



Town of Erin

Corporate Report

Department: Community Services	Report Number: PD2022-14
Business Unit: Planning & Development	Meeting Date: 5/26/2022
Presented/ Prepared By: Jack Krubnik, Director of Planning & Development	

Subject

FINAL RECOMMENDATION REPORT for Zoning By-law Amendment Application Z19-04 and Draft Plan of Subdivision Application 23T-19001, Part Lot 13, Concession 2, Except Part 1 on RP 61R-6497, Hamlet of Ospringle, Town of Erin, municipally known as 5414 Second Line (*Terrell Heard*).

Recommendation

Be it resolved that Council hereby receive report number PD2022-14 “*Zoning By-law Amendment Application Z19-04 and Draft Plan of Subdivision Application 23T-19001*”; **That** Council approve the site-specific Zoning By-law Amendment Application by Spirit of Pentecost, 5414 Second Line, Town of Erin, and adopt the implementing Zoning By-law Amendment;

And That Council requests Wellington County Council approve the Draft Plan of Subdivision Application by Spirit of Pentecost, 5414 Second Line, Town of Erin, subject to the Town’s Draft Conditions of Approval as generally outlined in Appendix C to Report PD2022-14.

Highlights

The applicant is proposing to a subdivision with 13 freehold lots, within the Ospringle Hamlet Area. A Statutory Public Meeting was held on February 16, 2021. Comments were received from area residents prior to the public meeting and 1 delegation was made by a resident at the meeting.

The applicant has worked with Town Staff to make appropriate revisions to the application, satisfying public and agency comments and concerns, including

- updating the Planning Justification Report to ensure the development is consistent to the most up-to-date Provincial Policies (i.e. Growth Plan);
- adding fencing between this development and 5418 and 5422 Second Line, to protect the privacy of these landowners; and
- redesigning the stormwater management facility to eliminate retaining walls.

Staff are recommending that Council approve the site-specific Zoning By-law Amendment application, and that Council request Wellington Council to approve the

Draft Plan of Subdivision Application, subject to the Town’s Draft Conditions of Approval, within Appendix C to this report. The applicant will continue to work with Staff through the detailed design stage, to ensure the development adheres to the Town’s Engineering Standards.

Background

The lands subject to the proposed Zoning By-law Amendment (Z19-04) and Draft Plan of Subdivision (23T-19001) is located on the north side of Wellington Road 124, west of Second Line, within the Hamlet of Ospringle, municipally known as 5414 Second Line.

The property has an area of approximately 3.62 hectares, approximately 170 metres of frontage along Wellington Road 124 and approximately 37 metres of frontage along Second Line (see Location Map, Appendix A).

The surrounding land uses include:

- North: primarily single detached dwellings and Datta Yoga Centre of Canada
- South: primarily single detached dwellings, including the Thomasfield Homes residential subdivision currently under construction
- East: ESSO gas station with convenience store and restaurant, and John Deere agri-commercial business
- West: single detached dwellings and Knox Presbyterian Community Church

The property is currently occupied by an abandoned detached dwelling and a detached garage.

PROPOSAL

The applicant has submitted applications for Zoning By-law Amendment and Draft Plan of Subdivision to facilitate an infill residential development.

The table below summarizes the various blocks/lots to be created through the draft plan of subdivision and their proposed uses (see Submitted Draft Plan of Subdivision, Appendix B).

Lot/Block Number	Land Area	Proposed Use
Lots 1 to 13	2.7 ha	13 freehold lots for detached dwellings fronting the proposed municipal street
Block 1	0.26 ha	Stormwater management facility/open space
Block 2	0.002 ha	Landscape buffer
Total	2.962 ha	

The proposed residential lots have varying frontages from approximately 21.9 metres to 39.6 metres and with lot areas ranging in size from approximately 1,930 square metres

to 2,678 square metres. Vehicular access to this development is from a municipal road providing full-movement access from the west side of Second Line. A 1.5 metre wide pedestrian walkway is proposed along both sides of the municipal road.

The development will be exempt from site plan approval, however the applicant will be required to enter into a development agreement with the Town, to ensure the applicant satisfies all requirements of the Town.

PUBLIC COMMENTS

On February 16, 2021, a Statutory Public Meeting was held, where 1 submission was made by an area resident. In addition, the Town has received 3 written comments. The following is a list of key comments and concerns expressed by area residents at the meeting and in written submission:

- concerned that drainage from the 13 new residential lots will negatively impact the quality of their well water;
- expect minimal disruptions to the ability to enjoy their property during the construction phase;
- concerned that parking is being lost for the church, required for seasonal events (i.e. Easter and Christmas);
- suggest that lot 1 or 2 be developed into a parking lot and public park, that includes a well, walking path, community garden, with signage about the history of the community;
- require a fence be installed along the common property line, to protect their privacy;
- concerned with the conversion of agricultural land to a car-dependent residential subdivision, without any consideration for climate change and environmental protection goals of the Province; and,
- concerned with the impact of this development on sewage waste and septic treatment capacity.

Detailed responses to the various comments and concerns listed above are included in the Planning Analysis within this Report.

TOWN AND AGENCY COMMENTS

County of Wellington Planning Department

- No concerns with the proposed Zoning By-law Amendment.
- County Planning Staff are currently working with the applicant to address noise concerns related to the application for Draft Plan of Subdivision.

Infrastructure Services Department & Engineering Peer Reviewer (Ainley & Associates Limited)

- no objections to the proposed applications for Draft Plan of Subdivision and Zoning By-law Amendment; and

- the owner shall satisfy all requirements, financial and otherwise of the Town of Erin including, among other matters, the execution of a subdivision agreement between the owner and the Town concerning the provision and installation of services, grading, drainage, utilities, landscaping, construction management, cash-in-lieu of parkland, and any other matters.

Environmental Peer Reviewer (GWS Ecological & Forestry Services Inc.)

- No concerns with the application.

Building Services Department

- No concerns with the application.

Fire Services Department

- No concerns with this application.

Upper Grand District School Board

- No objection to the proposed applications.

PLANNING ANALYSIS

1. Consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe

The Provincial Policy Statement 2020 (PPS) provides policy direction on land use planning. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land-use planning system.

The PPS indicates that healthy, viable and safe communities are to be sustained by, among other matters, promoting efficient development and land use patterns; avoiding development and land use patterns which may cause environmental or public health and safety concerns; promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning; ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs; and prepare for the regional and local impacts of a changing climate.

The PPS also states that planning authorities may allow lot creation only if there is confirmation of sufficient public or private services.

To ensure appropriate development and the protection of resources, the Growth Plan for the Greater Golden Horseshoe (Growth Plan), together with other Provincial Plans, build on the PPS to establish a land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. Where there is a conflict between the PPS and Growth Plan, the Growth Plan prevails.

Both the PPS and Growth Plan promote intensification and redevelopment within settlement area. Further, the Growth Plan states limited growth shall be in rural settlement areas that are not serviced by municipal water and wastewater systems. The proposed development is within the settlement area of Ospringe, and promotes modest residential intensification on private septic and well. The Town currently does not have a public transit system available. The Growth Plan's policies related to transit are geared towards transit systems within urban areas. The proposed development will not have a negative impact on the environment or public health and safety. The proposed development is consistent with the PPS and Growth Plan.

2. Impact on Adjacent Landowners and Properties

Adjacent landowners expressed concerns with the impacts of the proposed development on the existing drainage patterns, grading, loss of privacy, loss of informal parking, and concerns during construction. The applicant has agreed to erect a fence between this development and 5418 and 5422 Second Line, to protect the privacy of these landowners. The installation of this fence is a condition of draft plan approval.

The submitted Functional Servicing Report has been reviewed against the Town's Engineering Standards, to ensure the proposed grading, drainage and servicing meets the Town's requirements, including having no negative impact on surrounding properties. The proposed lot sizes appear to be sufficient to meet required setbacks and accommodate private services. There also appears to be sufficient water supply to support this subdivision, without impacting existing surrounding wells. The proposed grades have been designed to match into the surrounding existing elevations, and to ensure drainage is captured internally (use of ditches to direct drainage to Stormwater Management facilities). Through detailed design, the Town's Engineers will continue to work with the applicant to further review the technical drawings against the Town's Engineering Standards.

As a condition of draft plan approval, the Town has required the applicant to submit a construction management plan to ensure there is reduced impact on adjacent landowners during construction.

3. Technical matters to be addressed as conditions of subdivision approval and subdivision agreement

Detailed design issues will be dealt with through the subdivision agreement process. These requirements will address matters such as, but not limited to, drainage and grading; cash-in-lieu of parkland; landscaping; and Construction Management Plan. The proposed conditions of draft plan approval are found in Appendix C to this report.

Strategic Pillar

Growth Management

Financial Impact

There is no financial impact associated with the proposed recommendation. Cash-in-lieu of parkland will be collected by the Town through the clearance of conditions of draft plan approval.

Conclusion

Planning Staff is of the opinion that the proposed application is consistent with Provincial Policy and conforms to the County of Wellington Official Plan and the Town of Erin Official Plan. The proposed subdivision within the boundaries of the Ospringe Settlement Area provides for appropriate infill development that is compatible with adjacent land uses.

Staff recommend that Council approve the Conditions of Draft Plan Approval found in Appendix C of this Report, and request Wellington County Council to approve the Draft Plan of Subdivision Application. In addition, Staff recommend that Council approve the site-specific Zoning By-law Amendment Application and implementing by-law found in Appendix D to this report.

Review and consideration of the applicant's proposal in the context of all applicable policies and regulations, and consideration of comments received, form the basis of this recommendation.

Attachments

- Appendix A – Location Map
- Appendix B – Submitted Draft Plan of Subdivision
- Appendix C – Conditions of Draft Plan Approval
- Appendix D – Draft Zoning By-law

Jack Krubnik

Director of Planning & Development

Nathan Hyde

Chief Administrative Officer