

DATE: March 6, 2023

REPORT NO: PD-11-2023

SUBJECT: **Recommendation Report - 197 Griffin Street Application for Zoning Amendment - Owner – Christoph Arnold, Agent – NPG Planning Solutions (File No. 1601-005-22)**

CONTACT: Gerrit Boerema, Senior Planner
Dave Heyworth, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for zoning bylaw amendment has been made by the owner of 197 Griffin Street, C A Real Estate Holdings Inc. (Christoph Arnold) and NPG Planning Solutions Inc. as agent.
- The subject property currently contains a converted dwelling with commercial space on the ground floor and a secondary apartment on the second storey. There is also a detached garage with three parking spaces.
- A zoning bylaw amendment has been submitted to modify certain zoning provisions to allow for the redevelopment of this property to result in four dwelling units and a ground floor commercial space within the existing main building.
- The subject property is designated Commercial Core within the Township's Official Plan and is zoned Core Commercial 'C1' which permits a number of commercial uses and accessory apartments above the ground floor.
- A public meeting was held on April 11, 2022 where a number of concerns were raised by members of Council, the Public and Planning Staff. A second public meeting was held on January 16, 2023 to seek public input on a revised proposal and zoning amendment application which now requests:
 - Permission for an area of 75 m² on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units
 - Permission for ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions
 - Clarification that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.
 - Clarification that maximum garage width for an attached private garage does not apply.
- The comments raised as part of the public meeting and discussion of the second technical report were focused on urban design, stormwater management and vehicles crossing onto neighbouring properties.

OVERVIEW (Continued):

- Based on the full planning review, staff can recommend support of this application. As there is a commercial component to this development, and the subject property is within the site plan control area, site plan approval will be required and can address issues around stormwater and snow management, vehicle movements and urban design on the property.

RECOMMENDATION:

1. That, Recommendation Report PD-11-2023, regarding “197 Griffin Street Application for Zoning Amendment Owner – Christoph Arnold, Agent – NPG Planning Solutions File No. 1601-005-22”, dated March 6, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Zoning Bylaw Amendment 1601-005-22, BE APPROVED as found in Attachment 5, and that staff circulate Notice of Decision in accordance with the Planning Act.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- Strategic Responsible Growth

BACKGROUND:

An application for zoning bylaw amendment has been made by NPG Planning Solutions Inc. on behalf of C A Real Estate Holdings Inc (Christoph Arnold) for the property municipally known as 197 Griffin Street Smithville. The property is approximately 838 square metres in size and is located just south of the intersection of Station Street, Griffin Street and West Street.

The property contains a converted dwelling constructed in the 1920’s but later converted to have commercial space on the ground floor and a residential unit on the second storey. The property also contains a detached three car garage and an asphalt driveway and parking area. The house and property are not designated under the Heritage Act, R.S.O 1990, c. O.18.

The owners were originally proposing to redevelop the property, maintaining the existing buildings but significantly altering the façade and dimensions of both the main building and the detached garage. However, as a result of comments made at the initial public meeting on April 11, 2022, the proposal and zoning bylaw amendment request was revised in terms of exterior design and the removal of the detached garage with a proposed dwelling unit on the second and third storeys. This revised concept was presented at a second public meeting on January 16, 2023. The revised concept continues to have four residential units and one commercial space, all located within the principle building.

The zoning modifications required to the existing Commercial ‘C1’ zoning are as follows:

- Permit an area of 75 m² on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units
- Permit ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions

- Clarify that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.
- Clarify that Section 3.12.7 (h) of the Zoning Bylaw regarding maximum garage width for an attached private garage does not apply.

Following the second public meeting there were still concerns regarding the urban design of the building, stormwater runoff, snow management and vehicles crossing over to the abutting property to the south. Staff are recommending support of the application as the remaining issues can be resolved in a required site plan approval application.

CURRENT SITUATION:

Staff have completed a full review of the revised application against the applicable planning policies and have provided a summary of this review below:

Provincial Policy Statement 2020 (PPS) & A Place to Grow Plan (Growth Plan)

The subject lands are located within the built up area of the Smithville Urban Settlement Area, as designated by the Provincial Policy Statement and Growth Plan. Provincial Policy strongly encourages intensification and infill development within existing fully serviced built up areas within urban settlement areas. Infill and intensification contributes to a more compact community, supporting walkability and other alternative transportation methods, as well as downtown businesses.

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Planning authorities shall also establish and implement minimum targets for intensification and redevelopment within built-up areas on local conditions. The subject property is located within the designated built-up area and the Township's intensification target for 2021-2051 is 13% or 1,130 units (38 units per year on average). Intensification and redevelopment help reduce urban sprawl over agricultural lands through increasing the population density within the existing built area.

The proposed redevelopment is providing a total of four residential units and one commercial unit and is a form of intensification within the built up core of Smithville and conforms to the Provincial Policy Statement and Growth Plan. In total, three additional units are being added.

Greenbelt Plan

The subject property is not within the lands designated under the Provincial Greenbelt Plan and therefore the only provincial plans that apply are the PPS and Growth Plan.

Niagara Official Plan, 2022

On November 4, 2022 the Ministry of Municipal Affairs and Housing approved the Niagara Official Plan. The plan provides a framework of policies to guide growth and development within the Niagara Region to the year 2051.

The new Niagara Official Plan has the subject lands designated as being within the settlement area of Smithville and within the Delineated Built-Up Area.

In the Niagara Official Plan, the Township of West Lincoln has been assigned a minimum residential intensification target of 13% or 1,130 units to the year 2051, which are units that are to be located within the Delineated Built-Up Area. The subject lands are within the Delineated Built-Up Area and as the property is currently vacant, would be considered an intensification and would support the Township's overall intensification target by adding three additional residential units.

The Niagara Official Plan provides additional policies with regards to housing in Section 2.3 of the Plan. The objects of the plan are to provide a mix of housing options to address current and future needs, provide more affordable and attainable housing options within our communities, and to achieve affordable housing targets through land use and financial incentive tools.

This application would contribute to the overall intensification target established by the new Niagara Official Plan and would meet the general intent of the plan.

Township Official Plan, 2014

The subject property is located within the Core Commercial Designation in the Township Official Plan. The objectives of the Core Commercial designation include: the protection and enhancement of the character of the historic downtown; promoting new development in appropriate locations at appropriate scales; ensuring new development is compatible with existing development; enhancing and encouraging the maintenance of commercial and residential buildings and encouraging the provision of sufficient parking to accommodate new development.

Within the Core Commercial designation, a number of uses are permitted including apartment buildings and mixed use buildings with at grade commercial space, offices, retail stores, restaurants, personal and commercial services and at grade parking facilities, among other uses. There are a number of uses prohibited in the Core Commercial Designation, including single and semi-detached dwellings, drive-through facilities, and automotive centred commercial uses, among other uses.

The Township Official Plan provides further policies in regards to developments within the commercial core which require: parking to be behind the main building; retail uses at grade; main entry facing the street with the facade of the building having an attractive design; adaptive reuse permitted including intensification opportunities provided that commercial spaces are protected; new buildings to have a minimum of 2 storeys and a maximum of 5; developments are required to be on full municipal water and sewer services; and are to be subject to site plan control.

The Official Plan also provides policy with respect to infill development and redevelopment compatibility. Achieving compatibility is of paramount importance for infill and redevelopment opportunities. To achieve this, new dwelling units and conversions of existing houses within Smithville shall:

1. Be of a building height which reflects adjacent housing
2. Provide for a similar lot coverage to adjacent properties
3. Maintain the average front yard setback for adjacent housing to preserve streetscape and character

4. Provide for similar side yard setbacks to preserve spaciousness of the street
5. Provide a built form that reflects the variety of façade details and material of adjacent housing
6. Provide limitation on width of a garage.

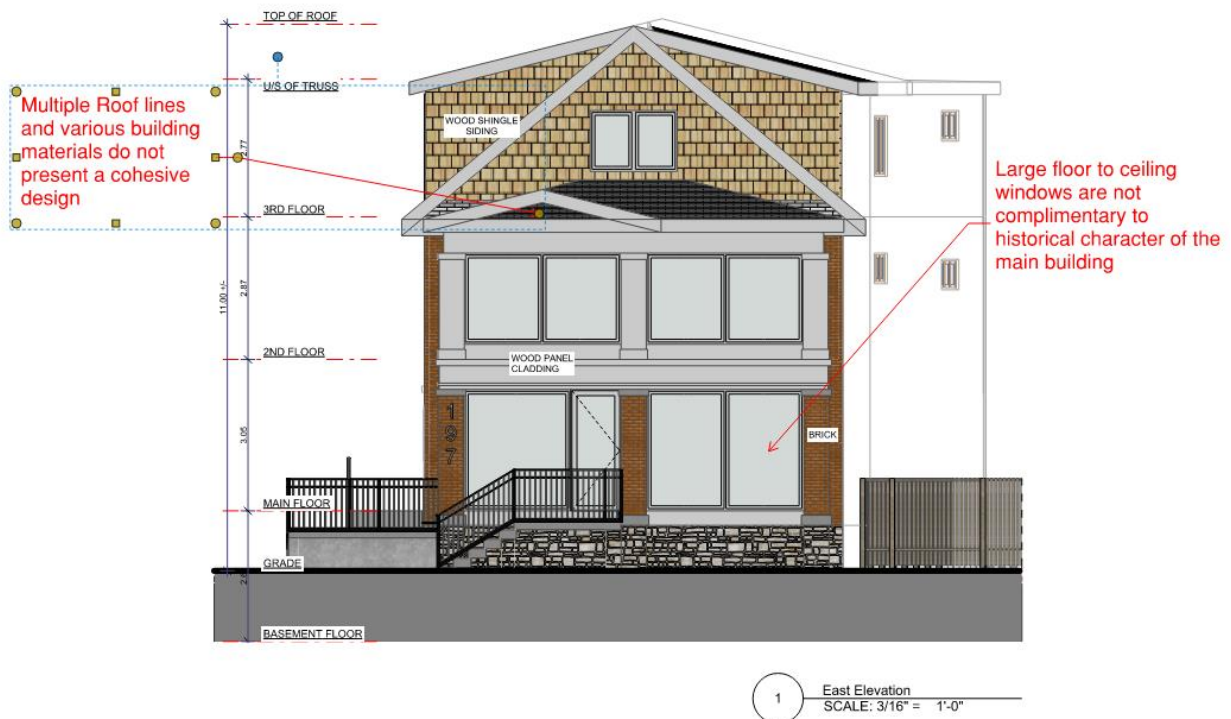
Staff have completed a review of the revised development proposal and note that the proposed development is now entirely within an existing three storey house and the one storey detached garage will be removed and be replaced with surface parking. The main dwelling is still within the permitted number of storeys. Additionally, parking is proposed to be located behind the main building, where parking already exists. Based on the submitted draft elevation drawings, one main entry way is located on the front façade, with additional entries on the south façade.

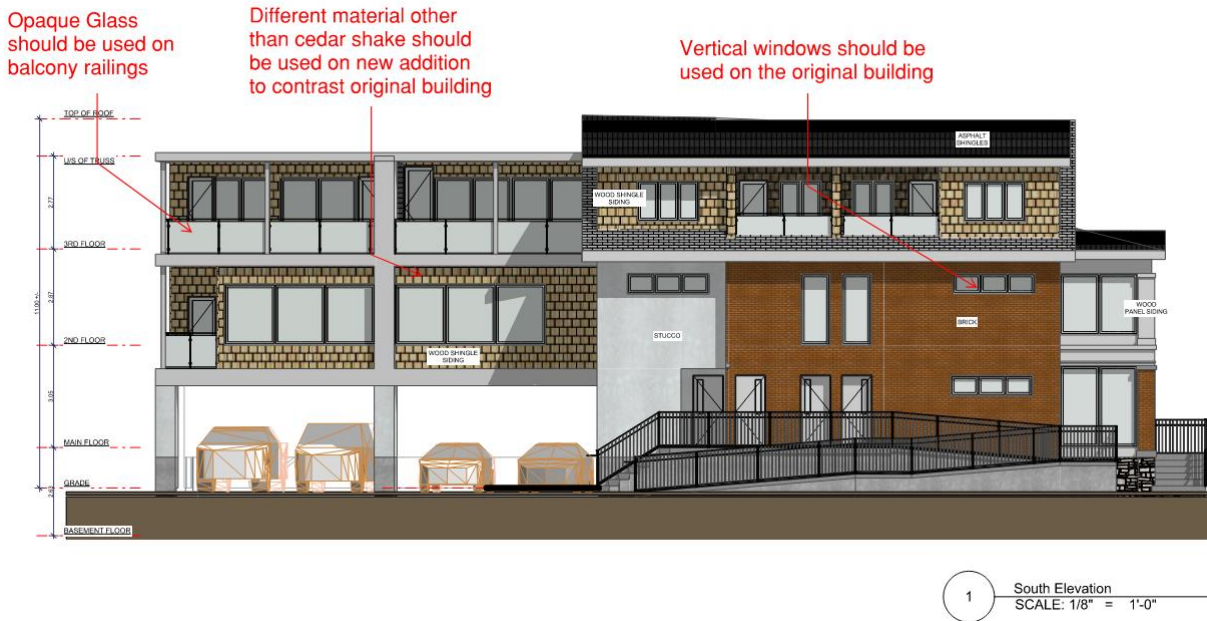
The existing house was built in the 1920's and contributes towards the historical character of the downtown core. The original development proposal for this site was a modern design, but now has been revised in a way that is more sympathetic to the historical character of the downtown core and adjacent housing.

Staff have reviewed the proposed façades in more detail to determine its alignment with the Township's Official Plan and the Urban Design Manual and can offer the following comments:

- The façade of the building could potentially be improved through greater architectural cohesion. Simplifying the alterations, including the rooflines, building materials and window sizes could enhance the historical character of the building differentiating the original verses the new.
- Use of siding or cedar shakes as an alternative to stucco.
- Window redesign for original building does not compliment the original character. The use of more traditional vertical windows, not horizontal on the sides of the existing building, and more traditional windows at the ground floor front of the building could help differentiate original from the new.
- Use of opaque glass for the new balconies.

These proposed preliminary staff thoughts on possible changes have been identified on the elevation drawings below:





Staff strongly suggest that these changes be considered and appropriate alterations be made as part of the site plan process, however, staff recognize that through recent changes to the Planning Act with Bill 23, urban design is difficult to implement. Good urban design and built form is especially important in the downtown core, and in prominent locations such as the subject property. Staff want to ensure that this project, one of the first intensification development within Smithville, is attractive and sets an example for future intensification and infill applications.

Township of West Lincoln Zoning Bylaw 2017-70

The subject property, 197 Griffin Street, is currently zoned Core Commercial 'C1'. Permitted uses within the Core Commercial 'C1' zone include Apartment Dwelling, Art Gallery, Financial Institution and Funeral Homes, among other uses. Also permitted are accessory apartments, secondary to a principle use.

The revised concept would result in four accessory apartments and a principle commercial space on the ground floor, all within the main building, with the existing detached garage to be removed and a new addition onto the existing building. As a result, a number of the originally proposed zoning modifications are no longer needed, including reduced setbacks to the rear and side yard setbacks, lot coverage and parking space requirements.

The table below provides an overview of the zoning exceptions now being requested:

Bylaw Section	Required	Proposed	Notes
Accessory Dwelling Provisions			
Section 3.2.1 a. – Accessory Dwelling units are only permitted to occupy a maximum of 10 sq. metres on the main floor		75 m ²	Regulation to ensure that the prominent use of the main floor is commercial
Driveways, Parking Aisles and Off Street Parking			
Minimum driveway width for two way traffic	7.5m	3.3 m	To recognize existing width of driveway to access rear of the property

Driveways within required yards	Not to exceed 50% in area	Does not apply	
3.12.7 h) Garage Width	50% of total width of dwelling to max. 9.2m	Does not apply	Private garage attached to the main building but located in behind the building. Not a streetscape concern.

The revised concept plan now also provides the minimum number of parking spaces for the four accessory units and main commercial unit and zoning relief for parking spaces is no longer required.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1st, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this would require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be permitted a refund.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 9 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1st, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

As this application has exceeded the 209 days, a full return of the fee would be required under Bill 23, however, that does not come into effect until July 1st, 2023.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

The Township has received two written submissions from the public as a part of the first public meeting, as well as one second round of consultation. The concerns regarding privacy raised from the residents of 108 West Street appear to have been resolved through the re-design of the development and the removal of the proposed three storey accessory building.

The owners of 195 Griffin Street have provided both oral and written comments with concerns around the ability for vehicles to turn and manoeuvre in the rear yard parking area without crossing the property line south onto his property. Additionally, there are concerns regarding snow management and stormwater management.

Staff do note that the majority of both 197 and 195 Griffin Street are already covered in asphalt parking and driveway and that the property line runs down the centre of the driveway. 195 Griffin Street has an easement over 197 Griffin Street to permit access and vehicle manoeuvring. 197 Griffin Street does not have a reciprocal easement over 195 Griffin Street and therefore they would not be entitled to use 195 Griffin for access. The changes to 197 Griffin street, in the opinion of staff, may not significantly change this existing situation, however, stormwater management, including snow management, will be further reviewed as part of a future site plan application.

CONCLUSION:

An application for zoning bylaw amendment has been made to address a number of proposed zoning deficiencies for the proposed redevelopment of 197 Griffin Street. This application was presented at a public meeting and then later revised to address the comments and concerns raised. A second public meeting was held where a number of remaining concerns were identified. The revised submission has significantly reduced the number of site specific zoning modifications required, and has proposed a design that is more sympathetic to the character of the downtown core.

These zoning modifications have been requested to facilitate a redevelopment of the property which would result in four accessory dwelling units (all four units now within the main building) and a commercial space.

Staff believe that the remaining concerns regarding stormwater management and urban design can best be dealt with through a future site plan application. A site plan agreement is still required as a component of this development contains ground floor commercial. Bill 23 now exempts residential developments with 10 or less units from having to obtain site plan approval, but still allows site plan for commercial development.

Staff are recommending support of the zoning amendment application as found in the draft bylaw in Attachment 5.

ATTACHMENTS:

1. Location map
2. Revised Site Plan
3. Revised Elevation Drawings
4. Public and Agency Comments
5. Draft Zoning Bylaw Amendment

Prepared & Submitted by:



Gerrit Boerema, MCIP, RPP
Senior Planner

Approved by:



Bev Hendry
CAO



Dave Heyworth, MCIP, RPP
Manager of Planning



Brian Treble, MCIP, RPP
Director of Planning & Building