



Working together with our community

## Public Hearings Committee – April 07, 2021

Subject: 28TPL2020198 and ZNPL2020199 – An application has been received to approve a Draft Plan of Subdivision application comprising 41 single-detached and 9 semi-detached lots. A Zoning By-Law Amendment application is also associated with this application to change the zoning from 'Development (D)' Zone to 'Residential Type 1 (R1-A)' and 'Residential Type 2 (R2)' Zone. 1064928 ONTARIO LTD. on behalf of DAVID & JENNIFER VAN DE VELDE and agent JOE JELES and COHOON ENGINEERING LTD. has put forth the application affecting the lands described as Part Lot 22, Concession 12, Urban Area of Delhi, Norfolk County.

Report Number: CD 21-18  
Division: Community Development  
Department: Planning  
Purpose: For Information

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### Executive Summary:

The proposed development is called 'Bluegrass Estates Subdivision, Phase III' and located within the Delhi urban area. The application proposed a draft plan of subdivision comprising a mix of housing types, including 41 single-detached and nine (9) semi-detached lots.

A zoning application has also been submitted to change the current 'Development' zone to 'Residential Type 1 (R1-A)' and 'Residential Type 2 (R2)' zone.

A road closure application is also associated with the proposed development and was submitted to Realty Services.

This report is being presented as part of the statutory public meeting required by the Planning Act. A subsequent report will be brought forward containing a recommendation for Council consideration.

### Site Features and Land Use:

The proposed Bluegrass Estates Subdivision Phase-III is located at the west of Bluegrass Estates Subdivision Phase-I & II, south of Tisdell Subdivision Phase II, and east of 500 Church Street East. The west and north sides of the subject lands are comprised of low-density single detached dwellings. The east side of the property (500 Church Street East) has active agricultural use. The south side of the property, including the portion of Argyle Avenue is designated as 'protected Industrial' but zoned for future

development (D) within the urban boundary of Delhi. The subject property contains a total of 4.46 hectares of land, mostly flat, without any significant vegetation.



Figure 1: The subject land from Argyle Ave, west to east.



Figure 2: The subject land from McIntosh Drive to south.

### **Discussion:**

AS shown in Figure-3, the proposed subdivision comprises with 41 single detached dwellings and 9 semi-detached dwellings (18 units) with a density of 13.2 Unit per Hectare. This is close to the minimum requirement of 15 UPH for single detached residential developments indicated in the Official Plan policies. The proposed development will be connected to municipal water and sewer services through public roads.



**The process of a New Application over an Existing Subdivision:** Once all conditions of the draft plan of subdivision will be fulfilled, the approved new subdivision plan will be submitted to the Land Registry Office. The ministry will approve the registration of the new plan of subdivision which will create new parcels (lots, blocks, streets etc.) as set out on the new plan. The ministry will then assign the new PIN numbers for all of the parcels on the plan of subdivision. The new PINs in turn establish the new legal descriptions for the parcels. The original underlying plan of subdivision is then obsolete as it is superseded by the new plan of subdivision.

**Road Closure:** As shown in Figure 4, a portion of McIntosh Drive, Russet Drive, Duchess Drive and Baldwin Street must be closed for this development to proceed. It will also be necessary for the applicant to purchase all these four road-blocks from Norfolk County. A road closure application has already been submitted to the Realty Services Department, which is concurrently reviewed with this application.

**Inclusion of a portion of Argyle Avenue in the proposed Draft Plan:** The proposed draft plan of subdivision application includes the portion of unopened Argyle Avenue adjacent to the south side of the subject land. The County buys this portion of Argyle Avenue as a future extension with a plan to connect with Fertilizer Road. In County Staff's opinion, this portion of Argyle Avenue will be necessary to include within the proposed draft plan to provide access for lots 41-49, as shown in figure 4. Staff also suggests that having this portion of Argyle Avenue within the proposed draft plan will require this land to be conveyed back to the Applicant. Realty Services Department will also coordinate this process.

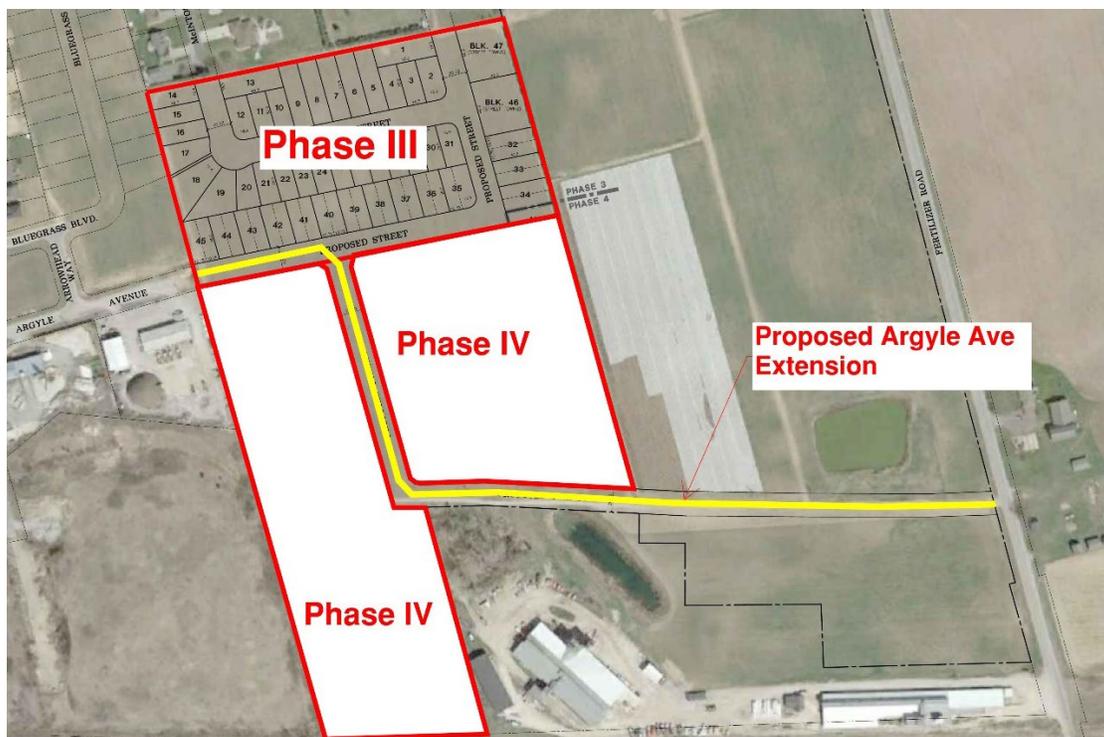


Figure 5: Concept of Argyle Avenue extension through Bluegrass Estates, Phase-IV development subject to future approval.

**Holding Provision:** The County staff also agreed that the future connection between Argyle Avenue and Fertilizer road could be alternatively extended through Bluegrass Estates Phase-IV, as shown in figure 5. The current plan of the extension will need to be revised to establish this connection, which will be further explained and illustrated in the Realty Services report. Planning Staff suggests that a 'Holding (H)' provision should be imposed on the proposed draft plan (phase III) until a confirmation of this connection is established through the Draft Plan of Subdivision application of Phase IV.

### **Circulation Comments:**

The planning staff has received circulation comments (Appendix A), including Development Engineering and LPRCA. Key issues addressed in the Staff comments include:

1. Requirement of road Closure and conveyance of municipal road/land within the proposed subdivision to the Owner;
2. Recommendation for a Holding (H) provision until either the pre-servicing agreement or the subdivision agreement has been executed;
3. Requirement of water and sanitary modelling before approval of the draft plan.

### **Regard For Public Input:**

Planning Staff received few comments from the member of the community. Key issues and concerns identified in the public comments include:

1. Concern of higher density compared to the surrounding areas;
2. Absence of any parkland in the proposed development.

Detailed submissions are attached within Appendix B and form part of this information report

### **Planning Considerations:**

It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

### **Provincial Policy Statement, 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It promotes efficient development and land use patterns and encourages growth and development within existing settlement areas. The subject land is within the 'settlement area' as defined in the Provincial Policy Statement.

Section 1.1.3 states that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. This section also mentioned that land-use patterns within settlement areas (including urban areas) shall be based on densities and a mix of land uses with certain characteristics, including efficient land use,

infrastructure and service facilities. Section 1.1.3.4 related to settlement areas, states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.6.6.2 related to Sewage, Water and Stormwater states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

**Planning Comments:** Planning Staff will perform a conformity check based on the above-mentioned policies of PPS, 2020 within the recommendation report.

### **Norfolk County Official Plan**

The subject land is designated as 'Urban Residential' in the Official Plan. Section 6.4 related to urban areas states that the County shall ensure through its planning activities that each Urban Area develops with efficient land use patterns that minimize the extension of municipal services and infrastructure.

Section 7.7 related to 'Urban Residential' designation states that for low profile residential development such as Single, semi-detached and duplex housing forms shall generally have an average net density of 15 units per hectare (UPH).

Section 9.6.4 related to 'Draft Plan of Subdivision' approval states that applications for approval of a draft plan of subdivision shall be considered on the basis of conforming to certain criteria, including the application of community design policies, engineering standards, Parkland dedication, approval of the appropriate Conservation Authority, province and other relevant agencies, and a subdivision agreement.

Section 5.4, related to 'Community Design' policies, provide direction to the physical design of the communities for development proposals, such as plans of subdivision.

**Planning comments:** The proposed development will be further reviewed based on the above mentioned policies. A conformity check of the Official Plan policies will be provided within recommendation report.

### **Norfolk County Zoning By-Law 1-Z-2014**

The subject land is zoned as 'Development (D)' in the Zoning By-Law Z-1-2014. Permitted use in 'Development (D)' zone includes single detached dwelling.

The proposed zoning changes include:

1. From 'Development (D)' zone to 'Residential Type 1 (R1-A)' zone to permit 41 residential lots. Permitted uses in R1-A zone are:
  - a) *dwelling, single detached*

- b) *bed & breakfast*, subject to Subsection 3.4
- c) *home occupation*
- d) *accessory residential dwelling unit*, subject to Subsection 3.2.3.

Other provisions include:

- a) minimum lot area:
  - i) interior lot 450 sq.m.
  - ii) corner lot 560 sq.m.
- b) minimum Lot Frontage:
  - i) interior lot 15 m
  - ii) corner lot 18 m
- c) minimum front yard: 6 m
  - i) attached garage with rear lane 3 m
- d) minimum exterior side yard: 6 m
- e) minimum interior side yard:
  - i) detached garage 3 m
  - ii) detached garage with a rear lane; attached garage 1.2 m
- f) minimum rear yard: 7.5 m
- g) maximum building height: 11 m

2. From 'Development (D)' zone to 'Residential Type 2 (R2)' zone to permit 9 residential lots. Permitted uses in R2 zone are:

- a) *dwelling, single detached*
- b) *dwelling, semi-detached*
- c) *dwelling, duplex*
- d) *bed & breakfast*, subject to Subsection 3.4
- e) *day care nursery*
- f) *home occupation*
- g) *accessory residential dwelling unit*, subject to Subsection 3.2.3.

Other provisions include:

- a) minimum lot area:
  - i) interior lot 255 sq.m.
  - ii) corner lot 345 sq.m.
- b) minimum Lot Frontage:
  - i) interior lot 8.5 m
  - ii) corner lot 11.5 m
- c) minimum front yard: 6 m
  - i) except in case of a detached private garage or parking space accessed via rear lane 3 m
- d) minimum exterior side yard: 6 m
- e) minimum interior side yard:
  - i) detached garage or parking space via front yard 3 m
  - ii) detached garage or parking space via rear lane 1.2 m
- f) minimum rear yard: 7.5 m
- g) maximum building height: 11 m

Special Provision: One special provision is requested to reduce the exterior side yard

from 6 meters to 3 meters for both proposed R1-A and R2 zone. This special provision will only affect 4 corner lots.

**Planning Comments:** The zoning change is consistent with existing surrounding residential lots.

**Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation: The proposed subdivision should facilitate and promote appropriate growth and density within the neighbourhood.

**Conclusion:** The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application. A staff report with related recommendations will be submitted to Council for consideration at a later date.

**Recommendation(s):**

THAT Report PD 21-18, Public Hearing report for 28TPL2020198 and ZNPL2020199 be received for information;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

**Attachment(s):**

Maps 1 to 2

Appendix A Circulation Comments

Appendix B Public Input

Appendix C Proposed Draft Plan of Subdivision

Submitted By:

Brandon Sloan, BES, MCIP, RPP

General Manager

Community Development Division

185 Robinson Street

Simcoe, Ontario, Canada, N3Y 5L6

519-426-5870 ext. 1348

Reviewed By:

Tricia Givens, M.Sc.(PL), MCIP, RPP

Director of Planning

185 Robinson Street

Simcoe, Ontario, Canada, N3Y 5L6

519-426-5870 ext. 1893

Prepared By:

Mohammad Alam, MPL, MUD, MCIP, RPP

Senior Planner

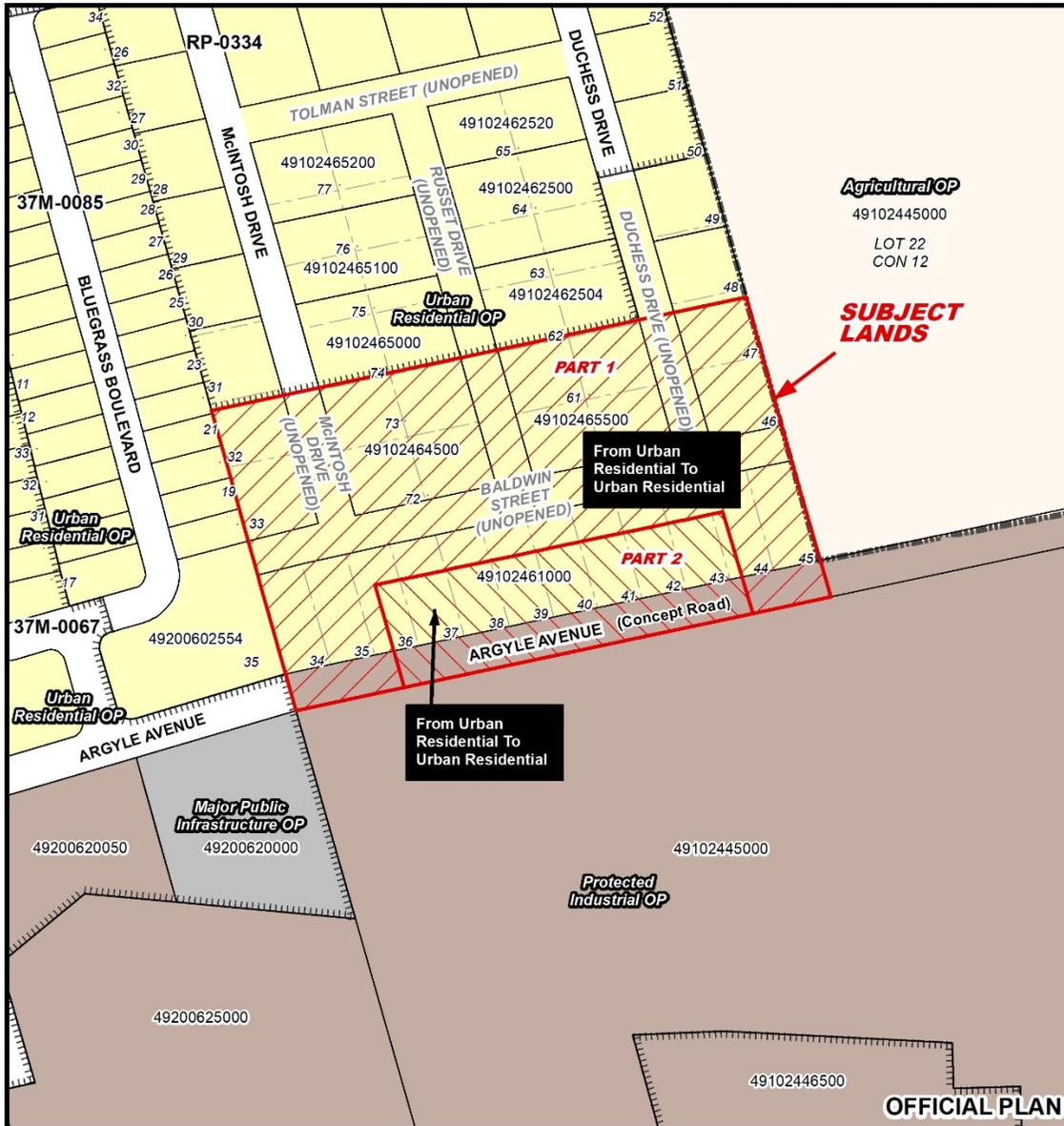
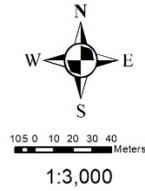
Community Development Division

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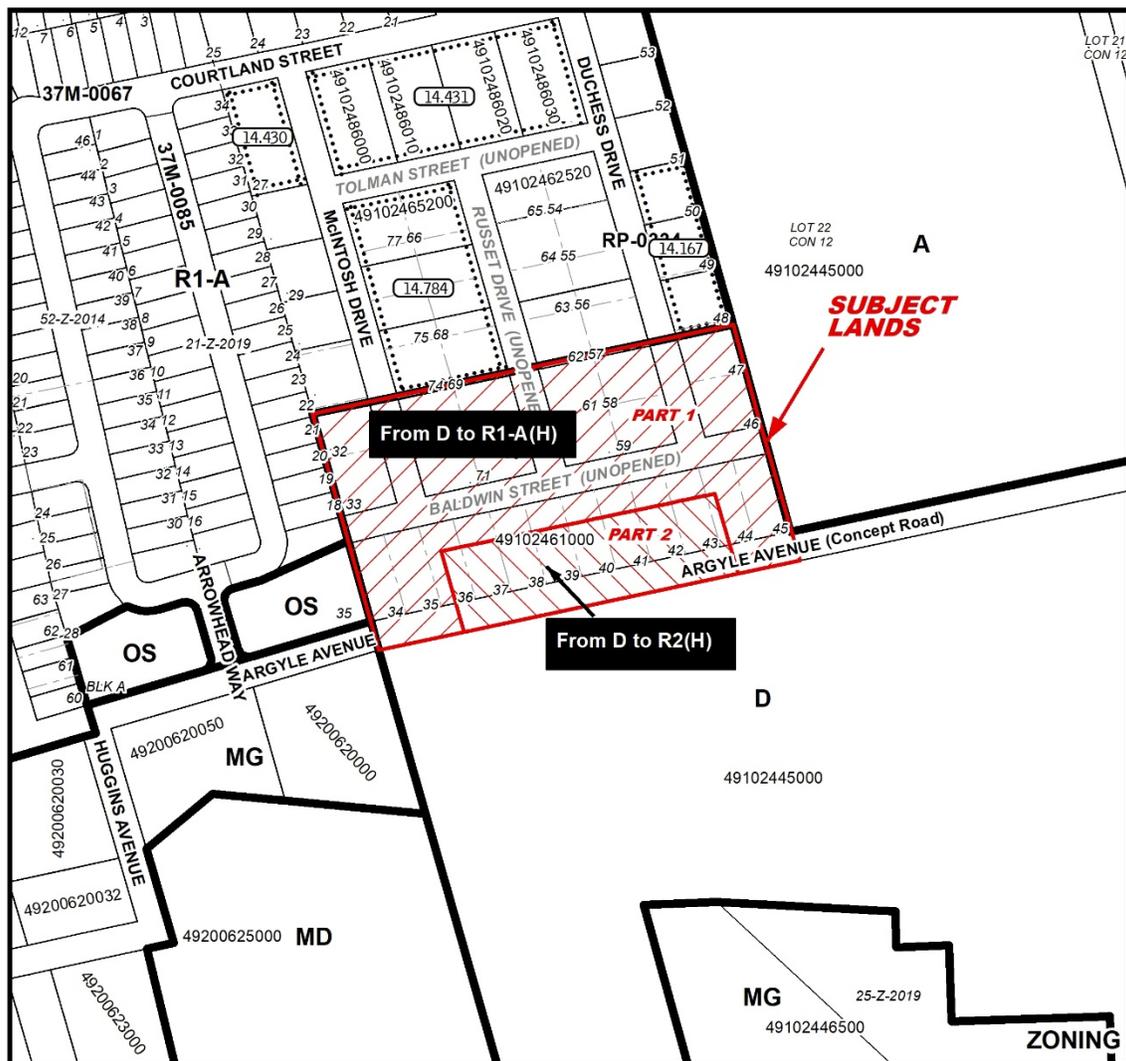
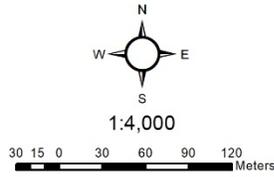
# MAP 2

File Number: 28TPL2020198 & ZNPL2020199

Geographic Township of WINDHAM



**MAP 1**  
**File Number: 28TPL2020198 &**  
**ZNPL2020199**  
 Geographic Township of  
**WINDHAM**



# APPENDIX A

## Circulation Comments:

### **Financial Services**

Reviewed – This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessment of the properties by the Municipal Property Assessment Corporation (MPAC). Norfolk County would also receive Development Charges as per the most recent Development Charges By-law. This would be offset by increased costs as a result of Norfolk County assuming the subdivision infrastructure, amenities and operating costs. Accounting Services will work with Planning staff to administer the required security deposits of the potential development.

### **Agreement Coordinator**

Reviewed – Recommend that a Holding (H) Provision be added to the lands and remain in place until either the pre-servicing agreement or the subdivision agreement has been executed and registered on title.

### **Zoning Administrator**

Reviewed – Ensure the design of garages, and driveways, incorporates the parking requirements of the bylaw section 4.0.

Minimum 50% front yard landscape must also be maintained for R1 and R2 zones, section 4.2.5 of the parking bylaw.

Decks and porches must comply with section 3.6 of the zoning bylaw.

### **Fire**

Reviewed – The fire department has no concerns with this proposal.

### **Parks and Recreation**

Reviewed – Cash in lieu of parkland if available. The developer installed a park at their cost in phase-1, so not sure which covered the remainder of the development?

### **Geographic Information Systems**

Reviewed – Please contact Norfolk GIS for new civic addresses when building.

### **Development Engineering**

Reviewed:

1. McIntosh Drive and Duchess Drive are to be extended as part of this development. The cost to design and construct the works is to be completed at the developer's expense.
2. Private utilities should be circulated on the proposed development plans prior to draft plan approval. We ask that letters of understanding be provided from private utility

companies including Hydro one, Bell Telephone and Enbridge natural gas and included as an appendix in the Functional Servicing Report.

3. All plans and reports are to be signed and sealed by a Professional Engineer.
4. Street illumination plans for the streets will be required and must be submitted at detailed design.
5. As per Norfolk County Design Criteria, as-constructed / record drawing guidelines are to be adhered to. Securities will be required for as-constructed / record drawings,

Information only.

6. Section 4.1.01 (A): Submission of Engineering Drawings for Plans of Subdivision criteria is to be adhered to at time of Engineering Review.
7. Sanitary and Water modelling is required at time of draft plan as per the pre-consultation meeting minutes. A quote of \$3,600.00 has been provided by our third party consultant. The following information needs to be submitted to begin the modelling;
  - a. Functional Servicing Report (including calculations);
  - b. Approval from the Owner;
  - c. Mailing information from the Owner.
8. As per Norfolk County Design Criteria, Section 6.3.05 states the design or installation of Hammer Heads within any subdivision or development will not be considered by Norfolk County. Temporary turning circles will be considered whenever a road is to be continued in the future to an approved Plan of Subdivision. Details for the requirements of temporary turning circles are to be adequately detailed on the engineering drawings and are subject to the approval of the Manager of Engineering or designate.
9. Sidewalks are to be installed as per most recent updated Norfolk County's Sidewalk Policy.

Traffic Impact Study:

10. As per the pre-consultation meeting minutes, a Traffic Impact Study completed to Norfolk County's ISMP Appendix J: TIS Guidelines is to be submitted for review prior to the compilation of conditions.

Functional Servicing Report:

11. As per Norfolk County Design Criteria – Section 9.2.00 – The equivalent population density for residential developments shall be taken as 2.75 persons per unit. Calculations are to be updated based on Norfolk County standards to ensure modelling can be completed.
12. Watermains are to be designed in accordance with MOECC Procedure F-6-1: Procedures to Govern the Separation of Sewers and Watermains. This standard requires a minimum of 2.5m clearance between watermain and sewers unless specific vertical clearance requirements can be met. Please provide the proposed watermain layout to provide the required clearance or show how procedure F-6-1 has been met.
13. Watermains are to be designed in accordance with Norfolk County Standards. There shall be no permanent dead end watermains
14. As per Norfolk County Design Criteria – Section 10.1.2 Design Factors, the maximum daily demand factor to be utilized as 2.25. Calculations are to be updated based on Norfolk County Standards to ensure modelling can be completed.

15. Under Section 4.1, the report references 'As per the City of Brantford design criteria... '. This is to be updated to Norfolk County Design Criteria.
16. As per Norfolk County Design Criteria – Section 10.1.2 Design Factors, the maximum daily demand factor of 4.0.
17. Fire flow calculations are to be provided within the report. Calculations are used to ensure modelling can be completed.
18. Under Section 5.1 'Storm Sewer System', the report states 'The stormwater management report has been prepared as a separate document for this development.' As per the pre-consultation meeting minutes, a Stormwater Management Report is required. This will be required to be submitted at this stage as there are potential drainage issues that will need to be reviewed prior to the compilation of conditions.  
133227-DP1:
19. Argyle Avenue, McIntosh Drive and Duchess Drive extension layout is to be shown on this plan.
20. Provide radius dimensions on all bends within the R.O.W.
21. 0.3 meter reserves are to be shown on this plan.
22. Sight triangles are to be shown on this plan.

### **Long Point Region Conservation Authority**

Reviewed – Long Point Region Conservation Authority staff have reviewed the following documents as part of the Draft Plan of Subdivision Approval and Zoning By-Law Amendment affecting Bluegrass Estates Subdivision – Phase 3:

1. Planning Justification Report, J.H. Cohoon Engineering Limited, October 7, 2020
2. Functional Servicing Report Proposed Residential Development, Bluegrass Estates Subdivision – Phase 3, J.H. Cohoon Engineering Limited, April 25, 2020
3. Proposed Residential Subdivision Bluegrass Estates Subdivision, Stormwater Management Brief, J.H. Cohoon Engineering Limited, January 2011
4. Geotechnical Investigation Report, Phase 3 and 4, Bluegrass Estates Argyle Avenue, Englobe Corp, May 2020
5. Draft Plan of Subdivision Drawing DP1, J.H. Cohoon Engineering Limited, March 6, 2020
6. Preliminary Grading Plan, J.H. Cohoon Engineering Limited, May 19, 2020
7. Sanitary Drainage Areas, J.H. Cohoon Engineering Limited, May 19, 2020
8. Preliminary Servicing Plan, J.H. Cohoon Engineering Limited, May 19, 2020
9. Storm Drainage Areas STM-1 and STM-2, J.H. Cohoon Engineering Limited, May 19, 2020

Conservation Authorities have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020 (PPS). The overall intent of Section 3.0 - Protecting Public Health and Safety of the PPS is to reduce the potential public cost or risk to Ontario's residents from natural or human-made hazards. As such, "development

shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.”

The subject lands are not subject to any natural hazards and I can advise that the proposed development is consistent with section 3.1 of the Provincial Policy Statement, 2020.

Memorandum of Understanding between LPRCA and Norfolk County

Stormwater Management Comments:

1. The stormwater management brief states landscaped areas will reduce runoff to pre-development levels and eliminates additional stormwater management requirements. Additional details must be provided. Were additional stormwater management controls originally planned? If so, was a quantitative analysis completed?
2. No quality controls proposed or use of treatment train approach. The level of proposed water quality treatment is required.
3. A description of the proposed major flow systems is required in the stormwater management brief. The drawings must also show how major flow systems paths outlet to the end of pipe facilities.
4. An erosion and sediment control plan must be provided.
5. Relevant sections of the MECP SWM guidelines need to be referenced for all proposed works.

The pre-consultation comments have been attached for the applicant’s review. Subsequent submissions must include a letter stating how the above-noted comments have been addressed.

Ontario Regulation 178/06

No portion of the subject lands is located within Regulated Area outlined in Ontario Regulation 178/06 and permission from the Long Point Region Conservation Authority is not required.

## APPENDIX B

### Public Input:

#### **Ashley Balog**

Monday, November 16, 2020 10:28 AM

I reside in the bluegrass subdivision in Delhi, and have recently been informed of the application for low/special needs housing in phase 3.

Collectively, we would like to protest this build in our area, and advocate for R1 zoning, over R2.

Will there be a meeting on this matter? Or how may we, as a subdivision, go about advocating our wishes?

Thank you,

Ashley

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#### **Carly Clarysse**

Monday, November 16, 2020 10:43 AM

Hi I'm sending this email to advocate against low income housing in phase 3 of bluegrass estates Thanks.

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#### **Petra Janova**

Monday, November 16, 2020 10:54 AM

I live on courtland st and want to voice my concerns about the low income housing. I do not approve and would like to state my concerns I will sign any petition against this thank you.

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#### **Douglas Ternowski**

Monday, November 16, 2020 10:57 AM

I do not approve the building of low income housing in this phase 3 in delhi i will sign any petition concerning this.

**Bev VanHeugten**

Monday, November 16, 2020 5:06 PM

Hello; I am a new resident of Bluegrass Boulevard in Delhi (67) and I am NOT in agreement with the third phase of this subdivision to be geared toward subsidized housing. I have paid in excess of \$500,000 to purchase my home and I feel the direction the builder is taking toward lower income housing is going to devalue my property. The homes in phase one and two are well maintained and set a high standard; they encourage people to relocate to the town of Delhi.

Thank you for your attention to this concern.

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**Judy & Bob Sinnaeve**

Friday, November 20, 2020 1:39 PM

Hi Mohammad,

Thank you for sending me this update for the proposed subdivision. My husband and I had a look and although there is only one access to Argyle being McIntosh St. extended it would seem to do what is required. The definite comment we would like noted is that the lots numbered 28 and 50 should become parkland to serve this new subdivision. Courtland and BlueGrass have parks at the end of their streets and it should make sense that these awkward end lots that are not an opening should be designated as park for those 48 lots.

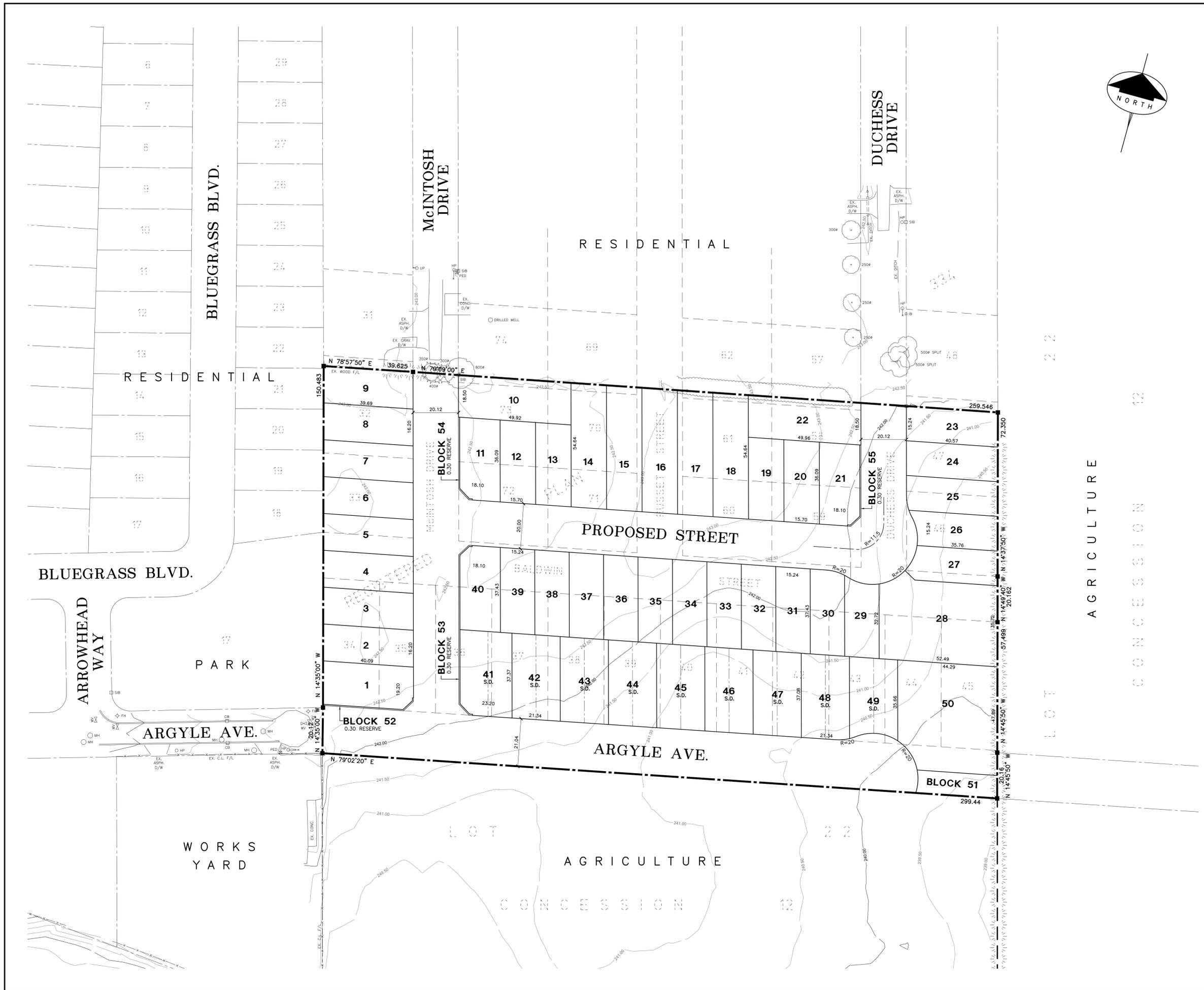
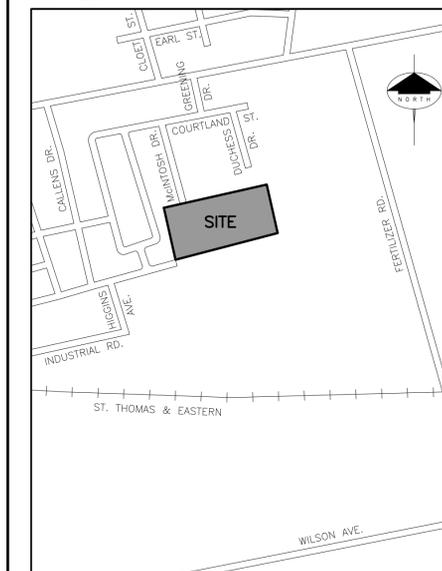
Yours truly,

Judy & Bob Sinnaeve

# DRAFT PLAN OF SUBDIVISION

PART OF LOTS  
 32, 47, 57, 62, 69 & 74  
 LOTS 33 to 46 BOTH INCLUSIVE  
 58 to 61 BOTH INCLUSIVE  
 70 to 73 BOTH INCLUSIVE  
 BALDWIN STREET AND  
 PARTS OF DUCHESS & MCINTOSH DRIVES  
 REGISTERED PLAN 334  
 GEOGRAPHIC TOWNSHIP OF WINDHAM  
 TOWNSHIP OF DELHI  
 NORFOLK COUNTY

KEY PLAN  
 SCALE = 1:10,000



### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE \_\_\_\_\_ JEWITT & DIXON LTD.

### OWNER'S CERTIFICATE

I HEREBY AUTHORIZE J.H. COHOON ENGINEERING LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CORPORATION OF NORFOLK COUNTY FOR APPROVAL.

DATE \_\_\_\_\_ DAVID JOSEPH VAN DE VELDE

DATE \_\_\_\_\_ JENNIFER PAULA VAN DE VELDE

DATE \_\_\_\_\_ NORFOLK COUNTY

### ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

- A - SEE PLAN
- B - SEE PLAN
- C - SEE PLAN
- D - RESIDENTIAL
- E - SEE PLAN
- F - SEE PLAN
- G - SEE PLAN
- H - MUNICIPAL WATER
- J - SAND
- V - SEE PLAN
- K - SANITARY & STORM SEWERS
- L - NONE

### AREA SCHEDULE

|                    |                  |
|--------------------|------------------|
| SINGLE FAMILY LOTS | = 2.940 Ha.      |
| SEMI-DETACHED LOTS | = 0.714 Ha.      |
| ROAD ALLOWANCES    | = 1.390 Ha.      |
| BLOCKS             | = 0.036 Ha.      |
| RESERVES           | = 0.006 Ha.      |
| <b>TOTAL AREA</b>  | <b>5.086 Ha.</b> |



|                |                 |
|----------------|-----------------|
| DESIGN: R.W.P. | JOB No: 13227   |
| DRAWN: K.P.B.  | DWG. No: DP1    |
| SCALE: 1:750   | DATE: JAN. 4/21 |