



Working together with our community

Public Hearings Committee – October 04, 2023

Subject: Development Application ZNPL2023275 to amend the existing zoning of Service Commercial (CS) to permit retail uses for the lands described as 750 Old Highway 24.

Report Number: CD 22-074
Division: Community Development
Department: Planning
Ward: Ward 7
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-074 for development application ZNPL2023275 be received for information; and

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

Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on September 13th, 2023.

Discussion:

The subject lands are located in the community of Waterford at the southeast corner of the intersection of Lam Boulevard and Old Highway 24. The lands are currently vacant and have an area of approximately 1.3ha. The development proposal includes:

1. A mid-rise apartment building with 44 dwelling units in a mix of styles and sizes to the southern portion of the subject lands, zoned as R5;

2. A stand-alone building for a fast-food restaurant with a drive through and a second building containing approximately 810 m2 of useable floor area of commercial space, zoned as CS, to the northern portion of the subject lands.

A Zoning By-law Amednment will be required only for the commercial portions of the lands to the north to permit a retail use of 810 m2 of useable floor area.

An overview summary of the development application that have been submitted for the subject property at 750 Old Highway 24 is contained within Attachment A. This includes an outline of the site context, the applications and technical reports, any technical or public feedback to date and overview of development considerations. The draft proposed by-law amendment is included as Attachment B.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Building Norfolk - Develop the infrastructure and supports needed to ensure complete communities.

Explanation: Development that results from applications under consideration can help contribute to a vibrant community by facilitating growth and density while providing neighbourhood scale commercial services to the residents.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, “complete” development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Proposed Zoning Bylaw Amendment
Attachment C Existing Planning Policy and Zoning
Attachment D Concept Plan

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Reviewed By:
Tricia Givens, M.Sc.(PI), MCIP, RPP
Director, Planning
Community Development Division

Prepared By:
Mohammad Alam, MPL, MUD, MCIP, RPP
Supervisor, Development Planning
Community Development Division

Attachment A - Report CD 23-074
Development Application Overview

750 Old Highway 24, Waterford

Application File Numbers: ZNPL2023275

Applicant: Verlinda Homes

Agent: G. Douglas Vallee Limited

Statutory Public Hearing

Date: October 4th, 2023

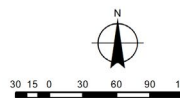
Site Context



Legend

-  Subject Lands
 -  Lands Owned
- 2020 Air Photo

9/8/2023



Site Characteristics:

- Total size 1.3 Hectares (3.2 acres)
- Located in the southern end of Waterford Urban Area
- Relatively Flat Land with an Existing SWMP
- Currently accessed from Lam Boulevard

Surrounding Land Uses:

North: A future commercial and residential land

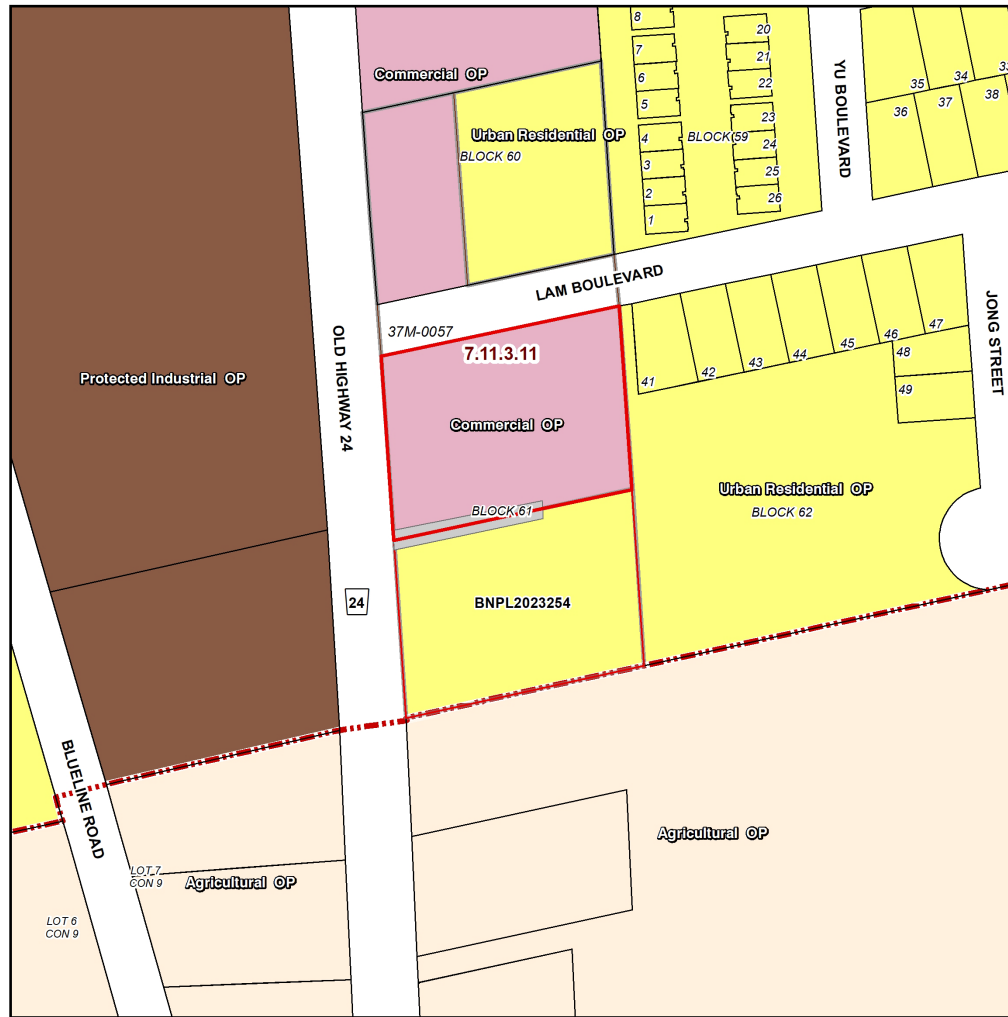
East: Existing residential development (Yin Subdivision)

West: Protected Industrial Area

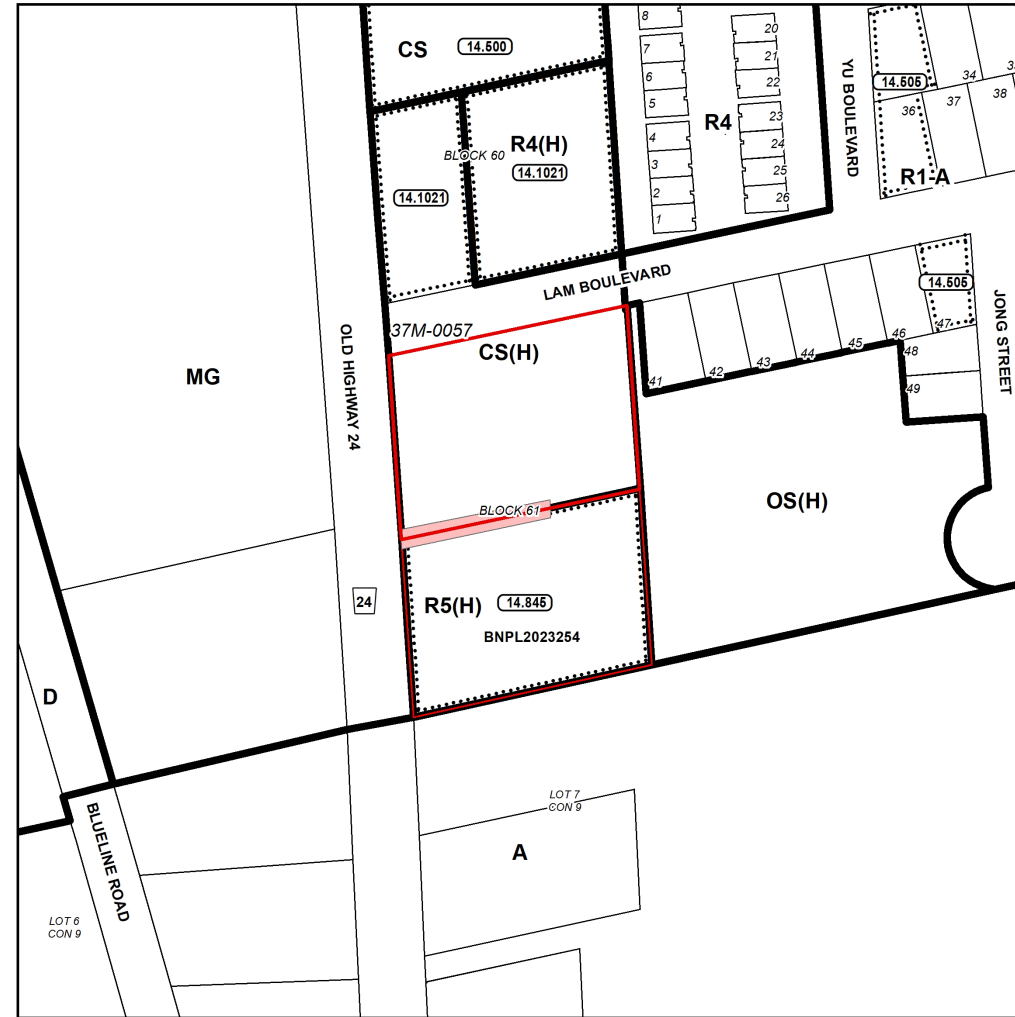
South: Agricultural lands and Farm Dwellings

Site Context

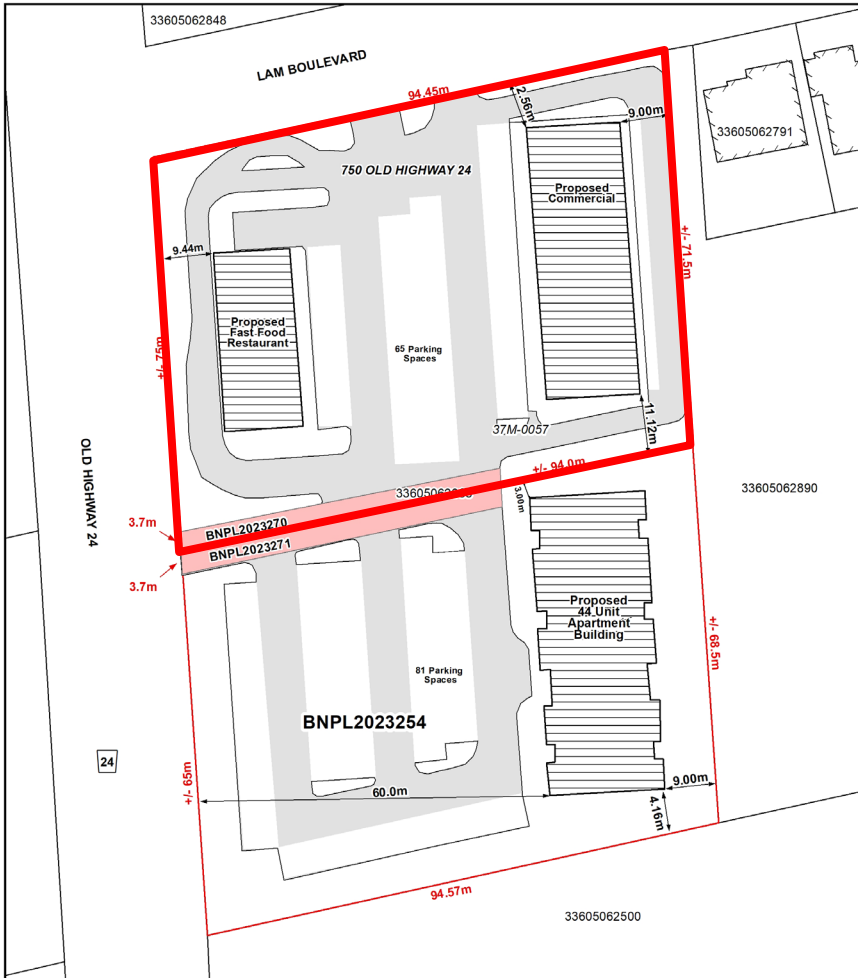
Official Plan Map



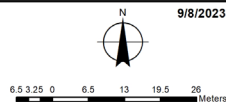
Zoning By-law Map



Development Proposal



Legend
 Subject Lands
 Proposed Easement
 Lands Owned



Development Proposal:

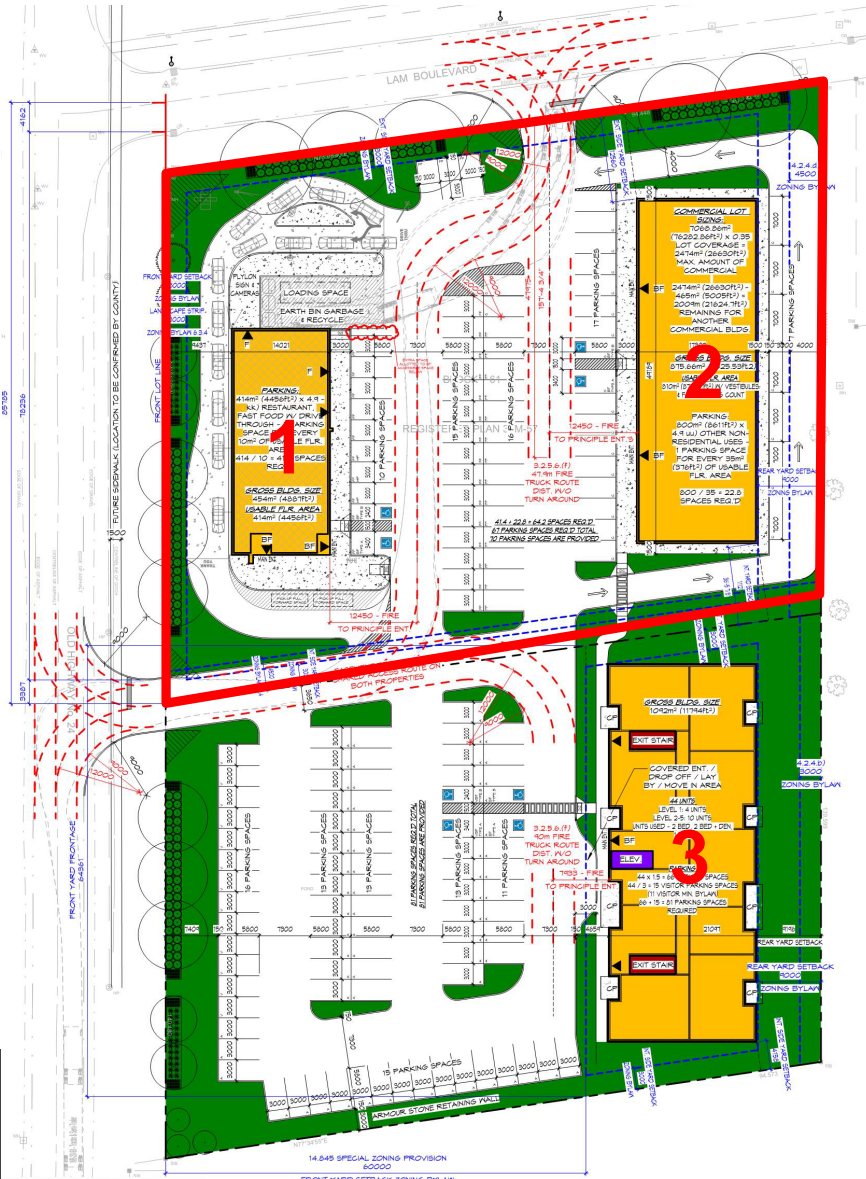
1. **Southern Portion of Lands:** A mid-rise apartment building with 44 dwelling units in a mix of styles and sizes to the southern portion of the subject lands, zoned as R5;
2. **Northern Portion of Lands:** A stand-alone building for a fast-food restaurant with a drive through and a second building containing approximately 810 m² of useable floor area of commercial space,

Zoning By-law Amendment:

From: CS zone with a Holding (H),
To: CS zone with a Holding (H) and a Special Provision to allow retail use of 810 m² of useable floor area.

Severance Application: A severance application is also received to separate the commercial lot from the residential portion of the proposed development.

Concept Plan



a. Northern Portion of Lands subject to the Zoning By-Law Amendment – 0.7 ha

Building 1: **Fast-food restaurant** – 414 sq.m.
 • 42 parking spaces are required

Building 2: 810 m² of **Retail Space**
 • 27 Parking Spaces are required

b. Southern Portion of the lands, not subject to the Zoning By-Law Amendment – 0.6 ha

Building 3: 44 **Apartment Units**
 • 66 residential parking spaces are required
 • 15 visitor parking spaces are required

Preliminary Review

Technical Reports:

- Proposed Site Plan Drawing (G. Douglas Valle Ltd, 2023)
- Planning Justification Report (G. Douglas Valle Ltd, July 2023)
- Functional Servicing & Stormwater Management Report (G. Douglas Valle Ltd, July 2023)
- Traffic Impact Study (Paradigm Transportation Solutions Ltd., July, 2023).




Technical Comments:

- Technical Comments Pending.



Public Input:

No Public input has been received at time of submission of this report.

Preliminary Considerations

Key Items		Preliminary Review
Housing		The proposal would add 44 various sizes of apartment units. The proposed development is within the urban area of Waterford with a required 60 m front yard setback as per an existing special provision 14.845 through By-Law 46-Z-2012.
Commercial Use		The commercial component of the proposal will feed neighbourhood scale commercial need such as small scale retails and restaurant facilities.
Parking		A minimum of 69 commercial parking and 81 residential parking spaces are proposed; no parking relief is required.

Preliminary Considerations

Key Items		Preliminary Review
Park and Trails		No parkland is proposed; Due to significant paved areas, Staff recommends enhanced plantation and soft surfaces which will be reviewed during the site plan stage.
Protected Industrial Area		Required 70 m buffer area is provided from the Protected Industrial Area. Further mitigation measures will be reviewed during the site plan stage.
Transportation (TIS)		The TIS provided indicates that the development will result 131 and 94 net new trips during the AM and PM peak hours and will operate within the acceptable levels under 2021, 2029 and 2034 forecasts. Engineering comments are pending.

Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD 23-074 for development application ZNPL2023275 be received for information;

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



The Corporation of Norfolk County

By-Law **XX-Z-2023**

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Block 61, Registered Plan 37M57, Urban Area of Waterford, Norfolk County, municipally known as 750 Old Highway 24.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 and 36(1) (Holding) of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

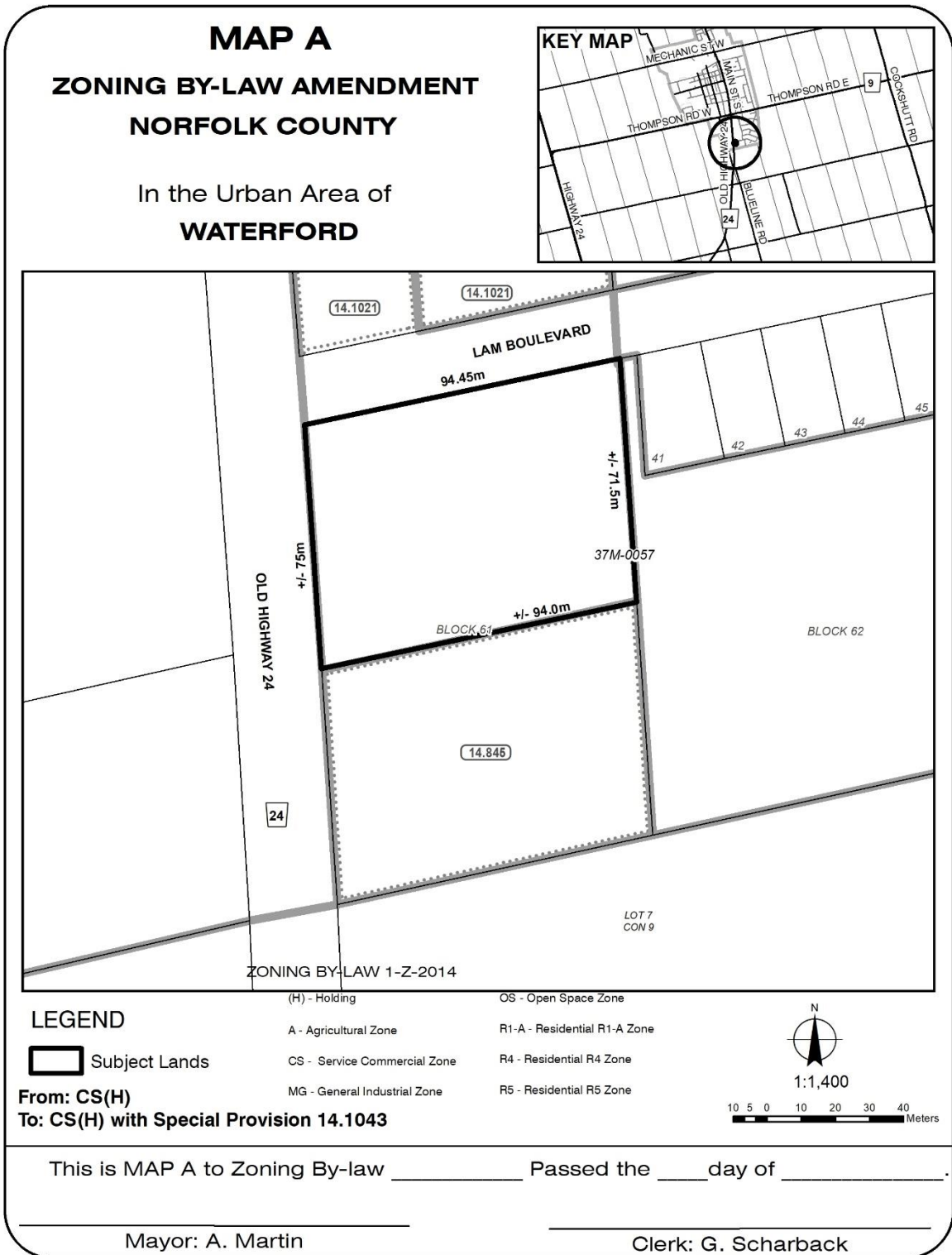
1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Service Commercial Zone (CS) with a Holding (H) to Service Commercial Zone (CS) with a Holding (H) and a Special Provision 14.1043.
2. That Subsection 14, Special Provisions is hereby further amended by adding 14.1039 to the subject lands as follows:

14.1043 In addition to the uses *permitted* in the Service Commercial Zone (CS) Zone, Retail Uses shall be permitted subject to the following:
 - a) *Maximum Useable Floor Area*: 810 square metres.
3. That the holding (H) provision of this By-Law shall be removed upon the registration of a site plan agreement to the satisfaction of the General Manager of Community Development (or designate).

ENACTED AND PASSED this 21th day of November, 2023.

Mayor A. Martin

County Clerk G. Sharback



**Explanation of the Purpose and Effect of
By-Law XX-Z-2023**

This By-Law affects a parcel of land described as Block 61, Registered Plan 37M57, Urban Area of Waterford, Norfolk County, municipally known as 750 Old Highway 24, Waterford.

The purpose of this By-Law is to change the zoning of the subject lands from Service Commercial Zone (CS) with a Holding (H) to Service Commercial Zone (CS) with a Holding (H) and a Special Provision 14.1043. The change would permit a retail use in CS zone, limited to a maximum of 810 square metres of useable floor area.

The holding “(H)” provision will ensure a development agreement has been executed and registered on title through a site plan application process to the satisfaction of the General Manager of Community Development (or designate).

Attachment C – Existing Planning Policy and Zoning Considerations

Report CD 23-074

Planning Act

Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development and

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

Provincial Policy Statement (PPS)

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario.

The PPS 2020 promotes strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

Section 1.1.3.1 states that Settlement areas shall be the focus of growth and development. It further states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the *infrastructure and public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

Section 1.4.3, related to Housing policies, states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating:

all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;

- a) 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;
- b) 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;
- c) 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.

Norfolk County Official Plan

The proposed development is partially designated as Commercial and partially designated as Urban Residential in the Norfolk County Official Plan. The lands subject to the Zoning By-law Amendment application is within the Commercial designated area.

Section 7.11 Commercial Designation, outlines policies pertaining to lands designated commercial across the county.

Commercial areas are accessible locations along the County's major transportation routes offering suitable accommodation for a specific range of commercial uses which have the following basic characteristics:

- a) highway-oriented uses which rely on exposure to the travelling public and require a location readily accessible to major transportation routes;
- b) destination uses, which are principally commercial in nature, provide a less diverse array of goods and services than the Downtown Designations, and provide a specialized product or service to persons coming specifically to the premises to do business and therefore do not require to locate in the Downtown Designations;
- c) space-extensive uses having physical requirements in terms of the size or configuration of the site or building such that they cannot be accommodated within the Downtown Areas; and
- d) mixed residential and commercial uses that have historically located along the major transportation routes.

Section 7.11.1 outlines the permitted uses for lands designated commercial. Subsection

a) outlines that the primary permitted uses shall include retail establishments and commercial uses, which are destination oriented or are intended to serve the travelling public, including automobile parking depots, automobile service stations, vehicle sales and service, public garages, repair service and rental establishments, motels, hotels, convention centres, restaurants, animal hospitals, commercial recreation uses, private clubs, funeral homes, day care centres and similar uses.

Subsection b) states that category-specific retail establishments shall be limited to furniture, appliance, carpet, flooring, home electronics and/or garden centres, and building supply centres that are less than 3,000 square metres of gross leasable floor space.

Subsection d) states that Large Retail Uses over 3,000 square metres of gross leasable floor space, such as department stores, retail warehouses, and other uses engaged in

the retailing and/or wholesaling of goods, wares or products and other similar uses intended for the Downtown and/or Shopping Centre Commercial Designations shall not be permitted.

Section 7.11.2 The Land Use Policy related to 'Commercial' designation also states that Council may waive the requirements of this policy if it is convinced that the proposed Commercial Designation is sufficiently minor, that there will be no impact on the planned function of the commercial areas and the Downtown Designations of the County, and there is no associated Large Retail Use.

Section 5.4 Community Design

This section identifies policies relate to the physical design of communities, including new applications within the County for development, such as plans of subdivision, infill development proposals, and site plans. This policies will be further analyzed during the recommendation report.

Section 6.4 Urban Areas

This section of the Official Plan outlines that Areas will accommodate the greatest amount of the targeted growth throughout the planning period, and will be the focus of residential, commercial, employment, government, institutional, office, entertainment, cultural, and health and social service activities.

b) It is the policy of this Plan that the Urban Areas will incorporate the following:

- i. a full range of housing types, including affordable and special needs housing;
- ii. business opportunities at appropriate locations to provide a wide range of employment and services to residents, businesses and visitors;
- iii. full municipal services, as feasible and appropriate, and an appropriate level of transportation infrastructure;

c) 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 and will sustain the community and financial well-being of the County over the long-term.

Section 7.12.1 Protected Industrial Designation

The subject lands are located adjacent to a Protected Industrial Zone separated by Old Highway 24. Section 7.12.1 of the official plan requires that Separation distances

between sensitive land uses and Protected Industrial uses shall be required to provide a higher standard of amenity in terms landscaping building materials and outdoor storage which shall be implemented through the Zoning By-law. The proposed commercial use is an appropriate transition to the existing residential use to the east and does not require a separation distance.

7.11.3.11 Waterford – Yin Subdivision Site Specific Policy Area

The subject lands are within the Waterford – Yin Subdivision Site Specific Policy Area – 7.11.3.11. The following special policies apply to the subject lands:

On land designated Commercial – Site Specific Policy Area 7.11.3.11 on Schedule “B” of the Official Plan, commercial uses shall be limited to motels, restaurants, auto service facilities, farm produce outlets and implement dealerships, building supply and lumberyard and other commercial types catering primarily to the travelling public and neighbourhood commercial uses.

Planning Comments: The proposed development may be considered as neighbourhood scale commercial uses. In light of section 7.11.2, Council may consider the proposed retail use as minor in nature which will waive the requirement for any Official Plan amendment. In that case, the proposed retail use will be addressed through the Zoning By-law Amendment.

Zoning By-Law 1-Z-2014

The proposed development is partially zoned as ‘Service Commercial’ with a Holding (H) and partially zoned as Urban Residential Type 5 (R5) with a Holding (H) and a Special Provision 14.845.

The Holding (H) provision in the CS zone is to ensure a development agreement executed prior to any future development on this land.

The proposed Zoning By-law amendment applies only to CS zone to permit a limited scale of retail uses.

The permitted uses in CS zone includes:

- a) ambulance service
- b) animal hospital, provided the entire operation is carried on within an enclosed building
- c) any non-residential use permitted in the Neighbourhood Institutional Zone (IN), subject to the provisions of that Zone
- d) auction centre
- e) automobile gas station

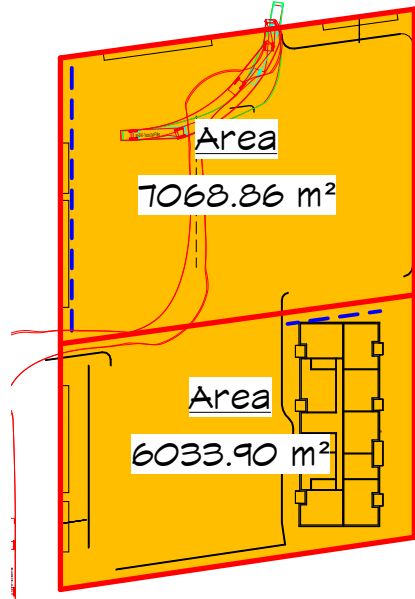
- f) automobile service and repair station
- g) automobile washing establishment
- h) automotive parts shop
- i) bar or night club
- j) clinic or doctors' offices
- k) commercial greenhouse, tree and plant nursery
- l) community centre
- m) contractor shop
- n) contractor supply and service shop
- o) convenience store
- p) day care nursery
- q) dry cleaning distribution station
- r) dry cleaning establishment
- s) dwelling, apartment
- t) equipment rental establishment
- u) farm implement sales and service establishment
- v) financial institution
- w) fire hall
- x) florist shop
- y) fruit and vegetable outlet
- z) funeral home
- aa) garden supply centre
- bb) home occupation
- cc) hotel
- dd) laundromat
- ee) lumber yard and building supply establishment
- ff) manufacturing and retail sale of monuments
- gg) merchandise service shop

- hh) miniature golf, golf driving range and baseball pitch
- ii) outdoor storage accessory to permitted uses
- jj) parking lot or structure
- kk) personal service shop
- ll) place of assembly
- mm) place of sports and recreation
- nn) place of worship
- oo) police station
- pp) private club
- qq) restaurant
- rr) restaurant, fast-food
- ss) restaurant, take-out
- tt) sheet metal, plumbing, heating, electrical or woodworking shop or any similar activity
- uu) swimming pool sales and service establishment
- vv) training and rehabilitation centre
- ww) vehicle sales or rental establishment
- xx) video store
- yy) wholesale outlets

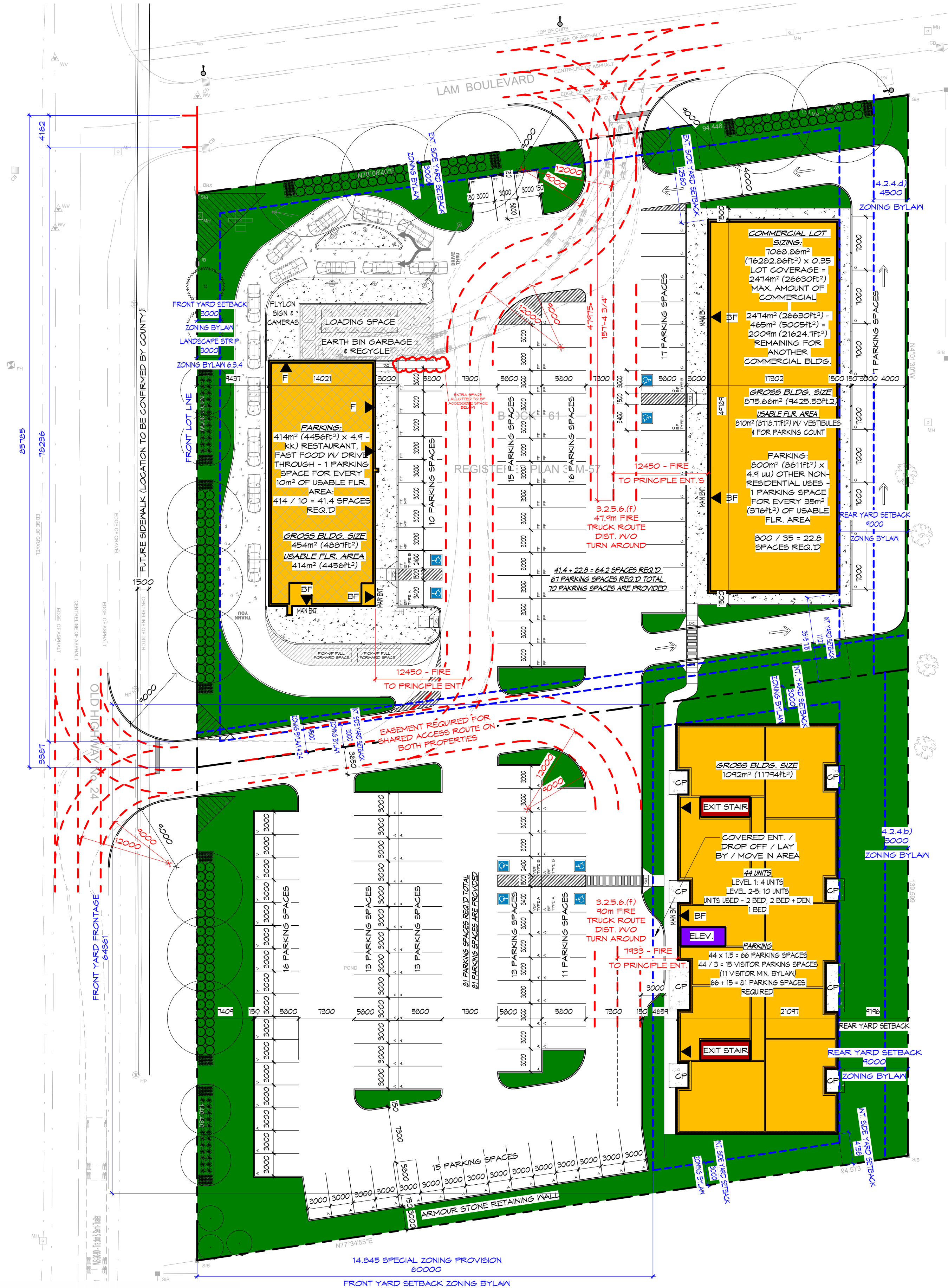
The proposed Zoning By-law amendment will add a special provision to the existing CS zone to permit Retail Uses, subject to the following:

- a) Maximum Useable Floor Area: 810 square metres.

Planning Comments: In light of identified Official Plan policies and land use compatibility analysis, Staff will review the justification of additional 'retail use' to the existing commercial zone and provide a recommendation to the Council.



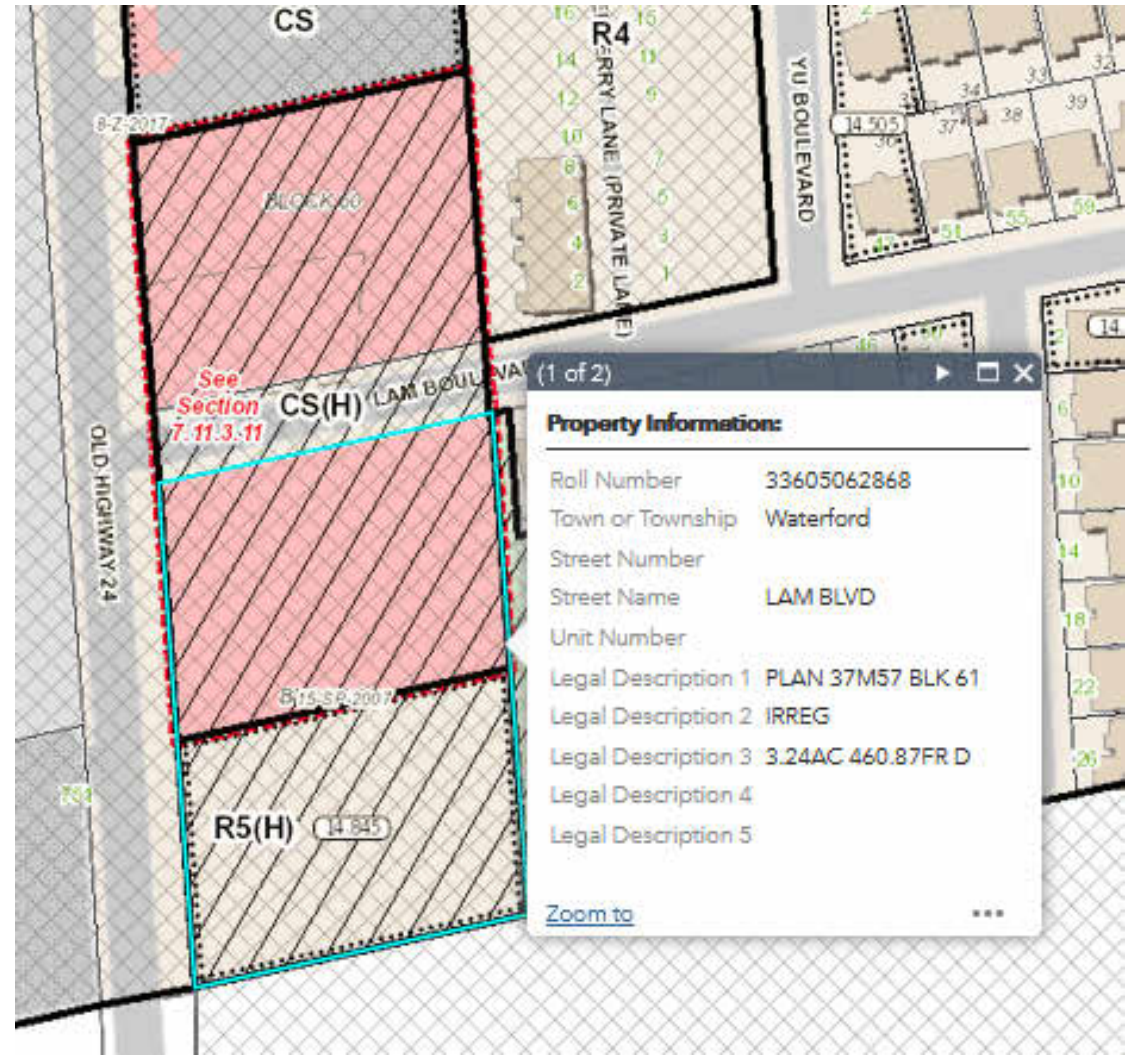
GROSS SITE PLAN - ZONING AMENDMENT - IND. ZONE
SCALE 1:2000



1 SITE PLAN PROPOSED - ZONING AMENDMENT R5 & CS
SCALE 1:950

SITE PLAN LEGEND

▲	MAIN ENT.	MAIN / PRINCIPAL ENTRANCE / EXIT DOOR
▲	ENTRANCE / EXIT DOOR	ENTRANCE / EXIT DOOR
▲	ENTRANCE / EXIT DOOR (FLUSH)	ENTRANCE / EXIT DOOR (FLUSH)
▲	ENTRANCE / EXIT DOOR (BARRIER FREE OPERATOR)	ENTRANCE / EXIT DOOR (BARRIER FREE OPERATOR)
---	PROPERTY BOUNDARY LINE(S)	PROPERTY BOUNDARY LINE(S)
---	SETBACKS	SETBACKS
---	SNOW STORAGE (SS)	(ALL ADDITIONAL SNOW TO BE TAKEN AWAY BY OWNER)
---	FIRE ROUTE	(6M WIDE / 12M CENTER RADIUS)
---	COVERED ENTRANCE	COVERED ENTRANCE
---	COVERED PATIO (ON GRADE)	COVERED PATIO (ON GRADE)
---	PAINTED GRAPHICS ON ASPHALT / CONC.	(COORD. W/ THE CITY / TOWN HAVING JURISDICTION GUIDELINES)
---	WHEELCHAIR SIGN ON ASPHALT / CONC.	(WHITE & BLUE COLOUR)
---	DIRECTIONAL SIGNS ON ASPHALT / CONC.	(WHITE COLOUR)
---	CROSSWALK / CROSSING	(WHITE COLOUR)
---	VEHICULAR STALL MARKINGS	V - VISITOR
---	VEHICLE VISITOR BARRIER FREE	VF - VISITOR BARRIER FREE
---	VEHICLE APARTMENT DWELLING PARKING	A - APARTMENT DWELLING PARKING
---	FF BF - FAST FOOD BARRIER FREE	
---	G BF - COMMERCIAL BARRIER FREE	
---	FF - FAST FOOD PARKING	
---	FF MF - FAST FOOD MOBILE PICK-UP PARKING	
---	C - COMMERCIAL PARKING	
---	DIAGONAL MARKINGS (YELLOW COLOUR)	
---	STOP SIGN VEHICULAR MARKINGS (WHITE COLOUR)	
---	DROP CURB	
---	PERENNIAL DROUGHT RESISTANT GRASSES	
---	NEW CONIFEROUS TREE	
---	NEW DECIDUOUS TREE (-4500MM TREE RADIUS @ FULL GROWTH)	
---	VISIBILITY TRIANGLES / SIGHT / DAYLIGHT TO BE MAINTAINED (REMAIN CLEAR) @ BOTH SIDES OF ALL LANEWAY / DRIVENWAYS @ INTERSECTIONS. THE MAX. HEIGHT OF ANY OBJECT OR MATURE VEGETATION WITHIN THE VISIBILITY TRIANGLE IS NOT TO EXCEED REQ'D HEIGHT ABOVE THE CENTRELINE OF THE CORRESPONDING ADJACENT STREET	
---	NORFOLK COUNTY 5M X 5M LANEWAY 9M X 9M INTERSECTION / STREET LINES 1M HEIGHT N/A CBD ZONE NO PARKING ALLOWED	
---	EX LIGHT STD.	
---	AREA OF ASPHALT	
---	CONC. SIDEWALK / PAD / CROSSWALK / SIDEWALK / LANEWAY / STAIRS / ETC.	
---	AREA OF ASPHALT	
---	AREA OF PARKING	
---	LANDSCAPING	
---	NEW BUILDING(S)	



1 SITE MAP - ZONING AMENDMENT
SCALE 1:100



Project Title
ORCHARD SQUARE
OLD HWY 24 / NORFOLK COUNTY
RD. 24 & LAM BLVD.
WATERFORD, ONTARIO, CANADA,

**PRELIMINARY
NOT FOR
CONSTRUCTION**

PROJECT No.
20-128
Drawing Title
ZONING AMENDMENT

G. DOUGLAS VALLEE LIMITED
2 TALBOT STREET NORTH
SIMCOE ONTARIO N3Y 4W3
(519) 426-6270

Drawing No.
Z101