

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B3/24, B4/24, and B5/24
Related Application(s): Z4-20/OPA40 – 14 & 18 Margaret Street
Owner(s): Wynstar Developments Inc.
Meeting Date: June 28th, 2024
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

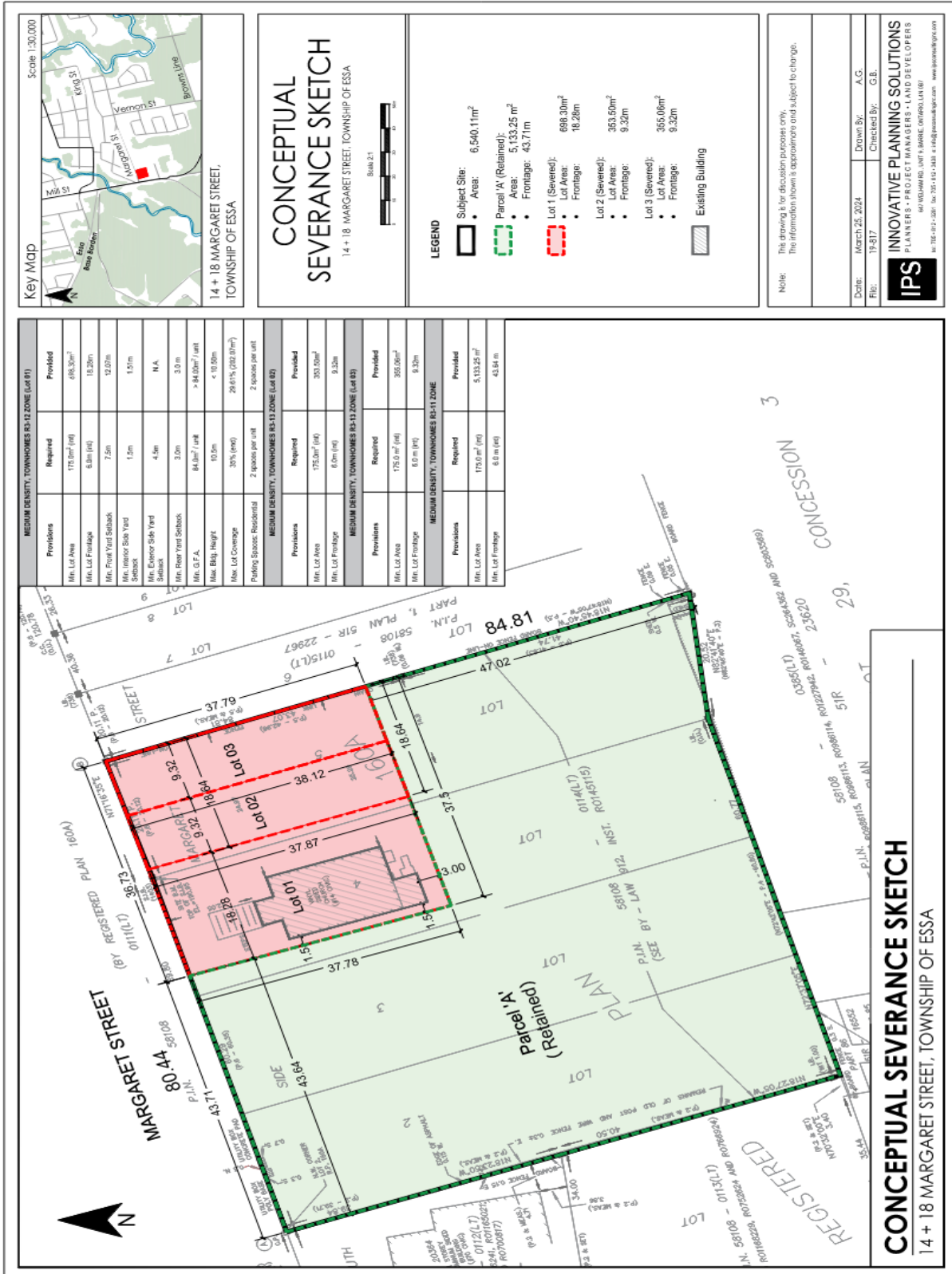
Municipal Address	14 & 18 Margaret Street
Legal Description	PLAN 160A LOT 2 TO 4 & PLAN 160A LOT 5
Roll No.	4321-010-010-34800
Official Plan	Residential & Institutional
Zoning By-law	Residential, Medium Density, Townhome with Special Provisions (R3-11, R3-12, and R3-13) & Institutional (I)

RECOMMENDATION:

Planning Staff recommends Approval of Applications B3/24, B4/24, and B5/24 based on Planning Policy and all considerations, with the following conditions:

1. That a reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing it in the Land Registry Office.
2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That all municipal taxes be paid up to date.
4. That Planning Act Sections 50(3) and (5) will continue to apply to both parcels.
5. That all external costs associated with the application be borne by the applicant.
6. That a Heritage Conservation Agreement be registered on title to protect the features of the former Zion Presbyterian Church identified in the Cultural Heritage Impact Assessment.

PROPOSAL:



REASON FOR THE APPLICATIONS:

The applicant has applied for three (3) Consent applications; one (1) for a Lot Line Adjustment, and two (2) for the creation of two new lots on the lands known as 18 Margaret Street. The applicant intends to transfer 960.6m² from 18 Margaret Street to 14 Margaret Street. The applicant then intends to sever a new lot off 14 Margaret Street (containing the Zion Presbyterian Church) that would have a total lot area of 688.30m². Following the lot line adjustment, the applicant also intends to split 18 Margaret Street into two parcels: the retained lot would have a lot area of 353.50m², and the severed lot would have a lot area of 355.06m².

SITE INSPECTION DATE

June 12th, 2024

PLANNING ANALYSIS

1. Provincial Policy Statement

The Provincial Policy Statement 2020 (PPS) provides policies that direct development while protecting resources of provincial interest, public health and safety; and, the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

Section 1.1.3 of the PPS outlines and directs development of lands located in Settlement Areas.

Section 1.1.3.3 of the PPS states that Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The proposed Consents would provide the opportunity to add to housing stock within the settlement area by potentially allowing a range of different housing options to be developed on the proposed lot. The development utilizes existing land to provide opportunities for housing to be developed in a compact form through intensification and redevelopment of the existing lands and would not impact public health or safety. Thus, the proposal to create

two new lots and adjust the lot lines between 14 & 18 Margaret Street is generally consistent with the intent and purpose of the PPS.

2. Growth Plan for the Greater Golden Horseshoe (2005)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (“Growth Plan”) was prepared by the province to guide the building of stronger, more prosperous communities through the management of growth. The Growth Plan contains various principles that guide decisions on how land is to be developed and provide direction on how to properly manage growth across the Greater Golden Horseshoe. These principles include building compact, vibrant and complete communities, managing growth, protecting natural resources, optimizing the use of infrastructure, and providing for different approaches to managing growth that recognizes the diversity of communities.

The policies contained in the Growth Plan direct development to settlement areas with an importance on utilising existing urban areas with existing infrastructure. As outlined in Section 2.2.1 (2 d))

d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; in accordance with the Growth Plan, development, including lot creation, will be directed to identified settlement areas and growth within these settlement areas will be appropriately serviced by municipal services.

The proposed Consents would create two (2) new lots within a settlement area, and adjust the lot lines between 14 & 18 Margaret Street. The proposal utilizes the existing urban area by allowing for future residential development in response to the demand for housing. The new lots will have access to municipal services; thus, the proposed Consents are generally consistent with the intent and purpose of the Growth Plan for the Greater Golden Horseshoe.

3. County of Simcoe Official Plan

The County of Simcoe Official Plan (“County OP”) was adopted by the County of Simcoe Council on November 25, 2008 and was fully approved by the Ontario Municipal Board in December 2016. Within the County OP, the subject property is designated as “Settlements” in accordance with Schedule 5.1.

Section 3.3 of the County of Simcoe’s Official Plan outlines and directs the general development policies for subdividing land across the County.

Section 3.3.4 of the County OP requires lots to have appropriate road access.

The proposed lots would have access off of Margaret Street (a municipally assumed road).

Section 3.5.2 states, that development within settlement areas should aim to develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation, and other services. Additionally, Section 3.5.4 also states that an objective of the Settlement designation is to promote development forms and patterns which minimize land consumption and servicing costs.

The proposed new lots and lot line adjustment will contribute to the compact urban design of the surrounding area and will be an efficient use of the land with access to existing municipal services. Therefore, the proposed Consents generally align with the stated objectives of the Settlement designation in the County OP and is generally consistent with the intent and purpose of the County OP.

4. Township of Essa Official Plan

The Township of Essa Official Plan designates the subject properties as “Residential” and “Institutional” in accordance with Schedule “B” – Angus and is located within a Settlement Area.

Section 26.6.1 When considering applications for consent to sever parcels in the settlement areas, in addition to the general consent policies, consideration shall be given to the following:

a. In consideration of severance for residential, commercial, industrial, or institutional purposes, that approval of the application will conform to all applicable policies of this Plan including the general development policies and the applicable land-use policies.

The application conforms with the general development policies, and it has been recommended that the applicant be granted conditional approval to ensure that conformance is met before issuance of Consent Certificate.

b. That all other municipal services and improvements deemed necessary are, or will be, made available.

The applicant provided the Public Works Department with a Functional Servicing Report and it was determined by the Public Works Department that the proposed development could potentially be serviced; however, servicing capacity will be deferred to the site plan control application, once applied for.

c. That the lot size, width and area are adequate for the use proposed and that the lot size and proposed use will not contravene the provisions of the Zoning By-law.

The applicant completed a Zoning By-law Amendment that rezoned the subject lands to reduced the minimum lot provisions. The proposed lots and lot line adjustment are in conformance with the provisions of Section 11.4.11, 11.4.12, and 11.4.13.

d. That the topography, hydrogeology, and drainage of the site are satisfactory for the lot size and use proposed.

The applicant will be addressing all technical concerns of the development during the site plan control application. The approval of the Consents would not result in adverse effects to the above-mentioned considerations.

e. That consideration has been given to the availability and adequacy of existing community facilities such as schools, parks and shops to ensure that the proposed new development does not place an undue burden on existing facilities.

The proposed units would add to the housing stock in the area and would not place any undue burden on existing facilities.

f. That consideration has been given to the compatibility of the proposed use or type of structure with the surrounding uses, including Cultural Heritage Resources.

The former Zion Presbyterian Church located on 14 Margaret Street was subject to a Cultural Heritage Impact Assessment (CHIA) that was submitted for File. Z4-20/OPA40, the By-laws for which were passed and adopted on March 6th, 2024. The CHIA identify several features that should be preserved and staff requests that a condition of the Consents be the following: that a Heritage Conservation Agreement be registered on title to protect the features identified in the Cultural Heritage Impact Assessment.

Once that agreement is registered, the proposal should be considered compatible with the existing Cultural Heritage Resources.

g. That the application represents the logical in filling of an existing settlement area and in no way could be considered an expansion of the settlement area.

The proposed lots are within the settlement area and do not abut any settlement boundaries or borders; thus, this is not a concern.

h. Notwithstanding anything else contained within the Plan, within a settlement area more than one severance may be permitted provided the proponent enters into a Development Agreement with the Township

The proposal is for more than one Consent to occur. Staff believes that a Development Agreement would be unnecessary at this stage since concerns pertaining to Lots 1, 2 and 3

on the Consent Plan Sketch were addressed during the Zoning By-law Amendment application.

5. Township of Essa Zoning By-law (2003-50)

The property has completed a Zoning By-law Amendment (Z4-20) to rezone the proposed retained and severed lots from 'Residential, Low-Density, Detached (R1)' and 'Institutional (I) 'Residential, Medium Density, Townhome with Special Provisions (R3-11)', 'Residential, Medium Density, Townhome with Special Provisions (R3-12)', 'Residential, Medium Density, Townhome with Special Provisions (R3-13)'.

The proposed retained and severed lots will comply with the zoning provisions of their specified zones. Therefore, the proposed Consents are generally consistent with the intent and purpose of Zoning By-law 2003-50.

COMMENTS:

No comments received.

CONCLUSION:

Staff are recommending **APPROVAL** of applications **B3/24, B4/24, and B5/24** as the proposals are generally in keeping with all relevant planning policies and staff considers the approval of said applications to be good planning.

Respectfully submitted,



Owen Curnew
Development Planner
Township of Essa