



COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

Monday, May 17, 2021

Subject: Park Place South Draft Plan of Subdivision and Zoning By-law Amendment Supplementary Report

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0098 Park Place South Draft Plan of Subdivision and Zoning By-law Amendment Supplementary Report, for information as it pertains to File Nos. 26T9-02-20 and AM-08-20;

AND THAT Council ratify the motion approved on March 22nd, 2021 to reconfigure Blocks 35-39 to allow 4 units vs. 8 units with a minimum 3m side yard for the Park Place South Subdivision;

AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration at the next Council meeting;

AND THAT Council approve the Draft Plan of Subdivision and conditions of draft plan approval as contained in Appendix A and B in this report.

Background:

At the May 3, 2021 Council did not support the recommendations contained in Report #2021-0089 which was to rescind the motion approved on March 22nd that required the reconfiguration of Blocks 35-39 to allow 4 units vs. 8 units with a minimum 3m side yard and that Council approve the draft plan of subdivision and proposed zoning by-law amendment for the Park Place subdivision as originally presented to Council on March 22, 2021 in Report #2021-0052. As a result, this additional report has been prepared to present to Council the draft plan of subdivision for Park Place South that would reconfigure Blocks 35-39 with 4 units with a 3m side yard setback.

Analysis:

Modifying the draft plan to revise Blocks 35-39 to consist of 4 units of back-to-back semi-detached units with 3m side yard means the number and type of dwelling units will change from 5 Blocks with 8 units being 40 back-to-back townhouse units to 5 Blocks with 4 units of back-to-back semi-detached units being 20 semi-detached units. Overall, this will result in a reduction of 20 dwelling units in the plan of subdivision. This will reduce the density of the development. The plan of subdivision as originally proposed by the applicant just met the medium density requirement for this neighbourhood as determined by the Town of Official Plan at 70 persons per gross hectare. The reduction in density as contemplated by Council's March 22nd motion will result in the development proposal being less than the 70 persons per gross hectare thereby not conforming to the Town Official Plan; the density would be at 66 persons per gross hectare.

Further, changing the dwelling units from back-to-back townhouse dwelling units to back-to-back semi-detached units will also mean that the subdivision will not conform with the unit mix policy of the Official Plan which permits a mix of single and semi-detached dwelling units in East Fonthill Medium Density designation to a maximum of 15% of the dwelling units in a plan of subdivision. By changing the back-to-back townhouse units to back-to-back semi-detached units would result in a unit mix of 33% of the units in the plan of subdivision being single and semi-detached units, compared with the original proposal by the applicant which had 12.4% of the units being either single and/or semi-detached units. The original proposal by the applicant did conform to the Town Official Plan policies for unit mix in the medium density designation.

Council is advised that to approve a plan of subdivision and zoning by-law amendment that does not conform with the Town Official Plan creates significant challenges and difficulty for Council in its ability to defend its decision should a challenge occur at the LPAT.

Financial Considerations:

Should Council approve the draft plan of subdivision application and the zoning by-law amendment application as contemplated by the March 22nd Council motion, it is likely the proponent will appeal that decision to the Local Planning Appeal Tribunal. The Town would need to engage both external counsel and external planning consultants to have carriage of the file with an estimated cost of \$40,000.

Alternatives Reviewed:

The alternative is to proceed with the application as originally recommended by Staff in Report #2021-0052 as the original application conformed to the Town

Official Plan and represents good land use planning. If Council were to choose this alternative, Council should:

- rescind the motion approved on March 22, 2021 as it relates to the Park Place South subdivision and
- direct staff to prepare the by-law for the Zoning By-law Amendment as proposed in Report #2021-0052 for Council's consideration at the next Council meeting and
- that Council approve the draft plan of subdivision with the draft plan conditions as contained in Appendix A and B of Report #2021-0052.

Consultation:

Refer to Report #2021-0052 which summarizes the consultation undertaken on these applications and Report #2021-0089 with the applicant's submission on back-to-back townhouse units.

Other Pertinent Reports/Attachments:

Appendix A – Council Modified Draft Plan

Appendix B – Council Modified Draft Plan of Subdivision Conditions

Report #2021-0089

Report #2021-0052

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