



Planning Report

To: Municipality of Arran-Elderslie Council

From: Daniel Kingsbury, Senior Planner

Date: September 26, 2022

Re: Zoning Bylaw Amendment - Z-2022-064 (Paisley Inn)

Recommendation:

That Committee approve Zoning Bylaw Amendment Z-2022-064 as attached and the necessary Bylaw be forwarded to Council for adoption.

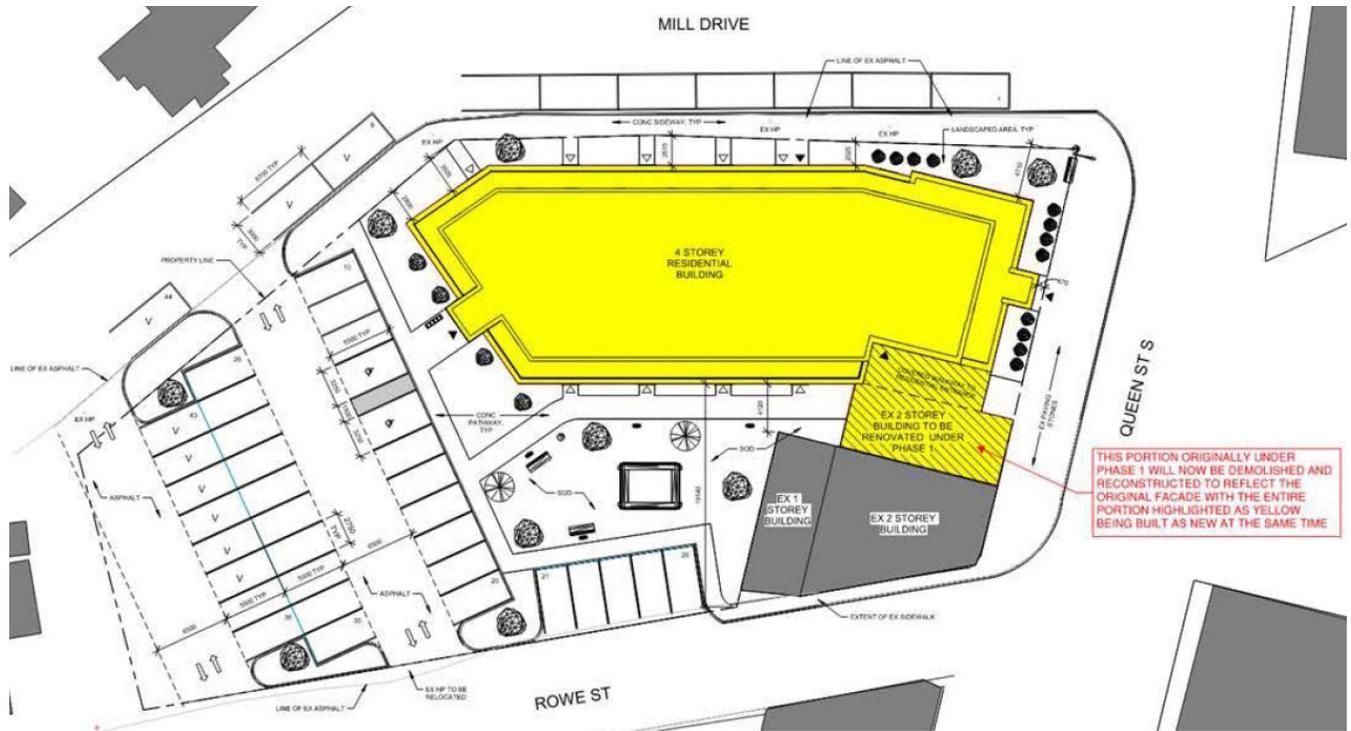
Summary:

The application proposes an amendment to the Municipality's Zoning By-Law to permit a 13.7 metre building as well as to permit more than 50% of the ground floor area to be used for residential space. If approved, the amendment will allow for a new commercial and residential four-storey structure that will include 35 apartment and townhouse units at 604 Queen Street South in Paisley. A Public Meeting was held on July 11, 2022.

Airphoto



Site Plan



Existing Site Conditions



Conceptual Image (fronting Queen Street)



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), and planning policy sections.

Overview

The lands are the former location of Paisley Inn, which was demolished in 2021. A small section of the original building remains on the site. This section is proposed to be demolished and reconstructed. The original building was constructed in 1863 and featured many additions over the subsequent decades. The property and former building were a prominent landmark within Paisley.

The proponent is proposing to a four-storey mixed-use commercial and residential building in place of the former Paisley Inn. The front portion of the building (fronting Queen Street South) is proposed to contain two commercial units with a total floor area of the 166 square metres. The Municipality's Zoning Bylaw restricts residential uses within the Commercial Business District 'C1' zone to not exceed 50% of the ground floor area. The proposed development would exceed this provision of the Zoning Bylaw. The proponent is seeking to permit an increased residential floor area through a site-specific zoning provision.

The proposed building is 13.7 metres (4 storeys). The Municipality's Zoning Bylaw permits buildings up to 10 metres in height (3 storeys) within the C1 zone. The site-specific amendment is seeking to address this deficiency.

The building is proposed to have 35 townhome and apartment units as well as amenity space as outline below:

| | |
|--------------|---|
| First Floor | 9 - two storey townhome units, amenity space |
| Second Floor | 3 - studio suites and 2 - two bedroom units |
| Third Floor | 10 - one bedroom units, 2 - two bedroom units and 3 studio suites |
| Fourth Floor | 5 - two bedroom units |

Housing

Paisley is designated by County Official Plan as a primary Urban Community, where a majority of the Municipality's anticipated growth is expected to occur. As growth centre within the County, Paisley requires a range of housing forms and tenure types to provide housing for residents of all ages and socio-economic backgrounds.

The Municipality's Official Plan outlines further goals and objectives to support a wide range of housing types and forms, including establishing a target of 30% for all new residential development to be in the form of medium density. A 30% target for all new residential development is to be rental.

The proposed development consisting of 35 apartment units contributes to the Municipality's goal of increasing housing density. Likewise, it is understood that the units are intended to be rental units, contributing to the Municipality's 30% target for this form of tenure.

Efficient use of Lands and Resources

A primary objective of the Municipality's Official Plan is to ensure the wise use of land, promote efficient development patterns and minimize impacts to natural resources. Likewise, it is important to consider the sustainability of infrastructure to minimize impacts to future generations who will have to maintain and replace what is built today.

The lands are within Paisley's Central Business District which has policies that encourage intensification to create a compact downtown core. The proposed development will utilize existing water and sewer infrastructure, thereby permitting additional residential units to be constructed without the need for significant infrastructure upgrades.

Compatibility

The lands are designated as Central Business District (CBD) by the Municipality's Official Plan. The CBD policies encourage mixed commercial-residential uses. Higher forms of residential density are encouraged subject to the following criteria:

1. The development shall be compatible with existing land uses in the immediate area and the general built form of surrounding buildings;
2. Adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles shall be required;
3. Adequate buffering from abutting uses shall be provided;
4. Suitable landscaping, lot grading, and storm water management/drainage shall be provided;
5. Suitable on-site open space shall be provided in relation to the size and nature of the development;
6. Water supply and sewage disposal services shall be provided in accordance with Section 5.4.1.

Abutting land uses are predominantly commercial, as well as low density residential to the west. The proposal is generally compatible with the existing land uses in the immediate

area, which are comprised of building that contain ground floor commercial uses with residential units above and behind. The proposed building has been designed to be aligned with the character of Paisley's historic downtown, including the use of red brick cladding.

The four-storey building is of a similar height to the historic Paisley Inn which previously stood on the site. The height is also similar to the former Paisley Town Hall situated across the street. The fourth storey of the building is stepped back from the face of the building in order to provide a terrace around the perimeter of the top floor. This will have the effect of creating a lower building profile from a street view perspective.

The proposed building is setback 35 metres to the closest low-density residential use. The space between the building and nearby residential dwelling is to be used for parking. Additional landscaping and screening can be implemented through the site plan control process, which the development will be subject to.

There are 46 parking spaces proposed, including 9 visitor spaces and two barrier free spaces, at the rear of the building. Access is proposed from Mill Drive and Rowe Street.

The proposed building is generally well buffered from abutting land uses by the local road network which surrounds the site on three sides. The building overlooks the Teeswater River to the north where many of the apartment and townhome units face.

Stormwater runoff is anticipated to increase as a result of the increase in impervious surface area on the site. The Functional Servicing Brief completed in support of this application proposes a number of potential measures to regulate stormwater quantity, including flow control and temporary onsite stormwater storage measures as well as Low Impact Design (LID) features. Stormwater quality is proposed to be regulated by a submerged outlet, to allow for oil to be skimmed off and pumped out. The stormwater is proposed to be discharged into the Teeswater River through existing municipal infrastructure. The Saugeen Valley Conservation Authority have indicated no objections to the proposed application.

Open space is to be provided to residents of the building by a small ground oriented parkette on the site as well as by the roof top terrace.

The Functional Servicing Brief concluded that existing water and sanitary sewer infrastructure is available and assumed to be adequately sized to accommodate the proposed development. The Functional Servicing Brief has recommended that further clarification be obtained from Municipal Staff regarding servicing capacity within this area of Paisley. Preliminary indications from the Public Works Manager suggests that there is likely sufficient capacity, however, the state of the underground infrastructure is not well known. The Functional Servicing Brief suggests that a CCTV inspection of existing infrastructure may be necessary to determine the condition of the underground infrastructure in the area.

[Matters arising from the Public Meeting](#)

During the Public Meeting held on July 11, 2022, concerns were raised by a neighbour immediately to the west of the lands. The neighbour expressed concerns regarding privacy

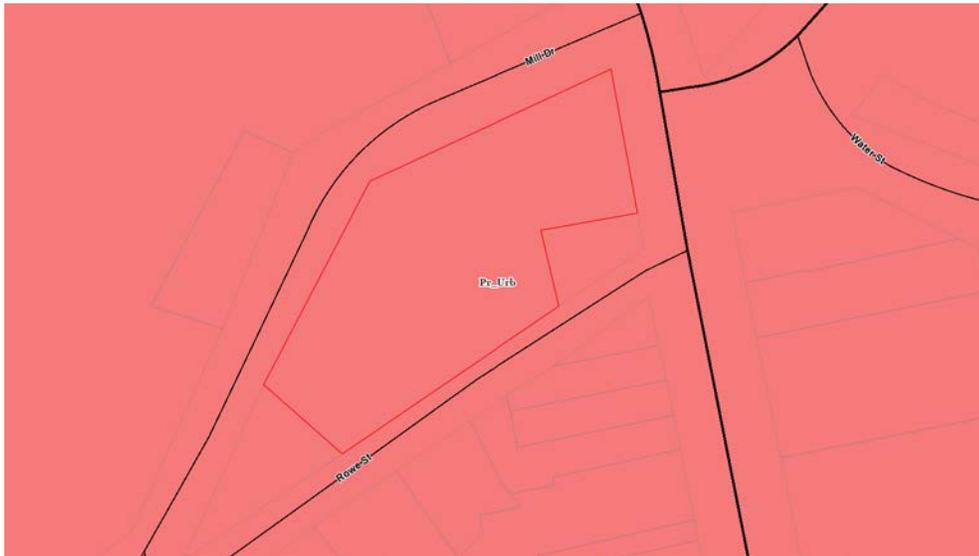
impacts due to the height of the building and sightlines into her backyard. The Architect who designed the proposed building spoke to the concern by indicating that the building is setback approximately 35 metres from the shared property line with the neighbour. Likewise, she indicated there are no residential units proposed to be facing westwards. The windows that have a view to the neighbour's backyard are for the stairwell of the proposed building.

Members of Council discussed the function of the local street network and the possibility of changing Mill Drive and Rowe Streets into one way streets. It was noted that this decision would likely have to involve the County's Transportation and Environmental Services (TES) Department, who have authority over Queen Street South. Planning staff have informed County TES of this discussion. Any decisions regarding the local street network can be implemented at a later date.

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice

County Official Plan Map (Designated Primary Urban)



Local Official Plan Map (Designated Central Business District)



Local Zoning Map (Zoned Central Business District 'C1')



Supporting Studies

- Planning Report - May, 2022 (Cuesta Planning)
- Functional Servicing Brief - May, 2022 (GSS Engineering)

Agency Comments

Chief Building Official: No concerns at this time.

County Transportation and Environmental Services: Looking for a Traffic Impact Study as well as a Stormwater Management Report. A peer review of the SWM for potential impacts on the bridge may be required at the proponents expense.

Staff Comment: A TIS and SWM Report peer review can be incorporated into the Site Plan Control process.

Saugeen Valley Conservation Authority: Consistency with applicable natural heritage and natural hazard policies has been demonstrated. Construction, filling and grading on the property requires the permission of the SVCA, prior to undertaking the work. No objections (Full comments provided below).



1078 Bruce Road 12, P.O. Box 150, Formosa ON N0G 1W0
Tel 519-367-3040, publicinfo@svca.on.ca,
www.saugeenconservation.ca

SENT ELECTRONICALLY (dkingsbury@brucecounty.on.ca)

September 15, 2022

County of Bruce
Planning & Development Department
268 Berford St, P.O. Box 129.
Wiarton ON N0H 2T0

ATTENTION: Daniel Kingsbury, Planner

Dear Mr. Kingsbury;

RE: Application for Zoning By-law Amendment: Z-2022-061
Roll Number 410341000113100
604 Queen Street South
PLAN 12 LOT 3 LOT 4 PT LOT 2;PT LOT 5 ROWE N/S
Geographic Village of Paisley
Municipality of Arran-Elderslie

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

It is our understanding the applications proposes an amendment to the Zoning By-Law to modify the building height to permit a 13.7 metre building and to permit more than one apartment within a commercial building. If approved, the rezoning will allow for a new commercial and residential four-storey structure that will include 35 apartment and townhouse units.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments, dated June 15, 2022,
- 2) Planning Report, Cuesta Planning Consultants Inc., May 2022.



Watershed Member Municipalities:
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth,
Municipality of Grey Highlands, Town of Hanover, Township of Howick,
Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto,
Township of Wellington North, Town of Saugeen Shores, Township of Southgate,
Municipality of West Grey

SVCA staff provided planning application pre-submission consultation to the client on March 11, 2022.

RECOMMENDATION

SVCA staff find the application acceptable, and we elaborate in the following paragraphs.

SITE CHARACTERISTICS

The subject property is culturally disturbed land in the Village of Paisley and fronts Mill Drive, Queen Street South; and Rowe Street. The location of the proposed residential building would be sited in the location of historic development. North of Mill Drive is the Teeswater River valley, which features both residential and commercial development on the valley slope; and the property is surrounded on the east, south and west sides with commercial/residential development.

DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS 2020, County Official Plan and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The subject property is not directly affected by hazard lands.

Natural Heritage:

In the opinion of SVCA staff, the subject property features adjacent lands to fish habitat. Below is a summary of Provincial, County, and Municipal natural heritage policies affecting the proposed;

Fish Habitat

The Saugeen River and Teeswater River are located adjacent to this property. Both watercourses are considered fish habitat by SVCA staff. SVCA's review of Fish Habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required statutes or legislation from either the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNRF) or the Department of Fisheries and Oceans (DFO).

Provincial Policy Statement – Section 2.1

Section 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements; and further that, s. 2.1.8

states development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or on their ecological functions.

County of Bruce Official Plan (OP) Policies

It is SVCA staff's interpretation, s. 4.3.2.1 of the County OP does not permit development within 30 metres to the banks of a cold water stream or 15 metres of a warm water stream; and that landowners are encouraged to forest the area within any stream to maintain and improve fish habitat ecological functions of the stream and to increase natural connections. Furthermore, s. 4.3.3 of the OP requires that an EIS shall be required for development and site alteration proposed within 120 metres of fish habitat

Municipality of Arran-Elderslie Official Plan (OP) Policies

It is SVCA staff's interpretation, s 4.4.3.5 z) of the Municipality's OP states, it shall be a policy of the Municipality to permit development that has regards to the standards established by the Ministry of Natural Resources and the Conservation Authorities with respect to preserving fish habitat. It shall be a goal of the Municipality to have no net loss of fish habitat and to promote development options that create a net gain in fish habitat

Environmental Impact Study (EIS)

SVCA do not recommend the preparation of an Environmental Impact Study (EIS) to address impacts to the adjacent lands to fish habitat. SVCA staff do not anticipate negative impacts to the adjacent lands to fish habitat as a result of this proposal, subject to the appropriate use of erosion and sediment control during construction.

Drinking Water Source Protection / Water resources

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the local Risk Management Official (RMO) at rmo@greysauble.on.ca.

STATUTORY COMMENTS

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not

affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the subject property is within the SVCA 'Approximate Regulated Area' associated with Ontario Regulation 169/06. The regulated area features adjacent lands to the Teeswater River valley, where development must have regard for impacts to the control of flooding, erosion, pollution, and/or the conservation of land. As such, development and/or site alteration within this area requires the permission from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development

Construction, filling and grading on the property requires the permission of the SVCA, prior to undertaking the work. Permission from the SVCA is obtained by submitting a complete application and application fee. SVCA staff should be contacted for more information.

Summary

SVCA staff has reviewed this application in accordance with our MOA with the County of Bruce and as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act.

SVCA staff find the application acceptable.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned at b.walter@svca.on.ca

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

Encl: SVCA Map
cc: Mark Davis, Authority Member (via email)
Planning Technician, County of Bruce (via email)



County of Bruce
Planning & Development Department
268 Berford Street
Warton ON N0H 2T0
brucecounty.on.ca
226-909-5515



June 21, 2022

File Number(s): Z-2022-064

Public Meeting Notice

You're invited:

Public Meeting

to consider Zoning Bylaw Amendment Z-2022-064

July 11, 2022 at 9:30 a.m.

A change is proposed in your neighbourhood: The application proposes an amendment to the Zoning By-Law to modify the building height to permit a 13.7 metre building and to permit more than one apartment within a commercial building. If approved, the rezoning will allow for a new commercial and residential four-storey structure that will include 35 apartment and townhouse units



Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing BCPLWI@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Daniel Kingsbury

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after July 4, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

Before the meeting: You can submit comments by email BCPLWI@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

How to access the public meeting

The public meeting will be held in both electronic format via teleconference and in-person at the Municipal Office.

For information on how to participate in the public meeting, please visit the municipal website at www.arran-elderslie.com under "Municipal Services" then "Zoning and Planning"

Please contact Christine Fraser McDonald at the Municipality deputyclerk@arran-elderslie.ca or 519-363-3039 ext 101, if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of Municipality of Arran-Elderslie to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Municipality of Arran-Elderslie before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Arran-Elderslie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

