



# Town of Erin

## Corporate Report

**Department:** Community Services

**Business Unit:** Planning

**Presented/**

**Prepared By:** Angela Sciberras, Planning Consultant

**Report Number:**  
PD2021-07

**Meeting Date:**  
2/16/2021

### Subject

**UPDATE REPORT *Zoning By-law Amendment (Z19-05) Kensington Square Developments*; To amend an existing, site specific zoning (MU-3) to facilitate a residential condominium development proposal containing a total of 70 condominium townhouse units; 185 Main Street, Erin (former Erin Public School Site)**

### Recommendations

**Be it resolved that** Council receive report number PD2021-07 "*Zoning By-law Amendment (Z19-05) Kensington Square Developments*" for information;

**And that** the following recommendation(s) be adopted:

- a) THAT a community consultation/information meeting be held to respond to comments received to date and update the Staff review of the application.

### Highlights

This application proposes to amend the Town's Zoning By-law No. 07-67, as amended at 185 Main Street, in the former Village of Erin. The application is proposed to permit a total of seventy condominium (70) dwelling units comprised of fifty-four (54) stacked townhouse and, sixteen (16) townhouse units fronting onto Main Street, arranged in eight blocks ranging in size of six, eight or ten units per block on a 1.01 ha site. The total gross floor area of the proposal is approximately 10,656 square metres which results in a density of 1.05 times the lot area. The proposed height of the buildings is 3 storeys, to a maximum of 12.5 metres. Each unit would have two parking spaces located at the rear, one within a rear integral garage and one on the driveway leading to the garage. Access to the garages is gained via a private condominium road with accesses on to English Street and Scotch Street. A total of 19 visitor parking spaces are proposed. Stacked townhouse dwellings will not be permitted along the Main Street frontage.

Initially the development was proposed to be built in 2 phases, with the first phase being serviced by a private communal septic system, to be located across the Main Street frontage. The system would be decommissioned and replaced with phase 2 townhouses once the Town's wastewater facility was constructed and operational.

The Owner has now decided to construct the development as one phase once the wastewater facility is in place.

Initially, it was proposed that a Community Information Meeting be held prior to the Statutory Public Meeting. However, this Community Information Meeting was not held ahead of the August 18, 2020 Statutory Public Meeting. The Owner had posted information on their website and received comments from the public.

As there was much interest in this application from the community and a number of comments arose at the Statutory Public Meeting, staff are recommending that a non-statutory Community consultation/information meeting be held so that the applicant can provide responses to the comments and additional information on the application, ahead of a staff recommendation report.

## **Background**

### ***Application History***

The proposed Zoning By-law Amendment application was submitted in October 2019, for lands municipally known as 185 Main Street (Erin Public School Site).

The Owner is proposing a site-specific Zoning Amendment to facilitate the development of fifty-four (54) stacked townhouse units; and, sixteen (16) ground-oriented townhouse units for a total maximum of seventy (70) dwelling units, 3-storeys in height (maximum of 12.5 metres).

A Community Information Meeting was initially proposed to be hosted by the Applicant; however, it was not held due to COVID 19. Arrangements for a virtual meeting as an alternative were not made; however, the Owner maintained a website which contained images of the proposed development and included access to support documents and drawings. The website has been open since 2017 and has been updated as new information became available. The public have been able to submit questions and comments, which have been shared with Town Staff by the Owner.

The application was deemed complete on February 4, 2020, and was circulated to internal departments and commenting agencies for review and comment. A Statutory Public Meeting was held on August 18, 2020. Initially the Owner was to develop the subject site in two phases, utilizing a temporary private communal septic system for phase 1, which would be decommissioned and phase 2 would be constructed in its place, once the municipal wastewater system was completed and operational.

The private septic system was to be located across the Main Street frontage and would ultimately be replaced with standard townhouses.

Subsequent to the consideration of comments received at the Public Meeting and additional feedback from Town Staff and agencies, the Owner and his consultants submitted additional supporting materials; and, has decided to proceed with full build out of the development pending the construction and operation of the Town's new wastewater treatment plant. This revised plan forms the basis of the re-zoning proposal being presented to Council through this Staff Report.

At this time, the Owner is only proposing to establish permitted land uses and site-specific zone standards in order to implement the proposed condominium townhouse development. The initial application proposed to add the proposed townhouse uses and

zoning standards to the existing MU-3 zone; however, a number of the uses permitted within the current MU-3 zone are no longer considered desirable or appropriate for the subject site; and, in some cases would be a significant deviation from the proposal submitted and presented to Council and the Public. As a result, a new site-specific zoning is proposed.

A detailed zoning by-law has been prepared to ensure the ultimate built form is consistent with the design concept, on which the zoning amendment application is based; and, subsequently being considered by Council.

The Owner has not applied for Site Plan Control approval at this time. As a result, a “Holding” provision is recommended that would only be lifted at such time as:

- The Town’s wastewater facility is constructed and is operational for the subject site; and,
- A Site Plan Agreement is executed.

The Site Plan approval process will address all technical and design requirements including but not limited to, final built form, site layout, site circulation, detailed building design, colour and materials, servicing, stormwater management, lighting, landscaping, and any other relevant matters, as deemed appropriate. As with the zoning amendment process, all Town departments and commenting agencies will be circulated for comments.

### ***Location/Land Use***

The subject property is located on the east side of Main Street, within the former Village of Erin. The site previously contained the Erin Public School which closed in 1999 and was relocated to the former high school site, north east of the subject site on Daniel Street.

The former Erin Public School building was demolished in 2017 and the site is currently vacant of any structures. The site has a total area of approximately 1.01 hectares (2.5 acres) with frontages on Main Street (101.3 m), English Street (100.13 m), Daniel Street (101.2 m) and Scotch Street (100.61 m).

The subject site is surrounded by a variety of uses including a mix of commercial buildings, single detached residential dwellings and the Erin Agricultural Society Fair Grounds, to the west; single detached residential to the north, single detached residential and the new (relocated) Erin Public School site to the east; and, a mix of residential and commercial uses to the south.

Mature trees are located around the perimeter of the property in varying stages of health.

Main Street is a two-lane arterial street under the jurisdiction of the County of Wellington.

English, Daniel and Scotch Streets are all local roads under the jurisdiction of the Town. English Street is currently one-way eastbound.

### ***Proposed Development***

The proposed Zoning By-law amendment would add townhouse and stacked townhouse uses to the permitted uses within the MU-3 zone, and remove a number of current permitted uses which are no longer applicable or desirable to facilitate the development of a three-storey, condominium residential development containing 54 stacked

townhouse and 16 ground-related townhouses in 8 development blocks with a total gross floor area of approximately 10,656 m<sup>2</sup>. A total of 2 parking spaces per unit (one within the garage and one on the driveway) will be available for each unit, plus an additional 0.25 spaces/unit for visitor parking (minimum 18 spaces).

The initial application proposed development of the subject site in two phases. Phase 1 was to include the 54 stacked townhouse units and would be serviced by a private communal septic system, to be owned by the condominium corporation. Phase 2 included the 16 ground-related townhouse units proposed along the Main Street frontage. This area was to be used for the communal septic system until such time as the Town's wastewater facility was constructed and operational. It would then be decommissioned and replaced with the Phase 2 townhouses.

After the statutory Public Meeting, and the receipt of circulation comments from the Town and agencies, the Owner decided to complete the development as one phase and wait for the completion of the Town's wastewater facility.

*Appendix 2* illustrates the proposed Site Plan.

## **Provincial Planning Policies**

### *Provincial Policy Statement, 2020 (PPS)*

The current PPS came into effect on May 1, 2020. It provides policy direction on matters of Provincial interest related to land use planning and development. In accordance with Section 3(5) of the Planning Act, all land-use planning decisions are required to be consistent with the PPS. Staff will review and provide an opinion on the consistency with the PPS in the future recommendation report.

### *A Place To Grow: Growth Plan for the Greater Golden Horseshoe (2020)*

The Growth Plan provides further direction to municipalities for the implementation of the PPS policies with respect to intensification and the accommodation of growth. All planning decisions must conform to the Growth Plan. Staff will review and provide an opinion on the consistency with the Growth Plan in the future recommendation report.

## **Municipal Planning Policies**

### *Wellington County Official Plan (County OP)*

The subject site is designated as "Urban Centre" in the County's Official Plan; and, is located within the "built boundary". The Urban Centre designation provides for a full range of land uses including "*residential uses of various types and densities*", where services are available. Staff will review and provide an opinion on the consistency with the County Official Plan in the future recommendation report.

### *Town of Erin Official Plan*

As previously stated, the subject site is designated "Residential Transition Area" as shown on the attached *Appendix 7*. It is also subject to Site Specific Policy Area 5 for the former Erin Public School. It is further identified as being within the Community Improvement Area. Staff will review and provide an opinion on the consistency with the Erin Official Plan in the future recommendation report.

## **Zoning By-law No. 07-67, as amended**

The subject site is zoned “Mixed Use Special Provision 3 (MU-3)” in the Town’s comprehensive Zoning By-law, Schedule A attached as *Appendix No. 8*. The Mixed Use zone permits a wide range of uses including townhouse dwellings, however, stacked townhouses are not a permitted use. Therefore, the Owner is requesting a site-specific amendment to add “stacked townhouse” as a new permitted use, along with site specific building standards.

The site-specific zoning standards being proposed are explained in more detail below.

### *Stacked Townhouse/Townhouse/Live-Work Unit*

An exception is required to add “stacked townhouse” as a permitted use and provide a corresponding definition. Stacked townhouse dwelling is not currently recognized in the Town’s Zoning By-law. Numerous municipal examples across the GTA were reviewed and a definition has been created which best reflects the proposed use.

The Town’s current definition of townhouse required minor revision in its description to allow for the stacked-townhouse and live-work unit in this instance, so a modified definition is proposed.

Live-work Unit is not reflected in the Town’s Zoning By-law. A new definition has been created. Live-work units work best in a traditional street townhouse unit, where any commercial use is restricted to the first floor. A Live-work unit is not required to contain a commercial use but is designed in such a way to provide for it. It is recommended that Live-work units only be located on the Main Street frontage.

The Owner has also requested flexibility with respect to the dwelling type should the market demand change significantly in the near future. The 2 townhouse blocks proposed along Main Street will not change; and, this will be the only location where Live-work units will be permitted. However, across the balance of the site, it is recommended that the remaining 6 blocks may be developed for either stacked-townhouses (as currently proposed), or traditional townhouses. The maximum permitted number of units will remain at 70; however, should the site be developed for traditional townhouses only, the number of units will be substantially less. All other requirements would continue to apply.

### *Minimum Required Yard Setbacks*

A reduction in the required yard setbacks is proposed in order to implement the urban design features of the development. The previous public school use had significant yard setbacks in order to accommodate playgrounds, on site circulation, etc. The current setback provisions are not desirable for the proposed use.

### *Common Amenity Area*

An exception to the proposed common amenity area is recommended. It will include both private outdoor amenity area (balconies & patios); and, common outdoor amenity areas. The common areas will be comprised of hard and soft landscaped areas available to the residents and guests.

The subject site is well serviced by schools, parks and open space areas all within walking distance.

The subject site is located within proximity to the new relocated Erin Public School, at the north east quadrant of Daniel Street and English Street. It has a large playing field, running track and playground.

The Woolen Mill Conservation Area (CVCA) is located within easy walking distance (900 m), south east of the subject site.

The Town of Erin's Riverside Park and Magill Trail are located on the west side of Main Street, approximately 500 m south west of the subject site.

Based on the above, a reduction in the common and private outdoor amenity areas on site is considered appropriate and an exception to the minimum requirements is recommended.

### *Height*

The Owner is proposing a maximum height of 3-storeys with a maximum of 12.5 metres. The existing site specific zoning provisions allow for a maximum height of 4 storeys and 14.2 metres. The Multiple Residential (R4) zone, which permits, townhouses, allows for a maximum height of 11.0 metres. The proposed height is less than what could be built on site currently; and, is slightly higher than the R4 zone provisions.

To ensure the final development is consistent with what has been presented to Council and the Public, it is recommended that the maximum height provision reflect 3-storeys to a maximum of 12.5 metres.

### *Parking*

A site specific provision for parking is recommended to ensure there is sufficient off-site parking to accommodate residents and visitors. The proposed parking ratio of 2 spaces per dwelling unit (one within an integrated garage and one on the driveway), plus 0.25 spaces per unit for visitor parking, for a total of 159 parking spaces is recommended. The Town's current zoning provisions would require a parking supply of 115 spaces (1.5 spaces/unit) with no dedicated visitor parking.

### *Daylight Triangle*

The Owner is proposing a reduced daylight triangle at each of the four intersections of the subject site. The Town's current zoning standard is a minimum of 9.0 m. The Owner's consultant was asked to provide justification for a reduced daylight triangle standard. In a supplementary report dated November 24, 2020 the consultant which reviewed MTO design guidelines and similar municipalities within the GTA and recommended a reduction to 4.5 m. Daylighting requirements in similar municipalities ranged from 4.0 m to 7.5 m. It is recommended that 6.0 m daylighting triangles would be appropriate in this

area.

Upon consideration of the above, Staff are generally supportive of the proposed development on the subject property for townhouses/stacked-townhouses/live-work units, and the associated site-specific provisions regarding building setbacks, height, parking, etc. As the development is dependent on the availability of municipal services, it is recommended that a Holding (H) provision be attached to the site specific Zoning By-law if approved. In this case, the H provision would be lifted once Council is satisfied that the servicing is available, a Site Plan Agreement is registered on title; and, all other necessary approvals required by agencies and authorities have been obtained.

A Development Statistics Table comparing the Town's By-law provisions and the proposed provisions is attached as *Appendix No.6*.

The draft amending Zoning By-law is attached as *Appendix No. 9*.

### **Site Plan Control**

The development of the site will be subject to Site Plan Control. Prior to the issuance of any building permits, the Owner will be required to submit a variety of detailed design drawings and technical reports to address site layout and circulation, building design (including building materials, colours- etc.), site servicing, stormwater management, lighting and landscaping. Submission documents will be circulated to Town departments and outside agencies for review and comment.

The review and comments at this time are limited to the proposed site-specific zoning by-law amendment.

Once the Town is satisfied with the proposed Site Plan, the Owner will enter into a Site Plan Agreement for registration.

### **Draft Plan of Condominium**

The Owner has advised that the proposed development is to be built as a condominium. Once registered, the Condominium Board will be responsible for property maintenance, landscaping and overall operation of the development.

Once construction is nearing completion, the Owner will be required to apply for Draft Plan of Condominium Approval through Wellington County.

### **Community Consultation**

The application was received by the Town on October 29, 2019, was deemed complete on February 4, 2020 and a Notice of "Complete Application" was issued. Notice signage was confirmed installed and updated by the Applicant on July 20, 2020.

The Owner posted information on its website, providing access to drawings and reports and invited the public to submit comments/questions.

### ***Statutory Public Meeting***

The Statutory Public Meeting for the application was held on August 18, 2020 (virtual meeting) and the proposal was presented to members of Council and the public. As prescribed by regulation under the *Planning Act*, the notice of the public meeting was mailed to all property owners assessed within 120 metres (400 feet) of the subject lands

and placed in the July 30, 2020 edition of the Erin Advocate.

Written comments and verbal presentations were received from a number of residents. The Owner provided a list of 42 comments received on their website as of July, 2020. Issues raised by area residents, which have been considered in the review of the application, are generally related to the following matters:

- Density is high for the area
- Built form is too urban, does not reflect the Town of Erin character
- Affordability of units, anticipated sale price/average cost; interest in purchasing
- Concern regarding “social housing”
- Timing of construction
- Accessibility within the units; not suitable for seniors due to stairs
- Municipal servicing
- Insufficient parking for number of units proposed; concern with street parking and on adjacent sites
- Removal of trees is a concern
- Existing traffic, including heavy truck traffic, is an issue, the development will compound the problem
- Insufficient amenity area
- Light pollution, existing lighting from properties and signage an issue; development will make the situation worse

Due to the high interest from the community and the breadth of the concerns outlined through the consultation to date, staff are recommending that a community consultation/information meeting be scheduled to allow the applicant to formally respond and provide additional details on the proposal.

### **Town and Agency Comments**

The application was circulated to all appropriate agencies and Town departments. Responses received have been used to assist in evaluating the application and in the preparation of the draft zoning by-law.

The County of Wellington Planning Department provided the following comments:

- Within the Wellington County Official Plan, the subject lands are designated as Urban Centre (Erin). Within the urban centres, it is expected that these areas will provide a full range of land use opportunities, which includes residential uses of various types and densities, commercial, industrial and institutional uses etc. where compatible and where services are available.
- To ensure the appropriate timing of development, planning staff recommends that the Town apply a holding (h) provision to the property until such time that full municipal services become available.
- The comments provided relate to the proposed zoning by-law amendment, however the County may have additional comments on future applications, such as a plan of condominium and site plan application, that may be necessary to facilitate the development of the site.



## **Strategic Pillar**

Healthy Lifestyle & Vibrant Community

## **Financial Impact**

No adverse impacts on the Town's finances as a result of this recommendation are anticipated.

## **Conclusion**

The applicant's current proposal is currently being reviewed and evaluated based on applicable Provincial, County and Town policies and regulations.

Due to the high interest from the community and the breadth of the concerns outlined through the consultation to date, staff are recommending that a community consultation/information meeting be scheduled to allow the applicant to formally respond and provide additional details on the proposal.

## **Attachments**

Appendix 1 – Location Map  
Appendix 2 – Proposed Site Plan  
Appendix 3 – Landscape Open Space Illustration Plan  
Appendix 4 (a-e) – Proposed Elevations  
Appendix 5 – Proposed Rendering  
Appendix 6 – Development Statistics Table  
Appendix 7 – Town Official Plan Schedule  
Appendix 8 – Town Zoning By-law Schedule  
Appendix 9 – Amending Zoning By-law

*Angela Sciberras*

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Planning Consultant

*Nathan Hyde*

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Chief Administrative Officer