



Council report

Meeting date:	May 18, 2021
Title:	Update Report – Subdivision 42T-2020-01 (BROOS)
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That council receive Planner Spencer's report and provides direction regarding the parkland dedication requirement for the subdivision; and

That council directs staff to provide a future planning report to identify overall needs related to servicing and affordable housing options.

Executive summary

The subject lands are legally identified as part of divisions 2 and 3 of lot 24, concession 1 EGR, registered plan 16M-27, block 5 and are approximately 13.78 hectares in size, the geographic Township of Glenelg. The property is located within the defined primary settlement area of the Town of Durham.

An application for a Plan of Subdivision was provided to the county and the municipality known as the Broos subdivision. The application included the request for the creation of up to 205 residential units, consisting of 118 single detached dwellings and up to 5 blocks for up to approximately 87 townhouse dwellings. Access to the proposed lots would be via internal streets that would connect to an extension of Jackson Street and via two (2) entrances off Durham Road East. The subdivision would be serviced on full water and sewer services and one block of the development would be dedicated for drainage for stormwater management.

A zoning by-law amendment application has also been filed for the proposed development. The purpose of the zoning by-law amendment is to implement the plan of subdivision by rezoning the subject lands from FD (Future Development) to R2 (Residential 2), R3-X (Residential with exceptions) and OS (Open Space). The exception will recognize relief from the provisions of the R3 zone.

A virtual public meeting for this file was conducted on December 1, 2020. The meeting was well attended and comments from authorities having jurisdiction and the public were provided



at the meeting and during the time period following.

The intent of this report is to obtain the desire of council on matters related to parkland dedication (land versus cash-in-lieu or a combination thereof) and to provide an update on the review of the file to date for the applicant and their agent.

Background and discussion

The subject lands are designated as a primary settlement area within schedule 'A' of the County of Grey official plan. The lands are designated as 'Residential' under schedule 'A' of the municipal official plan. The lands are currently zoned as FD (Future Development) and a zoning by-law amendment application as previously described has been provided to implement the plan of subdivision within the R2 (Residential 2) and R3 (Residential 3) zones. An OS (Open Space) zone will be placed on the stormwater management block. The amendment, in part, is required to assist conformity to the County of Grey official plan and the density targets identified within the plan. The density target proposed for this subdivision ranges from 19.6 to 24 units per net hectare.

Supporting reports were provided as part of the applications as follows:

- Planning Justification Report
- Archaeological Assessment
- Functional Servicing Report
- Stormwater Management Report
- Traffic Impact Study
- Environmental Impact Study

Review of these documents has been conducted internally by municipal staff in addition to a peer review by the municipality's consultant (Tatham Engineering).

Following the peer review the applicant's consultant addressed the comments in a response matrix, which is attached for Council's reference to this report. This matrix has been provided to the county, commenting agencies and internal staff.

The key component of this report is to determine council's position for the parkland dedication proposed within the plan of subdivision. Parkland dedication is required as part of the subdivision approval process and can be provided as cash-in-lieu, parkland or a combination of both approaches.

Section 45(1) of the Planning Act, R.S.O., 1990 as amended provides the ability for municipalities to require parkland dedication as a condition of development. For residential



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development a minimum of 5% of the overall development is required through the conveyance of land, or the provision of cash-in-lieu or a combination of both.

A proposal provided by the applicant and their agent for parkland dedication has been provided. It is included as an attachment to this report. The proposal involves the use of lands immediately east of the Sunvale Subdivision and along the immediately western boundary line of the proposed subdivision. The plan is intended to create a natural space with a small trail system that would create an L-shaped parcel with natural elements for children's play purposes identified as part of block 127. The proposed configuration would provide the retention of trees and the provision of three (3) separate play nodes.

The proposed dedication provided in the applicant's submission would equate to 0.314 hectares, which is approximately 2.3% of the overall lot area. Cash-in-lieu would be provided meet the required 5% parkland dedication component. The value of cash-in-lieu is determined based on the value of the lands the day prior to the issuance of any building permits on the subject lands.

The proposal was reviewed by West Grey's supervisor, recreation, and a summary of his comments are included below:

- a) The inclusion of swings in the concept provided appear to be residential in nature. Overall, it is not recommended for the inclusion of swings mounted from a climbing surface and the style of the playground does not require a swing. If provided, they should be certified by a qualified playground supplier.
- b) The use of plastic slides is not recommended, particularly in the concept proposed as they appear to be residential in nature. Plastic slides, if utilized, should be replaced with metal slides which are designed for a playground, a metal slide would need to be certified by a qualified playground supplier. Metal slides also ensure that children with cochlear or inner ear implants due to static can also utilize the equipment.
- c) A more natural layout is recommended to prevent injury from children ascending or descending the rock and cave play area proposed.
- d) Comments from the municipality's Insurance provider should be obtained.
- e) It is recommended that the parkland area be overseen by a qualified playground installer and not that of the developer for the assurance and liability of the municipality.

County and municipal planning staff further reviewed the proposal and conducted joint consultations on this matter for the proposed development. A copy of the proposed alternatives prepared by the county as per these consultations has also been included as an attachment to this report. These options use a more traditional approach for the creation of



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parks maintained by a municipality.

The proposed parkland dedication area 1 on the attached, (noted in green) provides 0.43 ha, approximately 3.1% of the subject lands. This configuration would utilize a portion of blocks 122 and 123. Parkland dedication area 2 on the attached, (noted in red) involves the entire use of block 125 providing 0.32 ha, approximately 2.3% of the subject lands. Both proposals would require a combination of land and cash-in-lieu.

Planning staff have concerns related to the proposal provided by the applicant for liability, safety and hazard concerns. The configuration provided is located between the rear lots of detached dwelling units and does not have direct sight lines from the street. Staff are concerned that this could create an issue with respect to safety at night or require lighting to support the proposal. Typically, traditional parkland areas provide sight lines from the street for safety purposes. Staff recommend that any equipment proposed should be designed by a qualified playground installer.

Either concept from county and municipal staff are considered an acceptable approach and recommended.

The provision of parkland will involve future maintenance by the municipality in addition to the required insurance coverage.

To provide direction

Legal and legislated requirements

Plans of subdivision are guided by section 51 of the Planning Act, R.S.P.O. 1990, as amended. The Act requires planning decisions to have regard to matters of provincial interest under Section 2. Section 3 of the Act requires that decisions must be consistent with policy statements issued under the Act. Section 51(34) provides direction on required pre-consultation for the proposed application, the provision of the required applications and supporting documents.

In order to assess the merits of the application, planning staff have reviewed the relevant policy documents in the Provincial Policy Statement (2020), the County of Grey Official Plan, and the Municipality of West Grey Official Plan.

Planning staff generally have no concerns in regard to the proposed development in terms of consistency and general conformity with the PPS 2020, County Official Plan, and West Grey Official Plan. A fulsome report representing this review will be presented at a future date.



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Financial and resource implications

Future maintenance of parkland and insurance coverage.

Staffing implications

None

Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority
- Tatham Engineering peer review comments
- Public comments received (and ongoing)

Alignment to strategic vision plan

Pillar: Build a better future

Goal: Vibrant community

Strategy: Investigate innovative solutions to infrastructure development

Attachments

- Trail Opportunities – Part Block 27 (GSP Group)
- County Plan demonstrating alternative parkland dedication options (County of Grey)
- Comment response matrix (provided by applicant's agent)

Next steps

Following the direction of Council, staff will report back to the applicant's agent to provide direction related to the parkland / cash-in-lieu combination proposed by the applicant. This will permit the applicant and their consultants to adjust their plan as and amend any reports, if required.

Municipal staff will be providing a report to Council at a future meeting that will speak to the provision of services and anticipated density for the overall area serviced by Durham Road East. The municipality's capacity consultant is current preparing a report which will complement the future planning report. Planning staff recommend that this information be provided to ensure that any draft plan conditions to the County are appropriately capturing the development and their needs.

A further planning report will be provided to council which will include proposed draft plan



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conditions to be forwarded to the county as part of the subdivision approval process. Draft plan conditions will identify requirements that must be fulfilled before a final subdivision agreement can be obtained from the county.

Respectfully submitted:



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