

THE TOWN OF FORT FRANCES
Planning Report
Planning and Development Division

JUN - 4 2013

Report

To: Mayor and Council

From: Faye Flatt, Municipal Planner

Date: 4 June 2013

Re: Fort Frances Native Urban Wahkailganun Corporation
Zoning Amendment (File 8/98-XX)

Municipal Planner
Report #2013-14

1. Purpose of Report

This report will provide information and recommendation on an application to change the zoning for 1026 York Avenue North to 1040 York Avenue from R2 to R4 to permit multi-residential use and the construction of a 6-unit residential complex, and include as a site specific provision a reduction in the lot frontage of 237 8th Street West, as property to be merged with a portion of the rezoned lands that was recently given provisional consent.

2. Background:

In 2010 the rear portion of Lot 1 was severed and rezoned to R4 to accommodate the construction of a 10-unit apartment complex. That construction was completed this past fall and is addressed as 237 8th St. W. The development was recognized at that time as the first in phased project. This application begins the second phase of the project, which, similarly, will be the severance of the rear portion of Lot 2 Plan SM-138 as a lot addition to the first property. Additional information is provided in this regard in section 6 below.

Single detached dwellings occupy the rest of the subject lands being rezoned. Single detached dwellings are permitted in an R4 zone but must comply with R2 regulations and as such, the rezoning will have no affect on these properties. They have been included simply to ensure a more cohesive zoning boundary. There is no construction proposed on the rear portion of lots 3 and 4 at this time but rezoning would provide the opportunity if needed in future.

3. Official Plan:

The property is designated as the **Living Area**. All forms of residential use are permitted in this designation. The direction provided by the Official Plan on residential development is that:

- *a variety of housing types to meet the demands of the present and future inhabitants of the Town with a desired mix of housing of low density (70%); medium density (15%); and high density (15%). (s. 2.1.1.(iii))*
- *new housing developments should reflect a range of housing types including smaller, affordable housing units, which would be suitable for seniors and smaller families... new development should be designed and landscaped to be compatible with the character of the surrounding neighbourhoods. New residential and sensitive uses shall be designed to consider pre-existing uses such that those existing uses can continue to function without on-going conflicts between the new and prior existing uses. (s. 2.1.3. (iii))*
- *prior to approving new residential uses, Council shall be satisfied that the development can be adequately serviced with sanitary sewers, municipal water, fire protection and utilities... and shall also be satisfied that there is safe access to the development for existing and future traffic. (s. 2.1.3. (v))*
- *prior to approving new residential development, Council shall ensure that the land use compatibility policies in this Plan are satisfied. (s. 2.1.3. (vi))*



4. Zoning:

The property is zoned Residential Type Two (R2). Multi residential use is not permitted in this zone and as such the property must be rezoned. With exception of the property to the north, which is multi-residential, land uses on all adjacent properties, are single detached residential.

The single detached dwellings located on York Avenue are included in the rezoning application simply to maintain a cohesive zone boundary and avoid a patchwork quilt effect. No additional construction is proposed for these properties.

In an R4 zone, the number of dwelling units determines lot frontage. An additional 48 metres of frontage is required for the proposed 6-unit complex. It is noted that when the 10 unit complex was constructed on the property to the north (237 8th St. W), a minor variance was granted to reduce the frontage from 80 metres to 70.8 metres and that although the frontage will not change, the requirement may if property is severed from the south and added to this piece in future for additional dwelling structures. Although the piece with the 10-unit complex is not part of this zoning amendment application, once the severance is completed, the properties will be joined. When this happens, the previous approval for lot frontage will be void and 237 8th St. W. will become non-compliant again. I would like to incorporate a site specific provision for lot frontage for 237 8th St. W. in the zoning by-law so that the frontage is no longer an issue for either the proposed 6 unit structure or any future structures.

5. Provincial Policy Statements:

The Planning Act requires that zoning amendments be consistent with provincial interests as identified in the 2005 Provincial Policy Statements (PPS). This proposal appears to support the direction of the PPS in regards to the direction of intensification and providing an appropriate range of housing types, with the following policies of the 2005 PPS:

- s. 1.1.1 (b)- accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- s. 1.1.1. (d) - avoids development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- s. 1.1.3.3. – promotes opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- s. 1.1.3.7 – ensuring new development occurs adjacent to the existing built-up area in a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure and public service facilities*.
- s. 1.4.3. – provides for an appropriate range of housing types and densities to meet projected requirements of current future residents by facilitating all forms of housing and *residential intensification and redevelopment* to meet the social, health and well-being of current and future residents in accordance with policy 1.1.3.3..
- s. 1.6.2. – optimizing the use of existing *infrastructure* and *public service facilities* before consideration is given to developing new *infrastructure* and *public service facilities*.

6. Comments – circulated departments & public consultation:

Divisions/Agencies:

The application was circulated for comment to the manager/supervisor of each division for dissemination to appropriate staff and as well to the Fort Frances Power Corporation. There was nothing of concern identified as a result of circulation.

Committee of Adjustment:

The Committee of Adjustment, at the meeting held May 14, 2013, passed a motion recommending the rezoning application be approved.

At its meeting held June 3rd, the Committee gave provisional approval to consent application File B3/2013 to sever part of Lot 2 Plan SM-138, which is the subject of the rezoning, as a lot addition to the property immediately to the north, namely 237 8th St. W. Once the consolidation is completed, the north property will be enlarged. The lot frontage is insufficient for the proposed 6-unit building so to accommodate that construction, I propose to include in the zoning amendment by-law a site specific provision to reduce the lot frontage to 70.8 metres.

Public Consultation:

Pursuant to legislated requirements, a public meeting was held on May 13, 2013. Mr. George Bliss spoke in opposition to the rezoning citing issues relative to drainage, grading and garbage. Amy Marchuk spoke in opposition to the rezoning stating that people who would be living in the units were already disadvantaged and the location would put them at a further disadvantage.

A review of his written submission indicates sewer back-up and drainage issues resulted because some of the residential dwellings on York Avenue where "built at a higher grade than the other houses on York Avenue North". Operations & Facilities Division has confirmed that as a result of partial blockage in the sewer main on York Avenue and the proposed development on 8th Street, the sewer main was concurrently televised and cleaned by a third party. The cleaning process caused a sewage backup in Mr. Bliss' residence. This occurred in November of 2011. Mr. Bliss confirmed to me today that he has had no backup issues since. While it is unfortunate that the backup occurred, all indications are that it was a direct result of work being conducted and not related to the construction of the apartment complex which was only just completed in January this year.

With regard to Mr. Bliss' comments regarding garbage, refuse and a carcass on the property, although property standards issues are not a planning consideration evaluated for a zoning amendment application, I did consult with the By-Law Enforcement Department and asked that an inspection of the property be conducted. I am advised that an inspection was conducted and spoke with property owner maintenance worker was in the process of correcting any property standards issues. A dumpster has been installed on the property for the use of the residents within the complex.

Ms. Marchuk opined that many of the tenants in the geared to income' housing units were "women with small children who already feel isolated due to their circumstances and this location will only isolate them more as not all have vehicles". Although tenancy or proposed tenancy of residential dwellings is not a land use planning issue nor an issue that should be given significant consideration during an evaluation of a zoning amendment, I did speak with the Project Manager and Housing Manager to obtain more information regarding the issues Ms. Marchuk raised.

In the first instant, I am advised that the 6-unit building proposed for construction falls under the "Investment in Affordable Housing" Program of the Ontario Ministry of Housing. The units are neither "Low Income" nor "Rent Geared to Income". The rents reflect "affordable housing" and follow the CMHC average market rent guidelines. In this regard, the proposal would satisfy the provincial initiative for infilling and providing affordable housing as outlined in the Provincial Policy Statements.

In the second instant, the Housing manager has advised me that the majority of tenants within the existing

complex own vehicles and that in the majority of instances, they are closer to the amenities that their previous accommodation (7 of the 10 tenants are from the district).

7. Conclusion:

The Official Plan permits a wide range of residential uses for this property. Since the implementation of zoning more than fifty years ago, residential development has been permitted on this property. The proposal to construct a 6-unit multi-residential apartment complex is consistent with the direction of the Provincial Policy Statements in regards to intensification and providing an appropriate range of housing types. The development proposed will provide medium density housing within an existing single detached residential area. The development is considered intensification and will provide a range of affordable housing to meet all forms of housing needs.

8. Recommendation:

Based on a thorough evaluation of the proposal from a planning, servicing and community perspective as noted above, it is my recommendation that

- a. to accommodate the deficiency in lot frontage of the adjacent property to which a portion of the rezoned property is being added, the application be amended to include, as a site specific provision for 237 8th Street West, a reduction in the lot frontage from 80 metres to 70.8 metres;
- b. in accordance with Section 34(17) of the Planning Act, the change in the proposed by-law be considered by Council to be minor in nature such that further public notice is not required; and that
- c. the zoning application 8-98-XX, as amended, be approved.

The Planning and Development Executive Committee considered the matter at its meeting held June 4, 2013 and supported the above recommendation. In addition, the Committee felt that to ensure the proposed construction does not adversely affect the adjacent properties, a drainage plan is to be submitted for evaluation by the Operations & Facilities Division as part of the building permit process.

Respectfully submitted
Planning and Development Division



N. Faye Flatt, AMCT, ACST, CPT
Municipal Planner

Att'd.

COUNCIL APOVAL OF THIS REPORT WILL: authorize the preparation of a by-law to (a) amend the zoning for the properties known as 1026 York Avenue North to 1040 York Avenue North from R2 to R4, and (b) reduce the lot frontage for the property known as 237 8th St. W. to 70.8 metres, a change proposed to the amending by-law after the holding of public meeting and considered minor not requiring further notice.

Planning Report

Planning and Development Division

