

PLANNING REPORT

ZONING BY-LAW AMENDMENT

Proposed Commercial/Residential Building

337 Sykes Street South
Meaford, Ontario

Owner: Merchant & Merchant Inc.

Prepared by:



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February 3, 2020

TABLE OF CONTENTS

1.	BACKGROUND	1
	1.1 The Proposal	1
	1.2 Approvals Required	1
2.	SUBJECT PROPERTY AND SURROUNDING LAND USES	2
	2.1 Location and Current Use of Subject Property	2
	2.2 Adjacent Properties	2
3.	MUNICIPALITY OF MEAFORD OFFICIAL PLAN	3
	3.1 'Highway Commercial' Designation	3
	3.2 Housing	4
	3.3 Soil Conditions.....	4
	3.4 Archaeology	4
	3.5 Traffic	5
	3.6 Site Plan	6
	3.7 Official Plan Review Summary	6
4.	THE PROVINCIAL POLICY STATEMENT	7
	4.1 Urban Development	7
	4.2 Housing	7
	4.3 Servicing	8
	4.4 Natural Heritage	8
	4.5 Archaeology	8
	4.6 PPS Review Summary	9
5.	MUNICIPALITY OF MEAFORD ZONING BY-LAW	10
6.	EVALUATION OF THE PROPOSED AMENDMENT	11
7.	CONCLUSIONS / RECOMMENDATION	12
	FIGURES	A
	Figure 1: Location Map	
	Figure 2: Municipality of Meaford Official Plan Schedule A-1	
	Figure 3: Municipality of Meaford Zoning By-law Schedule B (Map 12)	

1. BACKGROUND

1.1 The Proposal

Merchant & Merchant Inc. owns a 0.5 hectare property located at 337 Sykes Street South (Provincial Highway No. 26) in the former Town of Meaford, shown on Figure 1 to this Planning Report. Currently situated on the property is a commercial building occupied by a restaurant and dance studio. The owner is proposing to remove the existing structure and erect a three-storey, multi-use building consisting of six commercial units on the main floor and a total of 20 residential apartments on the second and third floors, as illustrated on the attached Site Plan. Vehicular access to the site would be gained through an existing driveway that is shared with the adjacent commercial operation (gas bar), with a second (new) access along St. Vincent Street.

1.2 Approvals Required:

The subject lands are zoned 'C2' (Highway Commercial) in the Municipality of Meaford Zoning By-law. A variety of commercial uses is permitted, as explained later in this Planning Merit Letter; however, the 'C2' zone does not permit residential apartments. In this regard, the proposed Zoning By-law Amendment is requesting a 'C2-Exception' zoning that would add "apartment dwelling units" as a permitted use.

Following the approval of the requested Zoning By-law Amendment, a Site Plan Control application will be filed with the Municipality. The signing and registration of the Site Plan Control Agreement will be required prior to a building permit being issued by the Municipality.

2. SUBJECT PROPERTY AND SURROUNDING LAND USES

2.1 Location and Current Use of Subject Property

The subject property is located along Sykes Street South (Provincial Highway No. 26), approximately one kilometre southeast of the downtown. The property has the appearance of also having frontage along Grey Avenue and St. Vincent Street, as illustrated in Figure 1; however, the site is separated from these two municipal streets by a one-foot reserve. (On that note, a request will be made at the Site Plan Agreement stage to remove the one-foot reserve for a distance of 9.0 metres along St. Vincent Street in order to allow vehicular access.)

The site comprises 0.5 hectares of land is slightly-irregular in shape.

Currently situated on the site is a 290 square metre (approximate) commercial building and an associated parking area. The remainder of the sites has a grassed/gravel surface and isn't utilized at this time for any purpose. A row of mature trees exist along the Grey Avenue and St. Vincent Street property boundaries. These trees appear to be situated partially on the road allowances. (The developer intends to maintain as much of this tree row as possible.) A few other trees are scattered across the site.

2.2 Adjacent Properties

This area of Meaford is represented a mix of commercial and residential uses.

All of the lands along both sides of Sykes Street South (Provincial Highway No. 26) in this neighbourhood appear to be used for typical highway commercial uses, e.g. gas bar, restaurants.

The lands along the north side of Grey Street and those situated east of St. Vincent Street in this particular area are occupied by detached dwellings.

3. MUNICIPALITY OF MEAFORD OFFICIAL PLAN

3.1 'Highway Commercial' Designation

Schedule A-1 of the Meaford Official Plan designates the subject lands as 'Urban Highway Commercial', as illustrated on Figure 2. According to Section B1.7.3 *Permitted Uses*, the following shall be allowed in this land use designation: auto service and sales, restaurants, accommodation facilities, retail uses, department stores, supermarkets, wholesale establishments, storage and/or warehousing establishments, space extensive retail uses, institutional uses, and other similar uses.

With regard to the proposed residential component of the development, the Official Plan states:

Accessory residential uses may be permitted by way of a site specific zoning amendment. In approving such an application, Council shall be satisfied that the residential use will be compatible with, and will not detract from the highway commercial use.

With regard to this policy, a site-specific amendment is being sought to allow for the 20 residential apartments. In terms of the residential units' compatibility with the commercial operations on the main floor, it is important to note any uses this may seem incompatible with a dwelling unit above it would not be considered for the property, e.g. automotive repair, automotive body repair, car wash, etc. Such uses simply wouldn't fit into a commercial plaza format. If so desired by the Municipality, the Zoning By-law could remove such commercial operations from the list of permitted uses.

Section 1.7.5 *Development Policies* provides criteria for evaluating new highway commercial development including policies pertaining to parking, vehicular access, landscaping, outdoor storage, etc. Whereas the proposed development does conform to these policies, a detailed evaluation of the development within the context of this section is more appropriate at the Site Plan Control Agreement stage – and not through this rezoning exercise - since the intended commercial use is already permitted on this property under the site's current zoning.

Section B1.7.6 *Relationship between the Highway Commercial Area and the Downtown Core* provides policies aimed at ensuring that a new development proposal in the 'Urban Highway Commercial' area does not have a negative impact on the planned function of Meaford's downtown. In this regard, the rezoning request to allow for residential apartment units should not have a negative impact on the downtown. This policy generally pertains to competing interests; and, allowing for residential apartments on the second and third floors of a commercial building would not cause any threats to the livelihood of the downtown. In fact, with the apartments being located within one kilometre (approximately) of the core area, the tenants have the ability to walk to the

downtown to use the shops and services, and this would be beneficial to the planned function of Meaford's downtown.

3.2 Housing

Also in support of the proposed residential component of the intended multi-use development are the policies contained in Section A2.2.4 *Intensification Targets* and A2.2.5 *Housing* which collectively promote new housing through intensification and encourage housing types (e.g. apartments) that are accessible to lower and moderate households and suited for special needs groups such as seniors. One of the policies speaks specifically to the proposed development, and reads as follows:

The creation of accessory apartments is recognized as an opportunity to increase the number of affordable units within the Municipality. Where appropriate, Accessory apartments will be supported in the Urban Living Area; Downtown Core, Urban Highway Commercial and Downtown Core Commercial Areas; in the Rural, Agricultural, and Specialty Agricultural Designations as well as the Shoreline Designation, and Rural Settlement Areas .

3.3 Soil Conditions

Because the lands are zoned for commercial activity only and a residential use is proposed as part of the development, consideration must be given to the historical use of the property and the possibility of contaminated soils. Section C13 *Contaminated Sites* states:

If the site of a proposed use is known or suspected to be contaminated, Council shall require the proponent to prepare a study prepared in accordance with the Ministry of Environment guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required.

Where the need for remediation is identified, the site shall be restored in accordance with the remedial plan before development occurs to ensure that there will be no adverse effects on the proposed uses or adjacent land uses.

In this regard, a letter of opinion has been prepared by the owner/engineer explaining why a study isn't required.

3.4 Archaeology

Section D3.3 *Archaeological Resources* states the following:

D3.3.1 Archaeological Assessment Requirements

Council recognizes that there are archaeological remnants of prehistoric and early historic habitation as well as archaeological potential areas within the Municipality. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological impact assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial policies. Council would encourage consultation with the First Nations and Métis regarding archaeological sites and resources.

Archaeological assessment reports by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements referenced under the Heritage Act.

Council may conserve the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the Planning Act, to prohibit land uses on sites where an identified significant archaeological heritage resource exists.

The County of Grey requires an archaeological assessment report be submitted with all applications for Plan of Subdivision and Condominium.

With regard to this policy, the form entitled *Criteria for Evaluating Archaeological Potential: A Checklist for the Non-Specialist* has been completed and is included in the Zoning By-law Amendment submission package. As discussed during the preconsultation meeting and follow-up telephone conversations, the property has been subject to recent (i.e. post 1960) extensive and intensive ground disturbances, for the most part. As a result of changes to the property including mature tree removal, substantial regrading of the site, the construction of municipal serving along the Gray Street and St. Vincent Street lot lines and the subsequently the removal of such infrastructure, and the ground preparation for the existing commercial building and associated parking lot, it is estimated that approximately 80% of the property has been disturbed. For this reason, the “yes” checkbox has been filled in for Question 8 which deals with past disturbances of the site; and, in this regard, an Archaeological Assessment should not be required. To be clear though, I cannot confirm that 100% of the property has been significantly disturbed.

3.5 Traffic

Section D2.4 *Traffic Impact Studies* states the following:

D2.4 Traffic Impact Studies

Traffic impact studies may be required by the Province, the County and/or the Municipality to support a development application. The intent of such a study is to

ensure that the proposed development can be designed and sited to ensure that the impacts of the development on the adjacent road network are addressed.

During the preconsultation discussions, Municipal staff advised that the submission of a Traffic Impact Study would be required as part of the rezoning submission. As such, Tathem Engineering was retained by the owner to undertake a Traffic Impact Study. The Study found the proposed development to be acceptable from a traffic perspective, with no road improvements required. The Traffic Engineer's only suggestion was a re-synchronization of the traffic lights in the area in order to improve traffic flow. A copy of the Traffic Impact Study has been submitted to the Municipality as part of the Zoning By-law Amendment application package submission.

3.6 Site Plan

Section E1.4 *Site Plan Control* states that those land uses identified in the Municipality's Site Plan Control By-law are subject to a Site Plan Control Agreement. Commercial uses and/or multi-residential uses are listed in said By-law. In this regard, a Site Plan Control application will be filed with the Municipality following approval of the requested Zoning By-law Amendment.

The Site Plan Agreement will address all matters listed in Section E1.4.1. of the Official Plan.

It should be noted that the Site Plan that has been submitted with this Zoning By-law Amendment application takes into account all requirements of Section E1.4.1 and Section 41 of The Planning Act. Unless changes to the Site Plan are suggested through this rezoning process, the very same Site Plan will be submitted to the Municipality at the Site Plan Control stage.

3.7 Official Plan Review Summary

The proposed Zoning By-law Amendment, which is intended to permit 20 residential dwellings units, conforms to the Municipality of Meaford Official Plan.

4. PROVINCIAL POLICY STATEMENT

4.1 Urban Development

It is the general intent of The Provincial Policy Statement (PPS) to direct urban type development to the designated settlement areas, such as the former Town of Meaford. Section 1.1.3 *Settlement Areas* includes the following policy:

- 1.1.3.1 *Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

4.2 Housing

Section 1.4 *Housing* strongly encourages a variety of house types and densities by (as per Section 1.4.3):

- b) *permitting and facilitating:*
1. *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
 2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

These policies clearly support the residential apartment dwellings proposed for the second and third floors of the intended building.

4.3 Servicing

Section 1.6.6 *Sewage, Water and Stormwater* states:

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

The subject lands are already serviced with municipal sewage and water services.

1.6.6.7 *Planning for stormwater management shall:*

- a) *minimize, or, where possible, prevent increases in contaminant loads;*
- b) *minimize changes in water balance and erosion;*
- c) *not increase risks to human health and safety and property damage;*
- d) *maximize the extent and function of vegetative and pervious surfaces; and*
- e) *promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.*

The handling of surface water has been addressed by Zoltac Engineering on the Site Plans.

4.4 Natural Heritage

The subject property is already extensively developed, as are the adjacent lands. As such, the various policies in the PPS pertaining to significant woodlands, significant wetlands, significant valleylands, fish habitat, habitat of endangered and threatened species, significant wildlife habitat and areas of natural and scientific interest would not be relevant to the proposed rezoning application.

4.5 Archaeology

Section 2.6 *Cultural Heritage and Archaeology* states:

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

As stated earlier in this Planning Report, a large portion of the property has been substantially disturbed and therefore the completion of an Archaeological Assessment would seem pointless.

4.6 PPS Review Summary

The proposed Zoning By-law Amendment is consistent with all relevant policies of the Provincial Policy Statement.

5. MUNICIPALITY OF MEAFORD ZONING BY-LAW

The subject lands are currently zoned 'C2' (Highway Commercial), according to Schedule B (Map 12) of the Municipality of Meaford Zoning By-law, as illustrated on Figure 3.

The 'C2' zone permits a variety of commercial uses that are typically located along the busier thoroughfares outside of the downtown, including: auction sale; automobile body shops; automobile sales; automobile repair; car wash; business office; fitness centre; equipment sales and rental; financial institution; hotel; medical office; retail stores comprising less than 355 square metres of floor space; and, restaurant.

At the present time, the no specific commercial uses are proposed; however, whatever businesses are established within the main floor of the intended building will be in compliance with the 'C2' zone's list of permitted uses. Given that the largest of the six commercial units is only 238 square metres in size, any retail use that operates on the property will clearly be in conformity with the 355 square metre limit for retail uses.

Not permitted in the 'C2' zone is a residential use. In this regard, an amendment to the Zoning By-law is required in order to allow for the intended 20 apartments.

It should be noted that the lot frontage of the subject property does not meet the 45 metre minimum requirement of the 'C2'; however, a Minor Variance was granted to reduce this requirement to 34.3 metres when the adjacent property (now occupied by the gas bar) was severed from the subject holding a few years ago.

6. EVALUATION OF THE PROPOSED AMENDMENT

The subject lands are currently zoned to permit a variety of highway commercial uses. In this regard, the owner is proposing to erect a building containing six commercial units. The building would also contain second and third floors comprising 20 residential apartment units.

The new structure would comply with all requirements of the 'C2' zone with regard to such matters as lot line setbacks, parking, planting strips, building height, etc.; however, the Zoning By-law doesn't allow for any residential use on the site. In other words, a three –storey building is permitted on the property if all three floors were used for commercial purposes. In order to allow for the residential dwellings on the upper two storeys, an amendment to the Zoning By-law is required.

The 'Urban Highway Commercial' designation of the Official Plan does permit apartment units subject to approval of a Zoning By-law Amendment, provided Council is satisfied that the residential use will be compatible with, and not detract from the highway commercial use. As explained earlier in this Planning Report, the types of commercial uses that would locate in a plaza would not be those commercial uses that would pose a potential land use compatibility problem, such as automobile service station, autobody repair, car wash, etc.

From a housing perspective, the addition of 20 new apartments to the housing market in Meaford is highly desirable.

7. CONCLUSIONS AND RECOMMENDATION

Based on the foregoing, the requested Zoning By-law Amendment represents sound land use planning and should be given favourable consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ron Davidson', written over a horizontal line.

Ron Davidson, BES, RPP, MCIP

Acknowledgements: Tathem Engineering
 Zoltan Engineering

FIGURES

Figure 1: Location Map

Figure 2: Municipality of Meaford Official Plan Schedule A-1

Figure 3: Municipality of Meaford Zoning By-law Schedule B (Map 12)

Figure 1: Location Map

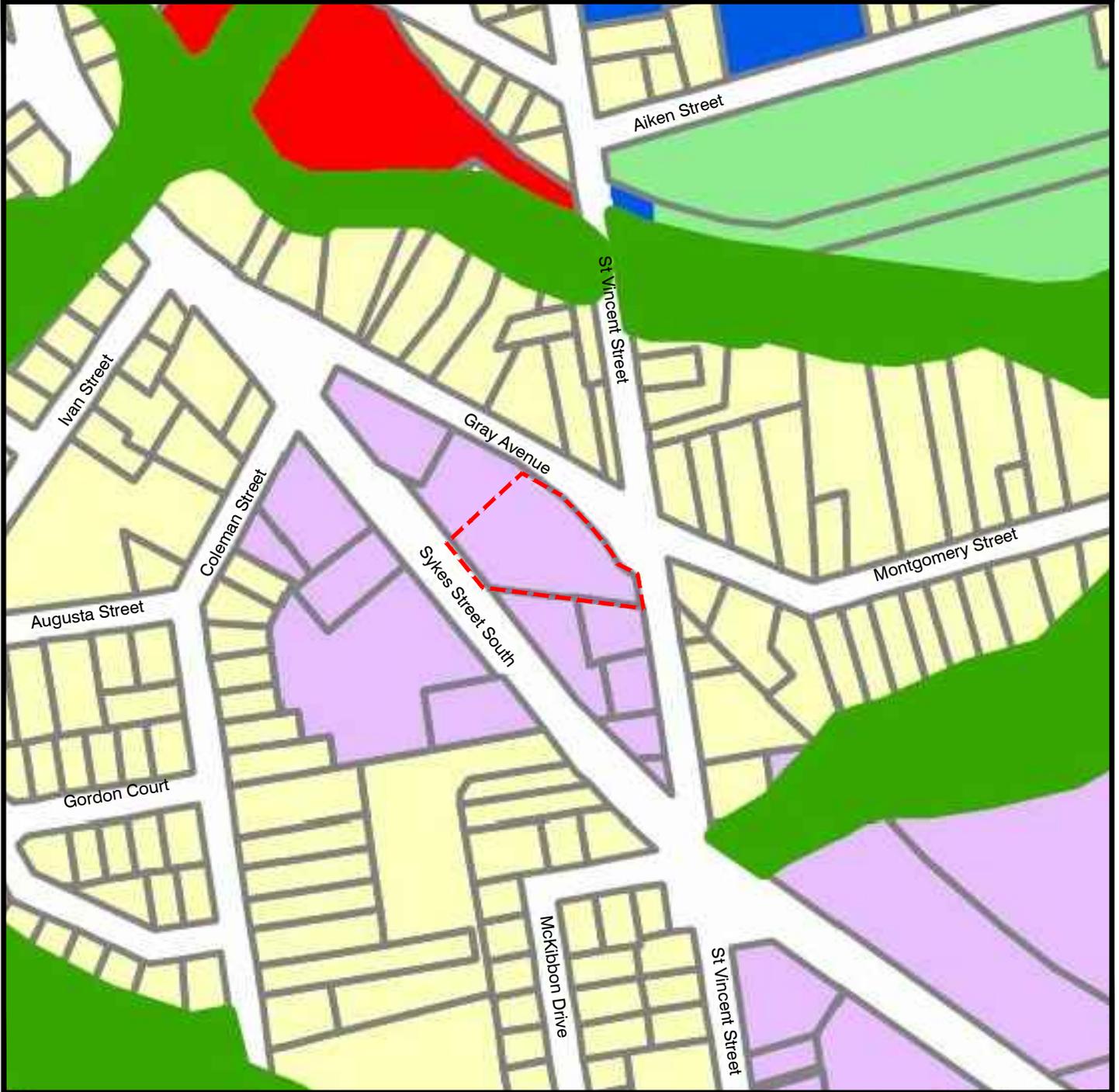
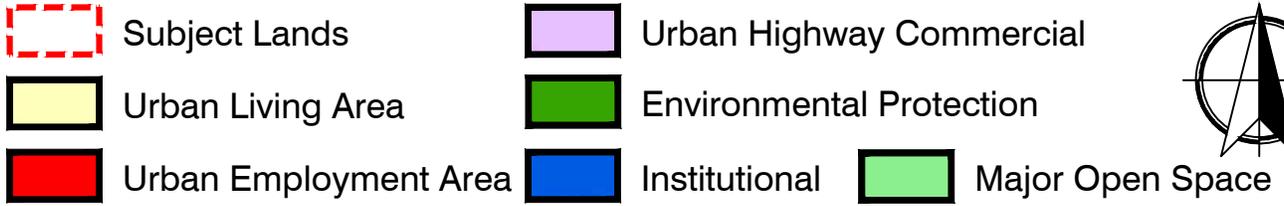
 Subject Lands



Commercial / Residential Development
337 Sykes Street South
Meaford, ON

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:3500

Figure 2: Municipality of Meaford Official Plan Schedule 'A-1'

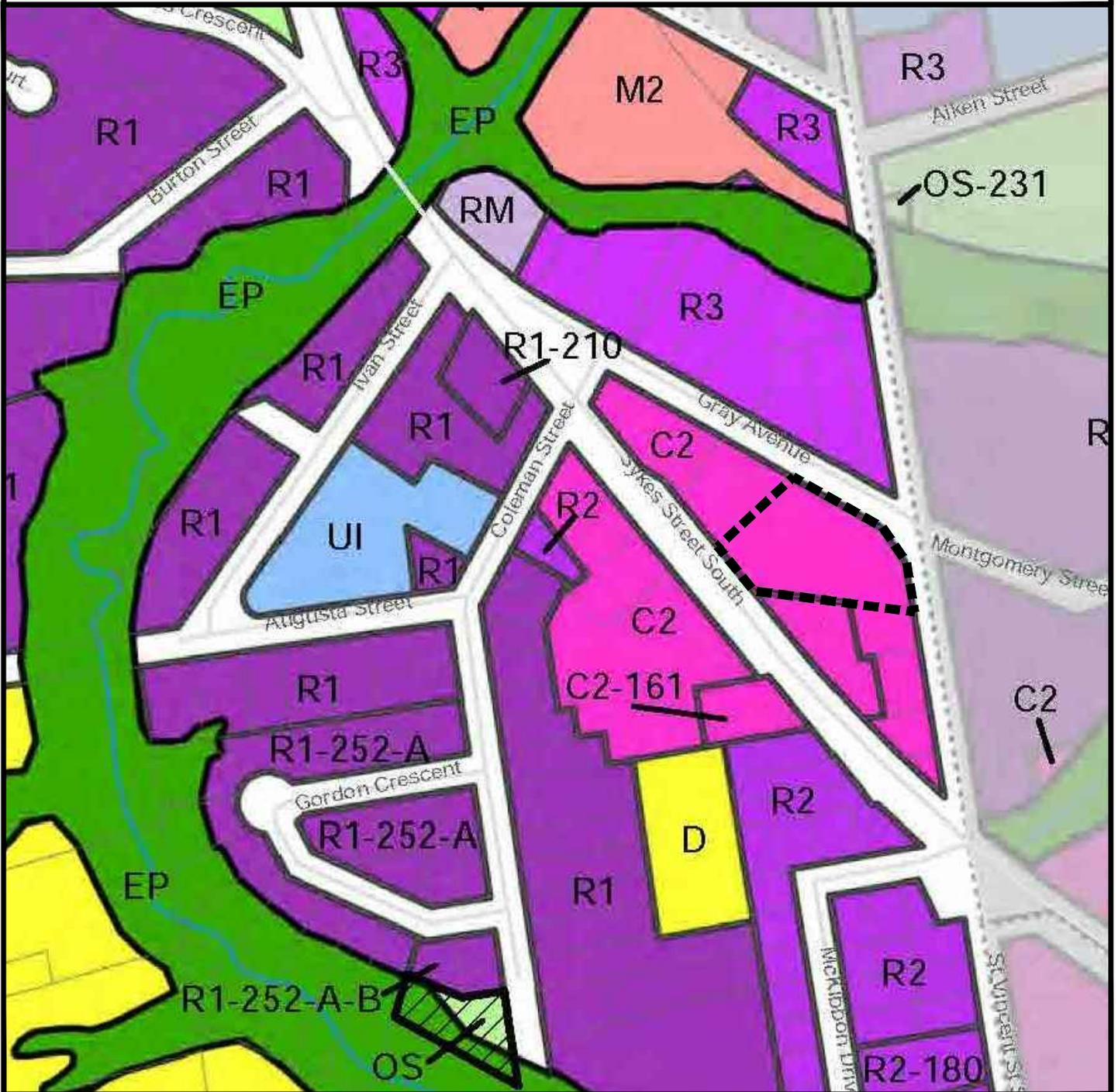


Commercial / Residential Development
 337 Sykes Street South
 Meaford, ON

RD RON DAVIDSON
 LAND USE PLANNING CONSULTANT INC
 OWEN SOUND, ONTARIO
 SCALE 1:3500

Figure 3: Municipality of Meaford Zoning By-law Schedule 'B' Map 12

 Subject Lands



Commercial / Residential Development
337 Sykes Street South
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