

SIMCOE STREET CONDOMINIUM PROJECT



**A proposal by Mamta Developments Inc. for a
31 Unit Medium Density Common Element
Condominium Townhouse Project**

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A proposal by Mamta Developments Inc. for a
31 Unit Medium Density Residential Development
(Simcoe Street, Community of Stayner, Township of Clearview)

TABLE OF CONTENTS

1.0	Introduction and Overview	1
2.0	Site Description	2
2.1	Location	2
2.2	Vegetation and Site Characteristics	2
2.3	Surrounding Land Uses.....	3
3.0	Development Concept	5
3.1	Site Design, Access, and Circulation	5
3.2	Architectural Theme, Building Massing, Housing Form, Conceptual Site Plan	5
3.3	Proposed Private Ownership, Covenants & Easements	7
3.5	Proposed Draft Plan of Subdivision.....	8
4.0	Planning Regulation.....	8
4.1	Provincial Policy Statement (PPS).....	8
4.2	County of Simcoe Official Plan	9
4.3	Township of Clearview Official Plan	9
4.4	Township of Clearview Zoning By-law	10
4.5	Proposed Site-Specific Permitted Uses & Special Provisions to Township Zoning By-law 06-54.....	10
5.0	Municipal Project Approval Process & Timeline.....	14
5.1	Pre-Consultation.....	15
5.2	Zoning By-law Amendment	15
5.3	Draft Plan of Subdivision.....	15
5.4	Site Plan, Phasing & Model Homes.....	16
5.5	Exemption to Draft Plan of Condominium Approval	16
5.6	Applications to the Committee of Adjustment for Easements	17
5.7	Lifting of Part Lot Control.....	17
6.0	Site Servicing, Transportation, SWM Management, & Utilities	17
6.1	Water & Sewer	17
6.2	Transportation	18
6.3	Storm Water Management (SWM)	18
6.4	Fire.....	19
6.5	Lighting/Illumination	19
6.6	Utilities (Gas, Cable, Telephone, Hydro)	19
7.0	Summary	19

APPENDICES

- Appendix 1 - *Draft Zoning By-law Amendment and Schedule '1'*
- Appendix 2 - *Conceptual Site Plan*
- Appendix 3 - *Conceptual Building Elevations*
- Appendix 4 - *Proposed Draft Plan of Subdivision*
- Appendix 5 - *Proposed Common Element Plan of Condominium*
- Appendix 6 - *Functional Servicing Report (Separate Cover)*
- Appendix 7 - *Tree Inventory (Separate Cover)*
- Appendix 8 - *Geo-Technical Investigation (Included as Appendix D in the FSR Report)*

SIMCOE STREET CONDOMINIUM PROJECT

A proposal by Mamta Developments Inc. for a 31 Unit Medium Density Townhouse/Semi-Detached Development (Simcoe Street, Community of Stayner, Township of Clearview)

1.0 Introduction and Overview

The purpose of this planning report is to introduce the proposed development and provide detailed information relating to the corresponding Zoning By-law Amendment and Draft Plan of Subdivision applications. In addition, the overall approval and development process timeline will be outlined for the project. Background studies identified as being required by the municipality during the Pre-Consultation process are also being submitted along with this planning report to provide a “complete application”.

The proposed SIMCOE STREET Medium Density Common Element Condominium development by Mamta Developments Inc. is a project that recognizes and meets the need for a variety in housing alternatives for those who wish to become entry level home owners and for people such as empty nesters or seniors who wish to downsize from a single detached dwelling to a more compact residence. This type of small infill-type housing project will provide an attractive and cost-effective alternative housing form for existing Township of Clearview residents and newcomers alike.

Unlike a conventional standard Plan of Condominium where the homeowners do not own the land on which the dwelling stands, the proposal involves the construction of 27 townhouses and 4 semi-detached units on individually owned **POTL’s** (Parcels of Tied Land). The project is proposed to be developed in conjunction with approval of Draft Plan of Subdivision, Site Plan, and an Exemption from Draft Approval of Common Element Plan of Condominium applications. The individual POTL’s would be created by the Lifting of Part Lot Control, a standard approach to parcel creation available to lands situated within an approved Plan of Subdivision.

The individual owners of the POTL’s, upon purchase of a townhouse unit, become participants in a Common Element Condominium Corporation. The Condominium Corporation owns the common elements of the project and is financially responsible for the long-term maintenance of the common infrastructure. The common elements maintained by the Condominium Corporation include visitor parking areas, sidewalks, the private access road, storm water drainage infrastructure, buried sewer and water services, and other infrastructure such as streetlights. The subject site is not of sufficient size for the internal development of a standard 20-metre-wide standard municipal road. Using the design flexibility inherent with the Common Element Plan of Condominium approach, the project architect has successfully been able to meet the site-specific design challenges of the property. Since a public road is not a feasible or desirable option, a private roadway with a right-of-way width of approximately 7.0 metres (not including the rollover curb) has been provided along with a 1.2-metre-wide concrete sidewalk which will allow vehicle and pedestrian access to the proposed townhouses and semi-detached units.

The SIMCOE STREET Medium Density Common Element Condominium development will provide two unique lifestyle living choices in a residential in-fill type development. The development will provide each of it’s units with indoor and outdoor vehicle parking, and private and common outdoor open space opportunities for it’s inhabitants through the provision of front and back yards and a common open space area on Louisa Street.

2.0 Site Description

2.1 Location

The lands proposed for development are situated on a property located west of Simcoe and Louisa Streets, east of Scott Street and north of McCrea Drive. The subject lands are generally described as *Part Lot 25, Concession 2* in the Township of Clearview and legally described as *PIN 74028-0231 (LT)*. The subject site abuts the west side of Simcoe Street and Louisa Streets and includes approximately 1.14 hectares (2.816 acres) of land. The site has approximately 63 metres (206 feet) of frontage on Simcoe and Louisa Streets and a depth of 107.02 metres (351.1 feet). The subject site may be generally described as square in shape.

Figure 1: Key Plan



2.2 Vegetation and Site Characteristics

The site is vacant and relatively level and drainage from the site generally runs from southwest to northeast. The site has not been previously graded and approximately two thirds of it is currently vegetated with mature trees. There is a narrow curvilinear area that is centrally located across the site that is mostly devoid of trees.

A detailed tree inventory/arborist report of the site has been undertaken by the applicant and has been submitted along with this report to the Township as part of the complete application package. The Arborists Report entitled “Tree Inventory, Analysis and Preservation Report” completed in May 2017 provides a detailed inventory of site trees and includes recommendations regarding the potential for on-site tree retention and identifies potential candidates for tree preservation.

For information purposes photos of the site have been included in the Tree Preservation Report as well as with this report to show the existing vegetation of the site. The pre-dominant tree species located on site are typical successional type species and consist of eastern white pine (38%), trembling aspen (18%) and White Ash (14%). These trees are not situated in a pristine natural habitat and the assessed trees appear to be in a poor to marginal health state. No rare species such as the butternut were observed on the subject site. In the areas toward the central and north-east of the site, the effects of high soil saturation make them unsuitable for retention. As part of the detailed Site Plan review and approval process it will be determined if the six trees recommended for retention can in fact be retained.

It is the general intention of the developer to retain healthy mature trees where possible and where they do not conflict with the proposed building envelopes, site works and grading. The developer/owner is aware of the benefit of mature vegetation on the property. Retaining boundary trees would help provide a green visual buffer for the development from the existing residential area. The primary areas for tree retention on the subject site would appear to be within the area of the proposed Block 7 in the extreme south-east corner of the site and along the southerly boundary of the property.

2.3 Surrounding Land Uses

As noted above, the subject site is situated on the west side of Louisa and Simcoe Streets. The lands south of the site and the area east of Scott Street contain single detached dwellings. The subject lands are located adjacent to an established residential area of the Town and the development is classified as “infill” in nature. The lands immediately to the north of the subject site are vacant and forested and zoned by Comprehensive Zoning By-law 06-54 as Environmental Protection (EP). The surrounding lands to the east, west and south are zoned Residential Second Density (R2), and Residential Third Density (R3).

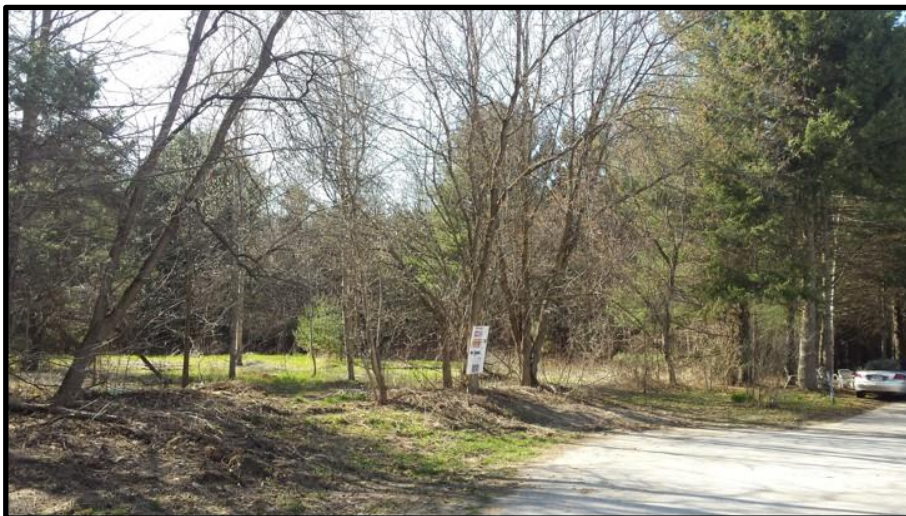


PHOTO 1: Louisa Street

- East Boundary
- Looking North



PHOTO 2: Central Area of Site

- *Looking East*



PHOTO 3: Site Encroachments

- *Southerly Boundary of Subject Site*



PHOTO 4: Westerly Boundary of Site

- *Looking South along lot line*

3.0 Development Concept

The project's design was developed by Talo Architect in consultation with Mamta Developments Inc. Mr. Unto Kihlanki of Talo Architect has extensive experience in townhouse design of the types and densities envisaged by the proposed SIMCOE STREET Medium Density Common Element development. The conceptual Site Plan and Building Elevations are contained in Appendices 2 & 3 of this report.

3.1 Site Design, Access, and Circulation

The five-proposed townhouse and two semi-detached buildings and all the individual units associated with them are accessed from a single common element private roadway connecting to Simcoe Street. The private road/laneway is shown on the conceptual Draft Site Plan as Lane "A" and is essentially an extension to the west of the existing Simcoe Street paved surface. Lane "A" runs east-west and then connects to Lane "B" which is a circular driveway with snow storage areas, visitor parking, and a bio-retention cell or raingarden located inside of it. Lane "B" was designed to accommodate the turning radius of a fire emergency vehicle.

A Functional Servicing Report was prepared for the proposal by W.M.I & Associates Limited with respect to reviewing traffic volumes and access issues for the proposed development. The findings were that the proposed entrance location was acceptable in terms of sight visibility and that the proposed development could be accommodated by the existing road network with no operational concerns.

As mentioned previously, traffic to the subject site is proposed to be accessed from one entrance onto Simcoe Street. Traffic circulation through the site is proposed to be two directional with parking on the private roadway prohibited to allow fire protection and emergency vehicles unfettered access. Ten visitor parking spaces in two locations are provided on the private condominium road. These parking spaces are part of the Common Element Plan of Condominium and would be posted as "Private Parking Only". Pedestrian circulation and access will be provided through the provision of a 1.2 metre sidewalk situated on the north and south sides of the private condominium road leading into the development and on the east side of the circular portion of the condominium road. The circular traffic circulation will allow for internal on-site garbage pick-up by the County of Simcoe for the development without requiring any service vehicle to back-up.

Pedestrian access to, and circulation through the site would be provided for in the form of a 1.2 metre (4.0 ft.) sidewalk. On Lane 'A' the sidewalk would be located on the north and south sides of the laneway and would be located at the back of the curb. The sidewalk would be located on the east sides of Lane 'B'. The Site Plan also provides for protection of a six (6) metre wide Condominium owned property which could allow a future trail connection to the north.

3.2 Architectural Theme, Building Massing, Housing Form, and Conceptual Site Plan

The architectural theme is loosely based on Victorian themed architecture and is designed to be sympathetic to the local architecture of the community. This is illustrated and promoted in the elevations by including dormers, trim details, patterned brickwork, and pitched roofs.

The housing form consists of multi-unit street type townhouses accessed by the private condominium road and features two distinct type of buildings. The first type being the five and six-unit townhouse buildings and

the second consisting of two semi-detached dwellings. Preliminary Building Elevations are included with this report as Appendix 3.

In terms of building massing, the project proposes a total of 27 townhouse units in 5 townhouse buildings built facing onto the private roadway labelled Lane 'B', being the circular driveway with a rain garden in the middle; and 4 units in 2 semi-detached buildings fronting onto Lane "A". The five (5) townhouse buildings consist of three (3) 5-unit buildings on the west side of the circular driveway and two (2) 6-unit buildings facing onto the eastern side of the circular driveway. The number of units proposed for each building reflects the site-specific dimensions and development opportunities of the subject property and results from an effort to maximize the efficiency and housing potential of the subject site, while at the same time maintaining appropriate setbacks and yards. The townhouse buildings are proposed to be situated on the site in a north-south orientation. The north-south orientation reduces the potential number of back-yards, windows, and doors that would face the neighbours located to the south as compared to the situation of if the townhouse buildings were orientated in an east-west direction. The north-south orientation of both rows of buildings reduces the impact of the development in terms of privacy for the existing residences as the side walls of the buildings have few or small window openings. The conceptual Site Plan is attached to this report as Appendix 2.

Buildings 1 and 7, the semi-detached units, have access to Lane 'A' which directly accesses Simcoe Street. These semi-detached dwellings have a pedestrian front entry accessed from the sidewalk located on both sides of the private condominium road. Building 1 has a 6.0 metre front yard setback from Lane 'A' and an 8.2 metre setback to the front of the garage. Building 7 has a 11.0 metre front yard setback from Lane 'A' and the garage is further recessed into the building. Building 7 is setback at a greater depth from Lane 'A' to line up more closely with the established building line on the north side of Simcoe Street. The orientation of Buildings 1 and 7 reduce the impact of the development on the existing adjacent single detached dwellings on Simcoe and Louisa Streets. A wide interior side yard is provided on the east side of Building 7 and an exterior side yard is provided along Louisa Street next to Building 1.

The townhouse buildings and semi-detached dwellings are proposed to be 2 storeys in height. An outdoor open space area is located on the site accessed directly from Louisa Street. Snow storage areas are located on the north and south sides of the rain garden between the private condominium road Lane "B".

The majority of townhouse buildings accessed by the circular Lane 'B' facing the rain garden feature a 4.5-metre-deep front yard (measured from the edge of the curb or the edge of the sidewalk on the private road depending on the unit). The proposed reduction in the front yard depth would not affect parking on the driveway as all townhouse units would have driveway depths of a minimum of 6.0 metres to the front of the garage door. It was considered by the project designer that a shallow front yard depth for the townhouse buildings was not detrimental or significant as the width of the proposed rain garden and double width of Lane "B" provides a very generous separation distance (greater than 32 metres) from the facing units on the other side of the circular drive. The only exception to the generally applied 4.5 metre front yard setback distance are the corner end units of Buildings 2 and 6. As they are situated next to the curved intersection of Lanes 'A' and 'B' those two units each have a proposed front yard setback of 3.9 metres.

The design of the project however considers the depth of the rear yard as very important and something that needs to be maintained. The reason for this is that the rear yard provides the private out door area for each unit and a separation distance to the adjacent properties. All rear yards in the project are therefore provided with an 8.0-metre minimum depth which is more than what the Comprehensive By-law requires.

Access to the rear yards for the interior townhouse units for lawn maintenance and other purposes will be provided by doors accessing the rear yard from the garage.

In terms of parking, all required private parking spaces will be on-site of each POTL. Each unit has two (2) spaces provided for each unit; one space in the driveway and one in the garage located within each unit except for the corner units 2-1 and 6-6 located at the intersection of Lanes 'A' and 'B' (as shown by the Site Plan) which would have an additional two parking spaces each accessed from Lane 'A'. In addition, ten Condominium visitor parking spaces are provided in two locations, both of which are centrally located on the north and south sides of the raingarden. Two of parking spaces are proposed to be handicapped parking spaces. In total, the project provides a total of 76 parking spaces.



- **PHOTO 5: Example of a Private Road**

3.3 Proposed Private Ownership, Covenants & Easements

The proposal consists of establishing 27 townhouses and 4 semi-detached units on individually owned **POTL's** (Parcels of Tied Land) that are developed in conjunction with a Draft Plan of Subdivision and a Common Element Plan of Condominium. Each POTL would have frontage or access onto the private condominium roads. As members of the Condominium Corporation, the owners of the POTL's will be financially responsible for the maintenance of the project's common infrastructure and lands. There may also be covenants on title in favor of the Condo Corporation relating to permitted alterations to the building; use of the visitor parking spaces, size, number, and location, of accessory buildings, and size and height of property line fencing between units. These covenants will be identified in the Condominium Declaration and which would be implemented through the agreement of purchase and sale between the purchaser and the developer.

The Common Element Condominium Corporation would be responsible for routine maintenance of the common infrastructure which would include snow removal, maintenance of the rain garden and storm water management infrastructure, private road, common exterior fencing for the project, sidewalk and street light maintenance. Any emergency maintenance relating to the common infrastructure (i.e. watermain breaks, sewer maintenance, clogged storm drains, etc.) would also be the responsibility of the Condominium Corporation. Depending on the detailed engineering servicing design, and advice of the project engineer, a 2 or 3-metre-wide maintenance easement over the front yards of each of the individual POTL's may be sought

in favor of the developer and ultimately the Condo Corporation. Drainage easements in favor of the Condo Corp will also be required over individual POTL's to protect swales and other forms of site drainage.

Easements would also be sought by the developer in favor of individual owners of interior units over the abutting property to provide access from the rear garage doors to the rear yards of the units. These would be reciprocal easements which would allow both abutting owners to have pedestrian access over the neighbour's property located between the two adjacent exterior walls.

3.4 Proposed Draft Plan of Subdivision

The proposed Draft Plan of Subdivision proposes to implement and facilitate the Site Plan by re-configuring the subject property into a total of nine Blocks. Blocks 1-6 and Block 8 would be ultimately developed for residential purposes. These Blocks would be developed as shown by the attached Site Plan into a total of twenty-seven (27) residential townhouse and four (4) semi-detached Parcels of Tied Land (POTL). It is proposed that Blocks 7 and 9 would become property of the Condominium Corporation. Block 7, being the outdoor open space area constitutes approximately 4 % of the total site area. Block 9 would primarily consist of the private road or driveway, rain garden, visitor parking, snow storage, and sidewalk areas.

The proposed Draft Plan of Subdivision is attached to this report as Appendix 4.

3.5 Proposed Common Element Plan of Condominium

The Common Element Plan of Condominium does not contain any parcels used for residential purposes and is proposed to consist of two properties, being Blocks 1 and 2 which correspond to Blocks 9 and 7 on the Draft Plan of Subdivision. Block 2 is proposed to remain for the most part a treed area and to be used by the residents of the development as an outdoor common open space area.

Block 1 is a continuous parcel that runs through the centre of the project and contains all the common elements of the development which includes visitor parking, designated snow storage areas, sidewalks, mailbox, private condominium laneways, buried services such as water and sewer lines, storm water and drainage infrastructure, and other infrastructure such as fire hydrants, hydro transformers, and streetlights. The Condominium Corporation would maintain all servicing infrastructure necessary to service the project which is contained within the Common Element lands. Other Condominium assets such as site boundary fences, drainage swales, or servicing/trail corridors would be identified in the Condominium Declaration and maintained by specific easements over the individual POTL's in favor of the Condominium Corporation. As part of the proposed Plan of Condominium, protection has been provided to incorporate into the Condominium lands, a location for a future trail connection to the north as requested by planning staff during the Pre-Consultation meeting. The proposed Common Element Plan of Condominium is attached to this report as Appendix 5.

4.0 Planning Regulation

4.1 Provincial Policy Statement (PPS) and Places to Grow

The Provincial Policy Statement (2013) contains policies relating to land use planning that encourage/promote building strong communities, the wise use and management of resources, and

protecting public health and safety. To this end, the PPS directs growth to “Settlement Areas”. The Province through the Places to Grow legislation directs that candidate areas that can accommodate compact and efficient forms of development be identified. The Community of Stayner in the Township of Clearview is recognized as an Urban Settlement Area and the proposed development is in a location consistent with the intent of the PPS and Places to Grow.

The subject site is situated within the Urban Settlement Area boundary of the Community of Stayner. According to 2016 Statistics Canada Information, the Township of Clearview average number of persons in private dwelling occupied by usual residents is 2.65 people and thus the expected population yield of the proposed 31 units would be approximately 82 people. Taking into consideration the site’s size of 1.14 hectares, this would translate into a yield of approximately 72 persons per hectare. This is consistent with the goal of the P.P.S. to intensify development within the built boundaries of communities.

4.2 County of Simcoe Official Plan

The County of Simcoe Official Plan (June 2, 2014) provides a policy context for land use planning in Simcoe County and a policy basis for the County exercising approval authority for local municipal Official Plans and local Official Plan amendments. It is the intent of the Official Plan that non-resource development be directed to “Settlement” areas with an emphasis on primary Settlement areas, (S 3.32). The Community of Stayner in the Township of Clearview is considered as a “Primary Settlement Area” in the County Plan and, as such, the proposed development’s location is in conformance with the general intent of the Plan, (Table 5.1 & Schedule 5.1.2). This being the case, an amendment to the County Plan is not required for the project to proceed.

4.3 Township of Clearview Official Plan

The subject lands are currently designated “Residential” by Schedule ‘A3’ Stayner Land Use and Transportation Plan of the Township of Clearview Official Plan. The Official Plan promotes the provision of a broad range of housing types and allows for the infilling of existing residential areas provided it is compatible with the surrounding residential area. The Plan states that residential intensification shall be encouraged within existing built-up areas as a means of urban renewal, creating affordable housing, and ensuring the most efficient use of existing infrastructure and services. The Official Plan states that intensification shall only occur in a manner which maintains the general character and amenity of the host neighbourhood and contains policy that architectural form may be considered during the approval process.

Official Plan policy encourages medium density residential development in newly developing areas but does not preclude the location of multiple residential uses in established residential areas provided appropriate justification is provided. The Plan states that it is the intent of Council to ensure a varied and affordable supply of accommodation for all residents by facilitating the selective establishment of medium density residential uses through infilling. An Official Plan Amendment is not required for infilling proposals or to establish a medium density use however such a use may only be permitted through an amendment to the Comprehensive Zoning By-Law.

The policies of the Plan for “Medium Density Residential” permits townhouse buildings to be developed to a maximum density of 50 dwelling units per gross residential hectare density when on full municipal services. The proposal consists of 27 townhouses and 4 semi-detached dwelling units on a site area of 1.14 ha which taken together equates to approximately 27.2 units/ha. The proposal conforms with the density targets of

the Official Plan and features a residential density that equates to approximately half of the permitted maximum.

The proposed development site is located within the defined “Urban Settlement Area Boundary” of the Stayner Community. The infilling of lands within the built boundary is anticipated and supported by the Official Plan. Residential properties abutting the south and west sides of the subject site and along Simcoe Street are single detached and therefore “Low Density Residential”. Low Density Residential permits a maximum density of 15 units per gross hectare. It is not expected that a future land use conflict or incompatibility would occur if the proposal were developed as Official Plan policies permit further redevelopment of the area in a manner like what is being proposed. In summary, the proposed medium density Residential Common Element Plan of Condominium project is consistent with, and conforms to, the land use policies and the goals and objectives of the municipal Official Plan. The proposal therefore does not require an amendment to the Township of Clearview Official Plan.

4.4 Township of Clearview Zoning By-law

The subject lands are currently placed in the Residential Multiple Low Density (RS3-H2) Second Holding Zone by Schedule B6 North East Stayner Area in the Township of Clearview’s Comprehensive Zoning By-law No. 06-54. The RS3 Zone permits single, semi-detached, and duplex dwellings with a maximum height of 10 metres. The proposed Zoning By-law Amendment application for the project proposes to rezone the subject property to the Residential Medium Density Fifth Exception (RS4-5) Zone to allow semi-detached dwellings and townhouses of up to 6 units per building as permitted uses of the Zone and site-specific provisions to allow the concept as proposed to be developed. The application to lift the Holding provision is also being applied for and it is anticipated that the Holding provision will be lifted by the municipality once a Development Agreement has been finalized.

The Residential Medium Density (RS4) Zone of Comprehensive Zoning By-law 06-54 does not permit semi-detached buildings and allows townhouses but limits the number of units to 4 units per building. This regulation limits the size of each building and is inefficient and would significantly reduce the unit yield of the project as 4 unit buildings do not integrate well with the circular road concept and the specific dimensions of the site. The proposed Zoning By-law Amendment would permit the proposed 5-unit and 6-unit townhouse buildings. As townhouses go, a 5 or 6-unit building is relatively compact and an appropriate residential use in the neighbourhood. Through the inclusion of two (2) semi-detached buildings on the easterly portion of the site, a transition in density and housing form is provided from an area of single-detached dwellings to a predominantly townhouse area. A site-specific Zoning By-law amendment would establish site specific project zoning provisions that would satisfactorily regulate the development of the proposal. In terms of requiring frontage on a public street; the Comprehensive Zoning By-law allows development to occur on private roads provided an agreement is in place or an approved Plan of Condominium provides access for individual units within the Plan.

4.5 Proposed Site-Specific Permitted Uses & Special Provisions to Township Zoning By-law 06-54

Site Specific permitted uses and special provisions granted from the regulations of the Comprehensive Zoning By-law 06-54 for the project are proposed to be detailed in a new exception section for the Residential Medium Density (RS4) Zone with its own exception number. It is our understanding that, if approved, this proposal would be the fifth site specific exception to this zone.

The proposed Residential Medium Density Fifth Exception (RS4-5) Zone of Comprehensive Zoning By-law 06-54 would seek to permit Townhouse buildings of six (6) rather than of only four (4) dwelling units; and to also permit semi-detached dwelling units. It is considered preferable that one site specific exception zone should have an expanded list of permitted uses and apply to the entire project rather than place the project into two separate zones.

The architect has designed the project to take into consideration and generally reflect the regulations and general provisions of the Residential Multiple Low Density (RS3) Zone and the Residential Medium Density (RS4) Zone of Comprehensive Zoning By-law 06-54 as it pertains to Semi-detached and Townhouse dwellings. The proposed draft Zoning By-law does not provide any relief for the proposed semi-detached dwellings of the project from the provisions of the Residential Multiple Low Density (R3) Zone. The proposed by-law, however, does provide relief to Townhouse development and includes site-specific regulations intended to control development of the subject lands and realize construction of the project as proposed and shown by the preliminary Site Plan.

Owing to project design and the size and shape of the subject site, it is necessary to seek approval of a number of site-specific exceptions to the provisions of the Residential Medium Density (RS4) Zone. The relief contained within the special provisions being requested is unique to this project and due to the specific design proposed. A copy of the draft Zoning By-law Amendment and accompanying Schedule '1' is included with this report as Appendix 1.

The special provisions proposed for the project are as follows;

1. An exception to the **minimum front yard setback**. The proposed site-specific Zoning By-law Amendment would seek a minimum front yard setback of **3.9** metres. The front yard setback for most of the townhouse units of the project is **4.5** metres, however, two (Units 2-1 & 6-6) of the proposed 27 townhouse dwellings have a front yard setback of **3.9** metres due to their location on a curved intersection corner and the unique end unit design.

The standard provision of the Residential Medium Density (RS4) Zone requires a front yard setback of **6.0** metres. As mentioned previously in the section dealing with project design; the 1.5 metre reduction requested to the required front yard depth for the townhouse buildings was not seen as significant given the proposed thirty-five plus (**35+**) metre separation distance to the face of the dwelling units on the opposite side of the court. The large separation distance results from the width of the two circular driveways, raingarden, and front yards. The 1.5 metre reduction in the front yard depth was essentially added to the rear yard to provide a greater rear yard depth. The rear yard for all dwelling units in the project is a minimum of 8.0 metres which is greater than what is required by the standard RS4 Zone. It is considered by the project designer and developer that a greater rear yard depth for the purposes of private outdoor recreational space is more useful and desirable to future owners than a deeper front yard that features no privacy and limited utility.

2. An additional provision related to the **minimum front yard setback to garage door**. The proposed Zoning By-law would establish a new provision requiring a minimum front yard setback to the garage door of **6.0** metres. Although the front yard setback for most of the townhouse dwellings in the project is 4.5 metres, this provision is included in the proposed By-law to ensure that each townhouse dwelling unit has sufficient space for an outdoor parking spot on the driveway in front of each townhouse dwelling.

3. An exception to the **minimum interior side yard setback**. The proposed By-law would seek a minimum interior side yard setback of **1.2** metres. The two dwelling units located on the west side of the two semi-detached buildings (Units 1-2 & 7-1) are proposed to have an interior side yard setback of **1.2** metres. The standard provisions of the Residential Multiple Low Density (RS3) Zone as it pertains to semi-detached dwellings requires an interior side-yard setback of **1.1** metres. The proposed interior side yards of the semi-detached units therefore comply with the standard provisions of the Zoning By-law for this dwelling unit type.

The standard provision of the Residential Medium Density (RS4) Zone for an interior side yard setback is **1.5** metres **plus** .1 metre for every .3 metres of height above 9 metres.

The interior side yard setbacks provided between townhouse Buildings 3 & 4 and 4 & 5 as shown by the preliminary Site Plan are proposed to be **1.5** metres for a cumulative distance between buildings of 3 metres. As the height of the townhouse buildings is estimated to be approximately 10.5 metres, the proposed elimination of the height variation component of the interior side yard setback would translate into a reduction of **.5** metres per side yard.

This setback is proposed as the drainage swales south of Building 3 and north of Building 5 are narrow and should not be reduced to less than the proposed 2.29 metre distance. In addition to the desire to maintain functional drainage routes, this setback reduction is also proposed to maintain the number of overall units in the project and maintain the three (3) five-unit townhouse building design proposed for the westerly side of the project. The owner would prefer to not have the additional costs of preparing a special four-unit building design for this area.

The granting of **.5** metres of relief to the three townhouse buildings is appropriate as the proposed relief is minor in nature and would not produce a noticeable visible effect or a land use issue.

4. An exception to the **minimum exterior side yard setback**. The proposed By-law would seek a minimum exterior side yard setback of **5.8** metres. This setback is applicable to only two (Unit 2-1 & 6-6) of the proposed 31 units. They are end unit designs situated on the east side of the circular laneway 'B', north and south of the private common element condominium road Lane 'A'. The standard provision of the Residential Medium Density (RS4) Zone for an exterior side yard setback is **6.0** metres. The granting of **.2** metres of relief to this unit is not considered significant and the intent of the by-law is generally maintained.
5. An increased **minimum rear yard setback**. The proposed By-law seeks a minimum rear yard setback of **8.0** metres. The standard provision of the Residential Medium Density (RS4) Zone for a rear yard setback is **4.5** metres, plus .1 metre for every .3 metres of height above 9 metres which at an estimated approximate height of 10.5 metres translates into a **5.0**-metre-deep rear yard. The increase in the proposed minimum rear yard requirement for the proposed townhouse dwelling units is appropriate, will make up for any perceived shortfall in front yard depth, and will ensure that the rear yards are of sufficient depth to provide privacy and be functionally useful to future residents.
6. An exception to the **minimum lot frontage** for the individually owned townhouse POTL or lot. The proposed By-law would seek a minimum frontage requirement for an individual lot or POTL of **5.6** metres. The average frontage of the individually owned lot's or POTL's in the project is **8.19** metres,

however, approximately a quarter or eight (8) of the proposed 31 individual POTL's would have a frontage of less than 6.1 metres. The standard provision of the Residential Medium Density (RS4) Zone for minimum lot frontage is 6.1 metres. The proposed reduction of .5 metres for a limited number of dwelling units would allow the construction of a greater range and variety of dwelling unit sizes in the project and would permit a more efficient site plan to be developed in terms of unit yield.

7. An exception to the **minimum lot area** for the individually owned townhouse POTL or lot. The proposed By-law seeks a minimum area requirement for an individual lot or POTL of 150 square metres. The average area of the individually owned lot's or POTL's in the project is 236.16 square metres, however, approximately nineteen percent (19 %) or six (6) of the proposed 31 individual POTL's would have an area of less than 160 square metres. The standard provision of the Residential Medium Density (RS4) Zone for minimum lot area is 200 square metres. Although the proposed reduction of 20 % of the lot area for approximately 19 % of the units is significant, it is considered relatively minor in terms of affecting the overall character of the project and provides for a variety in type of unit.
8. An exception to the **maximum height of principal buildings or structures** provision. The proposed By-law would seek a maximum height of principal buildings or structures of twelve (11.5) metres. The standard provision of the Residential Medium Density (RS4) Zone for the maximum height of principal buildings and structures is 11.0 metres.

The proposed increase in building height of nine percent (9%) or 1.0 metre is minor in nature.

9. Inclusion of a **minimum number of visitor parking spaces** provision. The draft Zoning By-law sets out the minimum number of visitor parking spaces required for the project which would be set at 9.0 spaces. The standard provisions of Section 2.19.2 of Comprehensive Zoning By-law 06-54 relating to the minimum number of visitor parking spaces for townhouse buildings would require (at a rate of 1 space for every three dwellings located in a multiple (more than 3 units per building) residential building ($27 \text{ units} / 3 = 9$)) 9.0 visitor parking spaces to be provided. The proposal would comply as a total of 10 visitor parking spaces are shown as being provided for the project by the preliminary Site Plan.
10. An exception to the **minimum number of handicapped parking spaces** provision. The proposed By-law would require the provision of a minimum of two (2.0) handicapped parking spaces. The standard provisions in Section 2.19.3 of Comprehensive Zoning By-law 06-54 requires a total of three (3.0) handicapped spaces for projects requiring 51-75 parking spaces. The reduction in the number of handicapped parking spaces is being requested as it is considered that a ratio of 8:2 of regular visitor parking spaces to handicapped parking spaces is more balanced and appropriate than a 6:3 ratio.
11. An exception to the **minimum distance of parking from a residential use**. The proposed By-law would permit a parking space to be located a minimum of two (2.0) metres from a lot line. The standard provisions in Section 2.19.23 of Comprehensive Zoning By-law 06-54 requires that no parking space shall be located within three (3.0) metres of a lot line. The exception would grant relief to two driveway parking spaces, specifically those spaces serving proposed dwelling units 3-1 and 5-5 as shown by the attached preliminary Site Plan. The proposed relief in these two instances would be approximately .4 -.6 of a metre.

12. Inclusion of a **minimum driveway setback for townhouse dwellings in the same building** provision. For the sake of clarification, it is proposed that a provision stating that where townhouse dwellings are in the same building, and driveways are adjacent to the abutting dwelling unit, no driveway setbacks are required.
13. An exception to the **landscape buffers** provisions of Section 2.13. It is requested that any required landscaping or buffering be detailed in the township approved Site Plans and Landscaping Plans for the project rather than enforced through provisions of the Zoning By-law. This is appropriate as the proposed exception would allow provision of landscaping and/or provisions of vegetation screening/buffers to be negotiated with township staff and proceed through the Site Plan approval process rather than the much more cumbersome and arbitrary Zoning Approval process.
14. Inclusion of a **maximum number of dwelling units** provision. The proposed By-law would set the maximum number of dwelling units permitted on the subject site to a total of 31.

A copy of the proposed draft Zoning By-law Amendment is included in Appendix 1 to this report The Unit Statistics are included along with the preliminary Site Plan in Appendix 2.

5.0 Municipal Project Approval Process and Timeline

It is the intention of the owner that municipal project approvals for the Simcoe Street Medium Density Common Element Condominium proposal proceed in two phases. The first phase consists of submission to the Township of Clearview of applications with fees for approval of a Zoning By-law Amendment and Draft Plan of Subdivision. A Functional Servicing Report, Geotechnical Report, Tree Inventory & Preservation Report, preliminary Building Elevations, Plan of Subdivision, Planning Report, and preliminary conceptual Site Plan and Draft Plan of Condominium are being provided as background documents and information for this first phase of municipal approvals. It is anticipated that the first phase of approvals can be finalized by the end of October 2017.

After the principle of development is established and a preliminary conceptual development plan is agreed upon with the municipality, the second phase of applications would be prepared and submitted. The second phase submissions would include Site Plan, Final Approval of the Plan of Subdivision, Exemption of Draft Plan of Condominium Approval, and the Lifting of Part Lot Control. Concurrently with the processing of the approvals for the second phase, applications would also be made to the Committee of Adjustment for the creation of easements for rear yard access between buildings and private road maintenance and snow storage in favor of the Condominium Corporation. The applicable detailed engineering designs, drawings, and reports for the project would be provided as part of the Site Plan Approval application. Assuming a detailed engineering submission can be submitted by January of 2018, it is hoped that the second phase of approvals with the corresponding municipal agreements can be completed by the end of April or early May 2018. The developer hopes to apply for building permits for model homes and the first phase of residential development in May of 2018.

It is also the intention of the developer to clear the existing vegetation from the site during the fall of 2017. The purpose of the removal of the vegetation in the fall of this year would be to remove it prior to when the

bird nesting season begins in the Spring. The owner would be willing to enter into a Site Preparation Agreement with the municipality and post the required securities to expedite this.

5.1 Pre-Consultation

The first steps in project approval included involvement in the municipal Pre-Consultation process. Representatives of the developer met with municipal planning, public works, and road staff on Tuesday, December 13, 2016. Attended by the owner and his consulting planner, the nature of the proposal and approval process was discussed and the study requirements for a “complete application” were identified. The requirements were subsequently set out and detailed in a Pre-Consultation Checklist forwarded to the consulting planner. The fee amounts were determined in-conjunction with Township staff taking into consideration the proposed development concept. Preliminary comments on the conceptual development proposal were provided by staff and are now incorporated into the present proposal.

5.2 Zoning By-law Amendment

As detailed above, the proposed development requires a site-specific Zoning By-law Amendment to Comprehensive Zoning By-law 06-54. The subject lands are currently placed in the Residential Multiple Low Density (RS3-H2) Second Holding Zone by Schedule B6 North East Stayner Area in the Township of Clearview’s Comprehensive Zoning By-law No. 06-54. The proposed Zoning By-law Amendment would rezone the subject lands to the Residential Medium Density Fifth Exception (RS4-5) Zone.

The proposed Zoning By-law Amendment is necessary to permit multiple low and medium density residential buildings on the subject lands. The by-law, besides detailing and outlining site-specific regulations and provisions of the proposed Residential Medium Density Fifth Exception (RS4-5) Zone, also permits semi-detached dwellings and townhouse buildings of greater than 4 individual dwelling units since the proposal is comprised of three (3) 5-unit townhouse buildings and two (2) 6-unit townhouse buildings.

The scale of requested relief from the provisions of the Comprehensive Zoning By-law for the most part is minor in scope and generally comparable to typical exceptions and relief that have been requested for similar developments in the past. Concurrent with the Zoning By-law Amendment application, the developer intends to submit to the Township of Clearview an application for Draft Plan of Subdivision for the project. It is the wish of the applicant that any necessary Public Meetings to be held under the Planning Act for both the Zoning By-law Amendment and Plan of Subdivision applications be held simultaneously by the Township of Clearview.

5.3 Draft Plan of Subdivision

The subject site is not currently located in a Plan of Subdivision. The purpose of the applicant in applying for Draft Plan of Subdivision Approval is to permit the further development of the subject lands into the individual POTL’s (Parcels of Tied Lands) through the lifting of Part Lot Control. The method of creating individual POTL’s through the lifting of Part Lot Control is only available to those lands situated within an approved Plan of Subdivision. The Lifting of Part Lot Control process is the favored approach for medium density development approval because of the “Tight Fit” of medium density development. The Lifting of Part Lot Control process provides greater certainty to the builder as it is part of the Building Permit process and not the planning process and therefore has no provisions for public input or appeals. The Lifting of Part Lot Control typically only occurs after the foundations of the townhouse buildings are poured. The Lifting of

Part Lot Control at that time allows the lot lines to be precisely located to run through the exact centre line of the dwelling unit walls in the Townhouse building.

The proposed Draft Plan of Subdivision proposes to implement the conceptual Site Plan by re-configuring the subject property into several Blocks. Most of the proposed Blocks (Blocks 1-6 and Block 8) are intended for residential purposes. The number and configuration of the proposed Blocks may be modified depending on the comments received from the municipality. Instead of the five-residential townhouse blocks it may be more expedient to create three townhouse blocks and further divide the Blocks (Blocks 1-3) during the Lifting of Part Lot Control process. The proposed Draft Plan of Subdivision is attached to this report as Appendix 4.

5.4 Site Plan, Phasing & Model Homes

The Site Plan application to the municipality would be in accordance with the approved site-specific zoning. Detailed engineering and landscaping plans would be submitted to the municipal planning and engineering staff for review and “Acceptance for Construction” (AFC). Once the project has received municipal site plan, engineering, and landscaping approvals, the developer would then be willing to enter into a Site Plan Agreement with the municipality and post the applicable construction related securities. The construction of the approved Site Plan would be phased in accordance with the provisions of the Site Plan Control Agreement. Once the Site Plan Agreement has been finalized with the municipality and the appropriate securities deposited with the Township, the developer would apply for the issuance of building permits.

At this point, no decisions related to the phasing of the development have been made by the developer. After Site Plan Approval is granted, the owner has indicated that he may seek a model home permit for sales purposes for one of the proposed semi-detached buildings on Lane ‘A’.

5.5 Exemption to Draft Plan of Condominium Approval

It is the intention of Mamta Developments Inc. to establish a Common Element Plan of Condominium as part of the proposal. Proposed Blocks 7 and 9 would become the exclusive property of the Condominium Corporation as these areas are where the proposed common elements of the Condominium are located. Block 7 would retain most of its existing vegetation and would provide residents with an open space area. Block 9 would consist of private roads, a future trail connection, rain garden, visitor and handicapped parking, snow storage, and sidewalk areas.

The ownership and maintenance of all the site servicing and other infrastructure and all common elements of the project would become the responsibility of a new Condominium Corporation. All the individually deeded properties created by the Lifting of Part Lot Control process would become a Parcel of Tied Land (POTL) associated with the new Condominium Corporation through inclusion of the applicable condominium documents in the Purchase and Sale Agreement.

Approval of an application for Exemption to Draft Plan of Condominium Approval allows the direct registration of the Common Element Plan of Condominium instead of the Common Element Condominium being granted Draft Plan of Condominium approval with conditions. The exemption typically is only granted by the municipality once Site Plan approval has been obtained and the servicing infrastructure and townhouse buildings have been constructed. This step usually proceeds in tandem with the Lifting of Part Lot Control.

5.6 Applications to the Committee of Adjustment for Easements

As part of the property division and registration process, several easements will be sought in favor of the Town, Condominium Corporation and individual owners of units. Applications for these easements will be made to the municipal Committee of Adjustment for approval. Specifically, easements will be sought by the developer in favor of the Condominium Corporation over approximately 2-3 metres of the front yard of all the POTL's abutting the private roads for snow storage.

A "Blanket" easement would be sought over the entire site in favor of the Condominium Corporation for emergency maintenance and re-construction of sewer and water infrastructure. The easement would also be required over the individual POTL's for drainage route and swale maintenance. Easements would also be sought by the developer in favor of individual owners to provide rear yard access from the garages via shared walkways between abutting units. An easement in favor of the Town could be provided by the Condominium Corporation for public pedestrian and vehicular access over the private roads and future trail connection if required.

5.7 Lifting of Part Lot Control

As stated above, once the Plan of Subdivision has been approved and a Site Plan Agreement has been finalized and the applicable securities posted, building permits may be applied for. Once the foundation/s of the building/s are constructed, the developer would apply to the municipality to adopt a By-law to "Lift Part Lot Control" for that phase of the development they wish to sub-divide and register. Part Lot Control is that section of the Planning Act that forbids the selling of property and the retaining of abutting properties. The lifting of Part Lot Control is permitted when a parcel is a Block or Lot located within a Plan of Subdivision. The Lifting of Part-Lot Control is considered part of the "back-end" of the development process and therefore does not require public input or the holding of a public meeting.

6.0 Site Servicing, Transportation, SWM Management, & Utilities

As the subject lands are situated within the fully serviced existing residential area of the Community of Stayner in the Township of Clearview, full services are available to the proposed development. To provide details on how development would be serviced on and off site, a Functional Servicing Report was prepared for the proposal by W.M.I & Associates Limited with respect to reviewing sanitary and water servicing, storm water management, and traffic volumes/access issues for the proposed development. The report has been submitted along with this report as part of the "complete application" package requirements for the project. As part of the stipulations for the removal of the Holding Symbol, the Town must be satisfied sufficient water and sewage capacity exists to service the development.

6.1 Water & Sewer

The project is proposed to proceed based on full sanitary and water services located in the private common element road right of way in full accordance with acceptable engineering practice. An emergency access "blanket" easement in favor of the Condominium Corporation for construction purposes is proposed over all individual lots or POTL's. The easements would be to allow the Condominium Corporation construction/repair access in an emergency.

External

Record drawings of the Town indicate that a 200-mm diameter Sanitary Sewer trunk is situated on Simcoe Street. Connections to this pipe would be utilized to service the subject lands.

In terms of water supply, there is a 150mm diameter watermain available to service the development and it has sufficient capacity to provide both the fire flow and the required average daily flow.

Internal

Sanitary servicing to individual units would be provided through a 200mm diameter sanitary sewer which has the capacity to service the development

The proposed 150mm watermain will provide a looping system through the site and will provide individual water service connections and metering to each unit on the site.

6.2 Transportation

External

The Transportation Impact review included as part of the F.S.R. shows that trip generation is minimal from the site due to the small number of residents at build out. A total of twenty-three (23) vehicular trips is expected to be generated daily by the project.

As the sight lines, east along Simcoe Street and south along Louisa Street are straight and unobstructed, the sight distance review of the proposed entrance found that the available sight distance to be fully acceptable and satisfactory.

The small volume of generated trips is anticipated to have little to no effect on traffic movements and capacities and therefore no improvements to municipal roads are required and no external road work is required to accommodate the proposal.

Internal

The internal private road is proposed to be 7.0 metres wide with .44-metre-wide rollover concrete curbs on both sides. The road would be maintained by the Condominium Corporation as it will be situated in lands which constitute part of the Common Element Plan of Condominium. A proposed engineering profile of the private condominium roadway showing the proposed location of services has been prepared as part of the detailed engineering of the Site Plan. A sight visibility triangle may be required at the southerly side of the intersection of Simcoe and Louisa Streets and may be included in the Site Plan abutting the proposed entrance.

6.3 Stormwater Management (SWM)

External

Development of the proposal on the subject site will be facilitated by an existing municipal concrete Storm Sewer on Simcoe Street. It is intended that water entering this system will be bio-filtered through the application of a LID stormwater management design.

Internal

The Stormwater Management section of the Functional Servicing Report indicates on-site control and treatment will be facilitated through the combination of the provision of a bio-retention cell (rain garden) and enhanced grassed swales to assist with water quality and quantity controls. The enhanced grass swales (ESG's) are an important component of the LID (Low Impact Development) approach to stormwater management. A catch basin located with the rain garden will provide an inlet to the on-site storm sewer system during moderate storm events and allow for an overflow spillway over the internal private roads during a major storm event.

It is the intention of the engineering design to ensure that post-development flows match pre-development levels when significant storm events occur. The viability of utilizing low impact design techniques will be further investigated in detail by the project engineers during the detailed design submission for site plan approval. It is also the intention of the developer and consulting engineer to ensure that erosion and sediment control measures are in place prior to, and during, the construction process.

6.4 Fire Protection

Fire protection and fire flows would be provided in accordance with accepted the Township of Clearview standards. There is an existing hydrant at the intersection of Simcoe and Louisa Streets and it is proposed that two Hydrants would be provided adjacent to, or on, the private road right-of-way to provide fire protection. It is recommended that the Common Element private road be declared a designated fire route, and as such, on-road parking be prohibited and that this be signed and enforced by the municipal By-law enforcement department.

6.5 Lighting/Illumination

It is the intention of the developer to submit an Illumination Plan as required by the Township as part of the Site Plan Control approval process. The lighting plan would be dark sky compliant, energy efficient, and compatible with the applicable municipal Urban Design Guidelines and Engineering Standards;

6.6 Utilities (Gas, Cable, Telephone, Hydro)

All secondary utilities and communication services including hydro, gas, cable, and telephone are readily available in the Township of Clearview and are proposed to service the proposed development.

7.0 Summary

The proposed SIMCOE STREET Common Element Medium Density Development is situated within a fully serviced area of the Community of Stayner in the Township of Clearview which is identified in the Official Plan for residential purposes. The proposal may be defined as an “infill” type development and upon rezoning may be used for Medium Density Residential purposes. The proposed development and the intensification of the residential use of the subject lands is in conformity with municipal, county, and provincial planning policies and the development of the subject site as proposed is not anticipated to alter the character of the neighbourhood or create, or cause, a land use incompatibility or conflict. Approval of the proposal will provide residents and others who wish to locate to the Stayner community with a greater variety of housing choice alternatives and price points.

The subject lands, as demonstrated through the findings of the Functional Servicing Report, may be adequately integrated into municipal services provided through the existing residential development. Sewer, water, and other utility connections are nearby and available within the adjacent public roads. The storm water run-off generated by the development may be managed and treated through a grass swale network and a bio-retention cell (rain garden) to acceptable municipal and agency standards without adversely affecting existing municipal flow routes or water quality. The traffic impact of the development will be minimal and will be adequately serviced by the existing transportation network without the need for retrofits or upgrades.

Based on the contents of this report and the accompanying background reports, I would request staff declare the SIMCOE STREET Common Element Condominium application to be a “complete application” and that a Public Meeting be scheduled at the earliest opportunity to gather public input pertaining to the proposal and allow Council to consider the proposed application.

Respectfully submitted,

Ray Kelso, MCIP, RPP

APPENDICES

Appendix 1 -*Draft Zoning By-law Amendment and Schedule '1'*

Appendix 2-*Conceptual Site Plan*

Appendix 3-*Conceptual Building Elevations*

Appendix 4- *Proposed Draft Plan of Subdivision*

Appendix 5-*Proposed Common Element Plan of Condominium*