



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Claire Dodds
Director of Planning and Development

Date: July 13, 2023

Re: Draft Plan of Vacant Land Condominium S-2022-023 (Bradstones Developments Inc.)

Staff Recommendation:

That Draft Plan of Vacant Land Condominium S-2022-023 be approved subject to the Conditions of Draft Approval and Draft Plan attached.

Summary:

Bradstones Developments Inc. has applied for Draft Approval of a Vacant Land Condominium in the Municipality of Kincardine to facilitate individual ownership of the 36 townhome units and common ownership by the condominium corporation of the private road, stormwater management facility, visitor parking area and other common elements.

The application is being referred to the Committee for a decision due to objections raised by neighbouring landowners.

Alignment with Guiding Principles:



GOOD GROWTH

To put growth in the right locations with the right services



AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



CONNECTING

To improve our ability to move people, goods, and information between communities



HOMES

To increase the supply and mix of homes



BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



COMMUNITIES

To create wellbeing through access to healthy complete communities



HERITAGE

To identify and manage our cultural heritage resources



NATURAL LEGACY

To manage natural resources wisely for future generations

-  Not applicable
-  Not aligned
-  Aligned
-  Strongly aligned

The 1.44-hectare parcel of land is located on Golf Links Road, west of Queen Street, in the Municipality of Kincardine. This is an infill project in the Settlement Area that makes efficient use of land and infrastructure. Therefore, the plan is aligned with the Good Growth guiding principle.

The proposed development would increase the supply and mix of homes in Kincardine by adding 36 two-storey townhome units in a condominium format. This is strongly aligned with the Homes guiding principle.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Airphoto



**Site has been modified since Airphoto taken in 2020. See Site Photo for current condition.*

Draft Plan (*For Representation Only - Full Draft Plan attached separately)



Site Photo



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

File History and Process Overview

The lands have been subject to previous Planning Act applications dating back to 2019, including separate consent applications to assemble the land in its current configuration and establish a servicing easement to service the lands and provide for stormwater management.

The lands were subject to a comprehensive planning process in 2020 to rezone the lands from Residential One 'R1' to Residential Three Special Holding 'R3-y-H'. Council's decision to approve the amendment was appealed to the Ontario Land Tribunal, where the appeal was dismissed (OLT Case Number PL600247). The in-effect 'R3-y-H' zoning contains the following special provisions:

- A maximum of 36 townhouses shall be permitted.
- Notwithstanding the provisions of Section 14.2.3, on lands described as 'R3-y-H' the following provisions shall apply:
 - The end of a unit shall be a minimum of 5.2m from the edge of a road;
 - The rear of a unit shall be a minimum of 6m from the property line;
 - The end of a unit shall be a minimum of 3.3m from the property line.
- The development shall be under site plan control.
- The Holding (H) symbol may be removed after the granting of site plan control approval.

The proposed Draft Plan of Vacant Land Condominium application conforms to the provisions of the 'R3-y-H' zoning.

The proposed development is currently undergoing a Site Plan Control application and a Pre-Servicing Agreement which will collectively outline how the site is developed and serviced. The engineering and site development details are largely being addressed through the Site Plan Control process.

It is noted that regardless of the Draft Plan of Vacant Land Condominium application, the site can be developed through the above-noted processes. The primary intent of the Draft Plan of Vacant Land Condominium application is to facilitate ownership of the individual units and common ownership of the shared elements. The Vacant Land Condominium process also establishes conditions to be satisfied before the units can be created.

The previous planning processes affecting the lands, most notably the Zoning By-law Amendment application (which established the permitted uses on the lands), were supported by numerous studies to establish neighbourhood compatibility, servicing, and stormwater management feasibility.

The current Draft Plan of Vacant Land Condominium and Site Plan Control applications build on the previous planning processes and are largely supported by information that implements the technical and engineering details of the development.

Council at the Municipality of Kincardine held a public meeting on June 12, 2023, and passed a motion on June 19, 2023 (attached) recommending that Bruce County approve the Draft Plan of Vacant Land Condominium in accordance with the Draft Plan and Conditions (attached).

Development Overview

The development consists of 36 two-storey townhouses, within 10 separate buildings. The development has a density of 25 units per hectare.

The site is accessed by a single point from Golf Links Road between two existing townhome developments. The units are to be accessed by a private road with a width of 6.1 metres. A trail access point is proposed to connect the development to Gingras Street to the north.

Each unit is proposed to have two parking spaces, with one space being within an attached garage. There are also nine visitor parking spaces along the property's eastern boundary.

A stormwater management pond will be in the property's southwest corner between units 6 and 7. A snow storage area will be in the northwest corner of the property between units 10 and 11. The snow storage area will also function as an open space when not used for snow storage. Snow removal will be the responsibility of the condominium.

Garbage and recycling pickup will also be the responsibility of the condominium. It is anticipated that garbage and recycling will be addressed through curbside pickup to each unit by a private provider.

Water and Sanitary Sewer

The site is proposed to obtain water from the municipal water system along Golf Links Road. Each individual unit will have a single connection to the watermain network within the development. The network will also support a fire hydrant within the development.

Each individual unit will connect to an internal gravity-fed sanitary sewer network within the development that is proposed to connect to the municipal sanitary sewer system along Golf Links Road.

Municipal staff have confirmed that there is sufficient water and sewer capacity to support the proposed development.

Stormwater Management

The proposed development will increase the impervious surface area on the lands. A Stormwater Management Plan has been submitted to outline how stormwater will be managed on the site. A stormwater management pond is proposed in the property's southwest corner. The stormwater management pond will regulate both the quantity and quality of stormwater as a result of development on the lands. Stormwater from the site is to be discharged into the municipal stormwater infrastructure along Golf Links Road.

Public comments received on this application note concerns with stormwater runoff. Similar comments were received through the previous Zoning By-law Amendment application

process, which established the principle of development on the lands. In this regard, it is noted that stormwater on the property is currently not managed. Drainage follows natural grading and drainage patterns on the site.

The proposed development will facilitate the management of stormwater on the property through infrastructure that has been designed to appropriately address drainage. Managing stormwater on the site should not exacerbate drainage issues affecting surrounding properties and may, in fact, improve such issues. A similar opinion was noted in previous reports and through evidence provided by qualified engineering professionals at the Ontario Land Tribunal hearing for the recent Zoning By-law Amendment affecting the lands.

Buffering

The Kincardine Official Plan outlines that buffering shall be considered for medium-density residential uses adjacent to low-density ones. This matter is being addressed through the Site Plan Control process and may include fencing and/or vegetative screening to mitigate impacts to neighbours.

Cultural Heritage

A Stage 1 and 2 Archaeological Assessment was conducted on the site. No significant cultural materials were found, and the Archaeologist has concluded that the property should be cleared of archaeological concerns.

Saugeen Ojibway Nation (SON)'s Environmental Office was circulated on this proposal. Staff provided clarification to SON staff and subsequently included a condition at their request requiring the applicant to consult with SON should archaeological resources be encountered on the site. The Historic Saugeen Métis noted no concerns with the project.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Coreena Smith
Senior Development Planner

Departmental Approval:

Claire Dodds
Director of Planning and Development

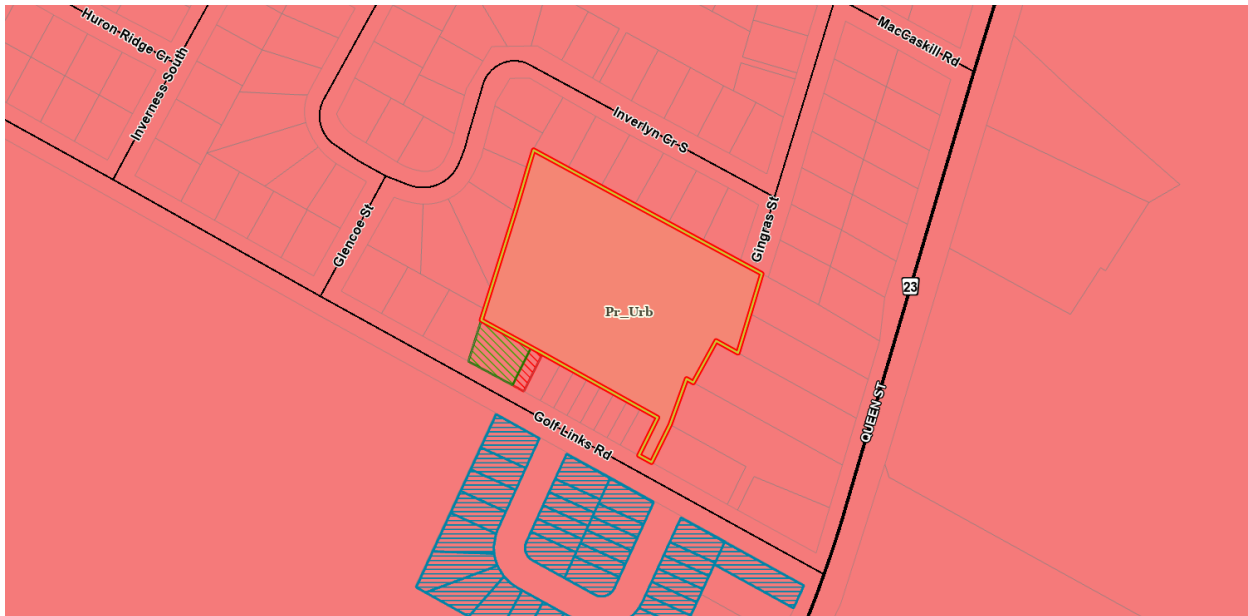
Approved for Submission:

Derrick Thomson
Chief Administrative Officer

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice
- Public Comments
- Municipality of Kincardine Meeting Minutes ([Public Meeting - June 12, 2023](#))
- Municipality of Kincardine Resolution
- Decision Sheet
- Conditions of Draft Approval
- Draft Plan of Vacant Land Condominium

County Official Plan Map (Designated Primary Urban Communities)



Kincardine Official Plan Subdivision Policy Review (Section G2.3)

Section G2.3 - It is intended that most new lots will be created by the registered plan of subdivision process, particularly in the development of new areas, and in accordance with the following criteria:

Plans of subdivision or condominium will be required for the creation of new lots, where a parcel of land under single ownership has a potential for more than five (5) lots and/or, where additional public road(s) will be created. Creation of new lots by consent shall only be considered where a plan of subdivision is deemed not to be required by the Municipality.	The proposed Vacant Land Condominium consists of 36 units.
The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that will be serviced by full municipal services or communal services to have a density target of no less than 15 'dwelling units' per 'gross developable hectare', (6.1 dwelling units per gross developable acre). Approval may be granted for developments that do not meet this density when justified and appropriate. An applicant/developer requesting a reduced density must provide a planning justification at the time of application.	The Vacant Land Condominium is to be serviced by municipal water and sewer and achieves a density of 25 units per hectare.
The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments that can accommodate 10 or more 'dwelling units' that will be serviced by municipal sewer and water or communal services to have a minimum of 30% of the proposed 'dwelling units' to be achieved through the use of 'medium density' (or higher density where appropriate) 'dwelling units'. Approval may be granted for developments with a reduced percentage of 'medium density' when appropriate and justified. An applicant/proponent/developer requesting a reduced percentage must provide a planning justification at the time of application.	The proposed development is medium density and satisfies this requirement

<p>Council shall recommend the approval of a plan of subdivision only if it is satisfied that the subdivision can be provided with adequate utilities and standards as required by this Plan; and that the plan of subdivision is not premature and will not adversely affect the financial position of the Municipality, and is in the public interest.</p>	<p>The Municipality has confirmed the adequacy of services for the development. The development is located within a built-up area of Kincardine with existing infrastructure in place. The proponent will be required to enter into an agreement with the Municipality, which will outline financial securities.</p>
<p>Proposals for approval of a plan of subdivision shall be prepared to a standard acceptable to Council, and the subdivider shall enter into such agreements with the Municipality as are required by this Plan.</p>	<p>The proponent will be required to enter into an agreement with the Municipality.</p>
<p>In any case where the land involved in an application for a plan of subdivision or condominium is within, partly within or within 120 metres of areas designated Natural Environment and/or Development Constraint, such application shall be accompanied by an Environmental Impact Statement/Study, prepared to the satisfaction of the Saugeen Valley Conservation Authority. Such Statement/Study shall review and assess the impact/appropriateness of the proposed land use(s) on the Natural Environment and/or Development Constraint, including the impact to public safety and to property damage in accordance with the policies of Sections C2 and D7.6 of this Plan.</p>	<p>A Breeding Bird and Scoped Botanical Report was conducted as part of the previous Zoning By-law Amendment affecting the lands. The study was reviewed by the Saugeen Valley Conservation Authority (SVCA) for natural heritage impacts. Through their previous review, the SVCA indicated that the proposed development was consistent with applicable natural heritage policies. The SVCA reviewed the current Draft Plan of Vacant Land Condominium application with respect to natural hazard impacts and indicated that the proposal is acceptable from a natural hazard perspective.</p>
<p>Consultation with other agencies and standing committees (including the Municipal Heritage Committee) shall occur as necessary through the review and approvals process, to assist in the identification of properties of potential cultural heritage value and interest / archaeological interest.</p>	<p>The application has been circulated to relevant agencies and stakeholders, including the Saugeen Ojibway Nation (SON) and Historic Saugeen Metis (HSM).</p>

List of Supporting Studies

- Functional Servicing Report - Cobide Engineering (June 2022)
- Engineering Drawings - Cobide Engineering (Feb 2022)
- Draft Plan - D. Culbert Ltd. (Sept 2022)
- Stage 1-2 Archaeological Assessment - Detritus Consulting Ltd. (Oct 2019)

Agency Comments

Municipality of Kincardine: Municipal staff have confirmed that the Draft Plan of Vacant Land Condominium conforms to the R3-y-H zone. Additional outstanding technical issues related to construction, servicing, landscaping and stormwater are to be addressed through Site Plan Control.

Bruce County Transportation Services: No comments.

Bruce-Grey Catholic District School Board: No comments.

Historic Saugeen Métis (HSM): The HSM Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Plan of Subdivision.

Hydro One: We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities', the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier, the Owner/Applicant must contact the Hydro subdivision group at Subdivision@HydroOne.com or 1-866-272-3330.

Bluewater District School Board: The full letter is attached to this report.

Saugeen Valley Conservation Authority (SVCA): SVCA find the application acceptable. The full letter is attached to this report.

Risk Management Office: No policies apply to activities identified in the application. The full letter is attached to this report.

Saugeen Ojibway Nation (SON) Environment Office: SON's Environmental Office was circulated on this proposal. Staff provided clarification to SON staff and subsequently included a condition at their request requiring the applicant to consult with SON should archaeological resources be encountered on the site.