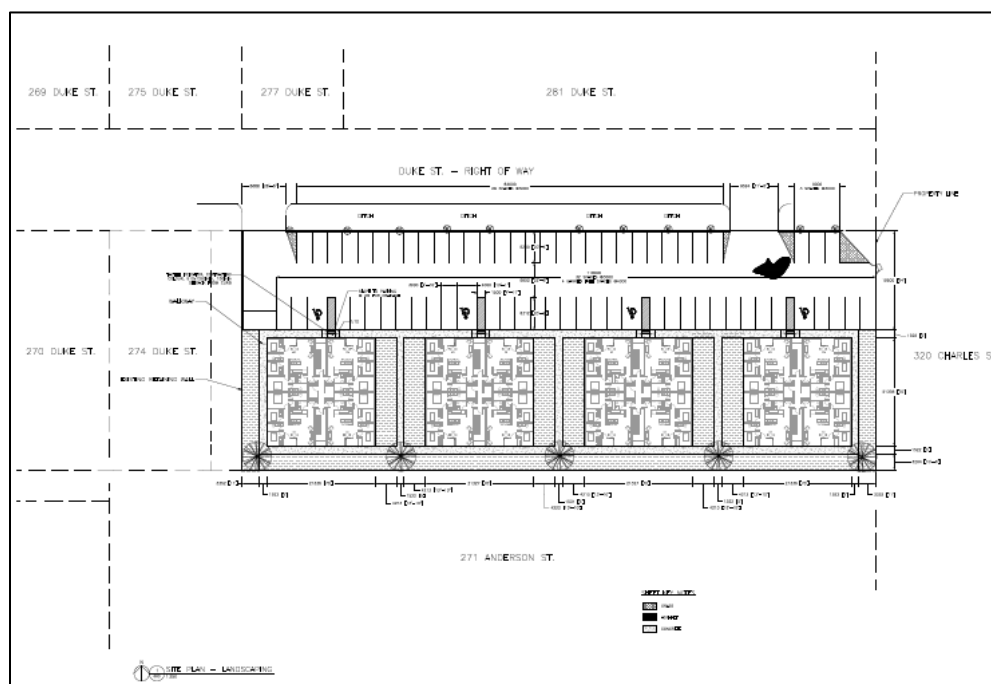


Figure 3: Proposed Building Elevations



The City of Dryden held a virtual Public Meeting on July 12th, 2021 via Microsoft Teams. The purpose of this meeting was to give the public an opportunity to make representations in respect of the proposed ZBA to Comprehensive Zoning By-Law No. 2740-2000. The comments provided at the Public Meeting were in large part related to community safety, and traffic safety. All comments received regarding this application are attached to this report, as Appendix 1.

A summary of the comments that were received includes the following:

- Hazards related to public access of CP rail line;
- Trespassing/Theft;
- Snow dump trucks exceeding the posted speed limit;
- Emergency services being unable to access the area due to increased traffic; and,
- Need of nearby children play structures.

Further, in response to the comments received from members of the public and Council, City staff and the Applicant have completed the following:

- Public Works has investigated the CP rail line and found that the original fencing has been tampered with, allowing public access to the CP rail line. The fencing has been, and will continue to be repaired when either inspections or the public identify areas of concern. Additionally, an agreement is in place between CP Rail and the City regarding the construction and maintenance of rail line fencing.

- To deter theft and trespassing the applicant has proposed to provide directional lighting on the property, as well as security cameras. Additionally, the applicant has stated their intention to construct fencing along the north, west, and east property lines.
- Dryden Police Service have been made aware of concerns related to trespassing, theft, and speeding in the area.
- With respect to emergency services access to the area, and increased traffic. the applicant has provided a traffic brief. This traffic brief states that while traffic will increase due to the development, the volume of traffic is expected to remain within acceptable levels. Further to this the brief states that, existing infrastructure is sufficient to accommodate any projected increase in traffic flows resulting from the proposed development.
- The applicant is currently investigating the potential of including a play structure for children on site. There is no requirement in the Zoning By-law for this to be included.

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. The apartments, as proposed, is consistent with the direction of this policy.

Section 1.2.6 of the PPS contains policies relating to land use compatibility. Sensitive land uses, including residential development, are to be planned and sited to mitigate adverse

effects from odour, noise, and other contaminants to the greatest extent possible. A Noise Impact Study Report and Railway Vibration Study was prepared in support of the subject application to demonstrate potential impacts comply with Ministry of Environment Conservation and Parks guidelines. The findings of these studies conclude that there are no negative adverse impacts anticipated on the proposed development.

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. The proposed development would add to the supply of high density and is consistent with Section 1.4 by adding to the range mix of available housing types and densities.

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.

The LBE Group Inc., has entered into discussions with Public Works to determine an acceptable stormwater management plan for the proposed development. A stormwater management plan will be required during Site Plan Approval for the proposed development. In regards to water and sewer capacity, the City has no concerns and are confident that an effective stormwater management plan can be provided by the applicant prior to final approvals. The applicant has provided the City with documentation that the proposed development can be serviced by the existing water and sewer infrastructure on Duke Street.

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 Statement (EIS) has been prepared in support of the

proposed development. The EIS identified no significant negative impacts resulting from the development. An additional amendment to the EIS was received identifying that there will be no tabulated effects, and that a reduction in contaminated runoff is expected as the property will be levelled and grassed. The applicant may be required to include mitigation measures to ensure no negative impacts, at the time of Site Plan Control.

Habitat of endangered and threatened species was also examined through the preparation of the Environmental Impact Assessment (PPS Section 2.1.7). The Assessment concluded that there were no protected or species at risk identified on the property.

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. There are no hazards identified on the subject lands.

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.

The traffic brief has stated that traffic volumes after the proposed development fall within the capacity of the existing infrastructure in the area, however the intersection at Rourke/Duke is uncontrolled and the addition of stop signs and/or yields should be considered to control traffic flow. Further to this, the traffic generated from the proposed residential development will not materially affect the operations of the road network in the area. The requirement for traffic control measures can be explored further at the Site Plan Control stage, however sufficient justification has been provided in the traffic brief to support the zoning of the site.

The noise impact study concluded that noise generated from the development is within acceptable limits. Further to this, any noise generated by the proposed development is substantially less than that generated by the CP rail line. Using the Canadian Transportation Agencies noise estimation method, impact on the proposed development from the nearby CP rail line has been found to be within acceptable levels. A study was also prepared that concluded there will be no impacts on the proposed development as a result of the adjacent CP rail line.

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); As noted, an environmental report has been prepared in support of the proposed development which has identified no significant negative impacts resulting from the proposed development.

Section 5.10 of the Official Plan contains policies regarding land use compatibility. As much as possible, land use conflicts should be avoided. The policies within this section of the Official Plan reference Ministry guidelines for noise and separation distances, and generally include policies to deal with new industrial uses located in proximity to residential uses. Sensitive land uses and major facilities are discouraged to be located in the vicinity of one another. From a land use compatibility perspective, the proposed apartment buildings are generally compatible with surrounding land uses which are primarily comprised of hazard lands, open space, single and multiple residential uses. There are other properties located within the RM Zone on Duke Street and to the south on Arthur Street. Potential plantings could be incorporated to provide a natural buffer area to the existing residential dwelling to the west (minimum planting strip of 3 metres is required). This could be completed through the site plan process.

Supporting reports were submitted with the ZBA application. These reports are summarized below:

- **Environmental Impact Statement:**

An Environmental Impact Statement was prepared by Scott Schelske Engineering, dated January 27, 2021 in support of the proposed ZBA. The purpose of the report was to describe existing natural features that may be impacted by any proposed development activities; describe the potential impacts of development on the ecological functions of identified natural features. An amendment to this report was prepared by Scott Schelske Engineering dated July 23, 2021. This amendment, further detailed the presence of the nearby wetlands and describing any anticipated impact to this feature as a result of runoff. Mitigation measures to control run-off from the site may be implemented through Site Plan Control.

- **Noise Impact Study Report:**

A Noise Impact Study Report was prepared by Scott Schelske Engineering, dated February 17, and June 24, 2021 in support of the proposed ZBA. The purpose of the reports was to evaluate the potential noise impact of the proposed residential development, including road and rail impacts. It was concluded that the proposed development will not generate an unacceptable level of noise.

- **Railway Vibration Study:**

A Railway Vibration Study was prepared by Scott Schelske Engineering, dated February 20, 2021 was prepared to evaluate the potential impacts from the adjacent railway on the proposed development. It was concluded that the vibration from the railway would not impact the proposed development. Factors including elevation and existing ditches factored into this conclusion.

- **Phase I Environmental Site Assessment:**

A Phase I Environmental Site Assessment was prepared by Eng-Tech Consulting Limited dated February 2021 in support of the proposed ZBA. Based on the results of the Phase I ESA completed by Eng-tech, the soils dumped in the southeast portion of the site were of unknown source. Additionally, it is unknown whether the soil was clean fill, rubble, or contaminated. As such, it is recommended that a Phase II ESA be conducted to assess these areas prior to the issuance of a Site Plan Control Agreement and building permits.

- **Land Use Compatibility Study:**

A Land Use Compatibility Study was prepared by Channel Technical Services, dated February 11, 2021. The purpose of this study was to identify any potentially incompatible land uses within 1,000 metres. In addition, it identified the degree of which these impacts would have on surrounding land uses. The report detailed that there are no concerns with respect to Minimum Separation Distances in relation to the Sensitive Land Use Guidelines. The report concluded that separation distances can be met with no adverse impacts. It should be noted that snow will be removed from the site on a normal basis, and not stock piled.

- **Traffic Impact Brief:**

A Traffic Impact Brief prepared by LBE Group Inc. and dated June 28, 2021. The brief examined the existing road infrastructure, as well as current and proposed traffic volumes. the brief stated that Traffic volumes after the proposed development fall within the capacity of the existing infrastructure in the area, however the intersection at Rourke/Duke is uncontrolled and the addition of stop signs and/or yields should be considered to control traffic flow. The traffic generated from the proposed residential development will not materially affect the operations of the road network in the area. Traffic control measures may be considered through the review of the Site Plan Control application.

Upon request, the applicant has also provided a Site Plan Control Drawing Package prepared by LBE Group Inc. and dated May 2, 2021. The applicant has also supplied a topographic survey of the 276 Duke Street property.

The proposed development and the proposed rezoning conform to the relevant sections of the City Official Plan. The supporting studies have provided sufficient technical justification to support proposed amendment to the Zoning By-law. The recommendations of the technical reports will be implemented through the Site Plan Control process.

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 Three Holding Three (RM-3-H3) 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 included in Table 2. This review is based on the details provided in the ZBA application and supporting documentation.

Table 2: Zoning Review

PROVISION	RM REQUIRED	RM-3-H3 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 parking and lot coverage standards, with the exception of the minimum 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 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 and loading zone requirements. Furthermore, a planting strip will be required and be implemented through the Site Plan Approval as per Section 3.17 of the Zoning By-law (3 metres in width).

Conclusions:

The applicant is proposing that the property located at 276 Duke Street be rezoned from Residential Type Two (R2) Zone to Multiple Residential Exception Three Holding Three (RM-3-H3) Zone. This will facilitate the construction of four (4) separate buildings, each containing 12 dwelling units. The proposed development is consistent with the Provincial Policy Statement and conforms to the City of Dryden Official Plan. The Statutory Public Meeting of Council was held on July 12, 2021. The Public Meeting and associated public notice were conducted in accordance with the provisions of the *Planning Act*.

Following the Statutory Public Meeting, comments received from the public and Council have been reviewed and considered. The applicant has provided supporting material to the City in the form of various reports and studies. The proposed development is subject to site plan control and the site plan process will be used to implement the recommendations of the supporting studies. The proposed development is proposing additional dwelling units to the City, and diversifying the housing stock that is available.

Based on this review it is recommended that the proposed amendment to the Zoning By-law of the City of Dryden be passed by Council, subject to a holding provision that required a Site Plan Control Agreement be entered into, between the applicant and the City.

Notice Provisions:

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

Financial Implications:

None.

Reference Materials:

- Environmental Impact Statement - 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;
- Site Plan Control Drawing Package - LBE Group Inc., dated May 02, 2021; and
- Amendment to Environmental Impact Statement, dated July 23, 2021.