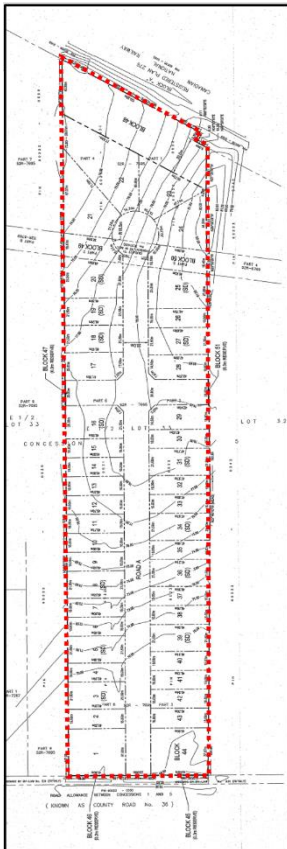


**Township of South Stormont**  
ACTION REQUEST  
Planning and Development Department



**To:** Council  
**From:** Peter Young, Director of Planning/Building  
**Date of Meeting:** January 27, 2021  
**Subject:** Plan of Subdivision Comments - Fenton Farm Subdivision  
**SDG File:** 01-SS-S/2020  
**Owner:** Newell and Grant Brown Ltd.  
**Roll Nos:** 040600101401005/040600101401000  
**Location:** Part of East Half of Lot 33, Concession 5, Being Parts 1-6 on 52R-7695, Geographic Township of Cornwall, Township of South Stormont



**Recommendation:**

That Council supports Plan of Subdivision Application No. 01-SS-S/2020, based on the conditions of approval described in Appendix A of the Action Request dated January 27, 2021 and further, that these conditions, representing the Township's formal comments on the proposal, be forwarded to the United Counties of SDG and the applicant.

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**Background:**

A Plan of Subdivision application (Application No. 01-SS-S/2020) was received by the United Counties in October, 2020 and forwarded to the Township for commentary. The proposed residential subdivision is located along the north side of County Road 36 (Post Road), immediately north east of Arrowhead Subdivision. The proposed residential development is located on Part of East Half of Lot 33, Concession 5, Being Parts 1-6 on 52R-7695, Geographic Township of Cornwall, Township of South Stormont.

The applicant intends to develop a residential subdivision on approximately 6.05 hectares. The proposed development will consist of 43 residential lots that will accommodate single detached and semi-detached dwellings, each of which will be serviced by municipal water and sewer. The development will be served via a single centralized access running north from County Road 36 (Post Road) to a cul-de-sac adjacent to the rail line north of the subject site. There are two future east & west road connections proposed at the mid-block of the subdivision to allow for connectivity with future development(s).

The following documents were submitted as part of the application:

- **Draft Plan of Subdivision**, prepared by EVB Engineering, dated February 13, 2019;
- **Preliminary Servicing Report**, prepared by EVB Engineering, dated September 15, 2020;
- **Noise and Vibration Feasibility Study**, prepared by HGC Engineering, dated October 2, 2020.

**Site Context**

Site Location	Part of East Half of Lot 33, Concession 5, Being Parts 1-6 on 52R-7695, Geographic Township of Cornwall, Township of South Stormont
Subject Property Area	6.05 hectares (14.94 acres)
Development Area	6.05 hectares (14.94 acres)
Present Use(s)	Vacant lands
Proposed Use(s)	Residential Subdivision 30 Single Detached Dwelling Units (30 Lots) 26 Semi-Detached Dwelling Units (13 Lots) Density: 9.26 dwelling units/hectare (3.75 dwelling units /acre)

Official Plan Designation	Urban Settlement Area - Residential District (OPA 3)
Zoning By-law Designation	<u>Current</u> : Rural-Special Exception Seven (RU-7), Residential Serviced First (RS-1) <u>Proposed</u> : Residential Serviced – First and Second (Holding) (RS1-h and RS2-h) and Open Space (OS) * ZBLA (SDG File; 01-SS-S-2020 File Z-2020-10) *
Surrounding Land Uses	North: Vacant/CN Rail (Industrial) East: Residential South: Residential - Vacant Flood Plain (FP) West: Residential

**Planning Context**

Provincial Policy Statement (PPS) 2020

Provincial Policy Statement, 2020 focuses on directing growth and development towards settlement areas and away from significant or sensitive resources, including areas that may pose a risk to public health and safety. The proposed subdivision is designated as Urban Settlement Area – Residential District within the United Counties of SD&G Official Plan. The settlement areas of the Township are the areas that have been designated for concentrated development and have been either partially or fully serviced by municipal sanitary sewage system and water supply.

Section 1.1.3 of PPS (2020) emphasizes the need to promote vitality of settlement areas through implementation of efficient development patterns that effectively use infrastructure and public service facilities and minimize unnecessary public expenditures. The proposed subdivision is located on the north side of County Road 36 (Post Road) in relatively close proximity to Arrowhead Subdivision located to the south west of the development site. The proposed 43 lot residential development fits in with the planned residential character of the surrounding area and each of the lots will be fully serviced by a public sanitary sewage system and Township water supply. The proposed development would be in keeping with the PPS (2020) intent to direct growth and development to designated settlement areas that maximize the use of municipal infrastructure.

Section 1.1.3.4 of PPS (2020) further outlines that appropriate development standards should be promoted within settlement areas such that they facilitate intensification, redevelopment and compact form of development, while avoiding or mitigating risk to public health and safety. The proposed subdivision has been reviewed based on the Township of South Stormont Subdivision

Design Guidelines to ensure that any outstanding issues are addressed through conditions of draft plan approval. The conditions of draft plan approval would include a requirement to enter into a subdivision agreement with the Township to address all aspects of development including road design, street lighting, drainage, stormwater management etc.

United Counties of SDG Official Plan (OP)

The proposed subdivision is designated as Urban Settlement Area – Residential District within the United Counties of SD&G Official Plan (2018). Table 3.5 of the Official Plan outlines permitted land uses within the designated urban and rural settlement area and the rural area. Within the Urban Settlement Area – Residential District, the scope of permitted uses includes a full range of low, medium and high-density housing types. The proposed subdivision will be developed with 30 single detached and 26 semi-detached dwellings and is considered a low/medium density residential development. There is a slight increase in density in comparison with other residential subdivisions on the south side of County Road 36, but would be similar in character to other subdivisions to the west. The residential development aligns with housing goals set out in the Official Plan, as it proposes a range of housing types.

Section 3.52 of the Official Plan outlines applicable planning principles in the review of any development applications including adequacy of lot sizes, servicing capacity, frontage and access and land use compatibility. A detailed review of the subject application to the Official Plan planning principles has been undertaken in the discussion section of the subject report.

Section 3.52 of the Official Plan further outlines community structure and design criteria in review of development applications. It outlines that compact development should be encouraged by directing it to vacant lands within existing settlement areas. Furthermore, it notes that development contiguous to existing built-up area within these settlement areas should be prioritized over fragmented or un-serviced development.

Township of South Stormont Zoning By-law (ZBL)

Zoning By-law Amendment (ZBLA) (File Z-2020-10)

The subject lands are intended to be zoned “Residential Serviced – First and Second (Holding) (RS1-h and RS2-h) and Open Space (OS)” under the Township of South Stormont Zoning By-law 2011-100. The proposed Draft Plan of Subdivision will be reviewed for compliance with the applicable Zoning By-law requirements once the Holding (h) provision is removed. The section below outlines applicable zone standards to the RS1 and RS2 zone(s):

**5.1 Residential Serviced – First (RS1) Zone**

(a) Permitted Uses:

- a) dwelling, accessory apartment;
- b) dwelling, single detached;
- c) dwelling, secondary unit;
- d) group home, type 1;
- e) group home, type 2,
- f) home-based business.

(b) Zone Requirements:

(i) Notwithstanding the provisions of this By-Law to the contrary, all *Dwelling, Secondary Units* are subject to the provisions of Section 3.8

(ii) All other permitted uses:

Lot Area (minimum sq.ft.)	460 m <sup>2</sup>	(4,951.39)
Lot Frontage (minimum)	15 m	(49.21 ft.)
Yard Requirements (minimum)		
Front	6 m	(19.69 ft.)
Rear	7.5 m	(24.61 ft.)
Exterior Side	6 m	(19.69 ft.)
Interior Side	1.2 m	(3.94 ft.)
Building Height (maximum)		
Main Building	11 m	(36.09 ft.)
Accessory Building	4.5 m	(14.76 ft.)
Lot Coverage (maximum)	40%	
Floor Area (minimum)	70 m <sup>2</sup>	(753.47 sq.ft.)
<del>Floor Area per Accessory Apartment Dwelling (minimum)</del>		
<del>Bachelor Unit</del>	<del>45 m<sup>2</sup></del>	<del>(484.37 sq.ft.)</del>
<del>One Bedroom Unit</del>	<del>55 m<sup>2</sup></del>	<del>(592.01 sq.ft.)</del>
<del>Two Bedroom Unit</del>	<del>60 m<sup>2</sup></del>	<del>(645.83 sq.ft.)</del>
<del>More than 2 Bedroom Unit</del>	<del>65 m<sup>2</sup></del>	<del>(699.65 sq.ft.)</del>

(c) Municipal Piped Services:

No dwelling shall be erected in this zone unless it is connected to piped municipal sanitary sewer and water services.

## 5.2 Residential Serviced - Second (RS2) Zone

### (a) Permitted Uses:

- boarding house;
- ~~dwelling, accessory apartment;~~
- dwelling, duplex;
- dwelling, semi-detached;
- dwelling, single detached;
- ~~dwelling, secondary unit;~~
- group home, type 1;
- home-based business.

### (b) Zone Requirements:

(i) For single detached dwellings ~~and accessory apartment dwellings~~ in accordance with the provisions of Section 5.1. Notwithstanding the provisions of this By-Law to the contrary, all *Dwelling, Secondary Units* are subject to the provisions of Section 3.8.

### (ii) Semi-detached, Duplex:

Lot Area (minimum)	600 m <sup>2</sup>	(6458.35 sq.ft.)
Lot Frontage (minimum)	20 m	(65.6 ft.)
Yard Requirements (minimum)		
Front	6 m	(19.69 ft.)
Rear	9 7.5 m	<del>(29.53 ft.)</del> (24.61 ft.)
Exterior Sid	6 m	(19.69 ft.)
Interior Side	1.2 m	(3.94 ft.)
Building Height (maximum)		
Main Building	11 m	(36.09 ft.)
Accessory Building	4.5 m	(14.76 ft.)
Lot Coverage (maximum)	40%	
Floor Area (minimum)	70 m <sup>2</sup>	(753.47 sq.ft.)
Dwelling per lot (maximum)	1	

(c) If a semi-detached dwelling, or a duplex dwelling, is severed or separated through consent, plan of subdivision or through the lifting of part lot control, the zone requirements continue to apply to the original lot except that no minimum side yard requirement shall apply along the common lot line.

### (d) Municipal Piped Services:

No dwelling shall be erected in this zone unless it is connected to piped municipal sanitary sewer and water services.

The Holding (h) provision is typically implemented in order to delay development until municipal services are available to a site. The subject lands are currently zoned "Rural-Special Exception Seven (RU-7), Residential Serviced First (RS-1)", a Zoning By-law Amendment application was submitted to rezone the subject lands to "Residential Serviced – First and Second (Holding) (RS1-h

and RS2-h)". If the proponent is successful in rezoning the subject lands, the holding category will be removed later in the subdivision development process once the site has been fully serviced or a subdivision agreement with securities has been registered.

It should be noted that the above zone requirements are considered minimums and greater setbacks and lots sizes can potentially be required through the subdivision process in accordance with the required studies, neighborhood character, functional layout, and other considerations. A draft condition of approval has been included to ensure that all requirements of the Township's Comprehensive Zoning By-law #2011-100 are maintained. The implanting by-law will be brought to Council at a later date once the lot layout is finalized.

## **Discussion**

### **Lot Configuration and Lot Size**

With respect to the zoning of the subject site, a minimum lot frontage of 15 metres and lot area of 460 m<sup>2</sup> (0.11 acres) is required to accommodate a single detached dwelling and a minimum lot frontage of 20 metres and lot area of 600 m<sup>2</sup> (0.14 acres) is required to accommodate a semi-detached dwelling. The subject plan of subdivision proposes 43 lots with an average frontage of 15 metres for the single detached dwellings and 21.50 metres for the semi-detached dwellings. The proposed lots comply with the minimum lot area requirements and are large enough to accommodate the intended residential typologies while meeting the minimum required yard setbacks.

### **Servicing**

The proposed subdivision will be serviced by municipal sanitary sewers and water supply. The proposed subdivision will tie into existing water and sewer mains both located immediately south of the subject site on County Road 36 (Post Road). Both mains will be extended to serve the development in accordance with minimum Township Standards.

### **Stormwater Management**

Storm water runoff from the proposed development will be conveyed to the new stormwater management facility via lot grading, swales, and a series of proposed storm sewers. The stormwater management facility (pond) is located at the south east quadrant of the Draft Plan on Block 44 and was designed to achieve both qualitative and quantitative requirements. As noted in the preliminary servicing report, this stormwater management facility was designed and constructed to accommodate the build-out area. The stormwater management plan is also being reviewed by the Raisin Region Conservation Authority who will provide further conditions/comments.

### Frontage and Access

Access to the subdivision will be provided via County Road 36 (Post Road). A new 20 metre wide road allowance, "Road A", will run in a north/south fashion with future 20 metre east & west road connections proposed at the mid-block of the subdivision to allow for connectivity with future development(s). Both roads will be constructed to the Township of South Stormont's standards for a 20m Road Allowance Residential Cross Section. This can be generally summarized as an asphalt roadway consisting of two (2) 4.0m lanes, one (1) standard barrier curb and gutter for each side and a 1.5m wide sidewalk located on the north/west side of the right-of-way. As a condition of approval, a 30 cm easement/reserve will be required to be dedicated to the Township at the termination point of each road to ensure that future access is available to undeveloped lands located to the east and west.

### Parkland

With respect to residential subdivisions, the Township requires the owner to convey up to 5% of the land included in the plan to the municipality for park purposes. Alternatively, the municipality may except cash-in-lieu for all of a portion of the conveyance. This would be included as a condition of approval.

### Noise and Vibration Feasibility Study

HGC Engineering prepared a Noise and Vibration Feasibility study for the proposed residential subdivision. As part of the summary and recommendations the QP is proposing that an acoustic barrier in conjunction with a safety berm along the railway be introduced at the north limit the subdivision. Furthermore, future dwellings are to contain noise mitigation construction materials (brick veneer, glazing, central air). CN has reviewed the submitted Noise and Vibration Feasibility study and provided Draft Plan conditions.

### Open Space

Blocks 48, 49 and 50 will be designated as open space. Pedestrian linkages are intended to accommodate a future pedestrian pathway/trail (TNP). Block 48 will accommodate a berm fronting the CN line; incorporating Block 48 as part of the lot fabric on Lots 22 and 23 should be considered instead of transferring the Block to the Township or CN.

### Public Consultation

A notice of public meeting was mailed out to all landowners within 120 metres of the subject lands, and a sign was posted at the subject site on the north side of County Road 36 (Post Road). A formal public meeting was held on December



1, 2020 that was attended by the applicant's agent, United Counties of SD&G staff, members of Council and the public.

Three members of the public spoke with comments and questions relating to the proposal. Some of the comments included further clarification with respect to the stormwater management pond, appropriateness of the planned residential development in a rural setting, noise, proposed density, open space areas/CN Rail Berm, buffering (fencing) and traffic concerns along County Road 36 (Post Road).

Township staff and the consultant provided commentary to each item;

(STMW Pond) - a resident inquired whether the pond would be similar to the one at the front of Chase Meadows;

- The stormwater pond could be a wet pond or wetland type pond for storm water purposes but may not have a stone wall similar to the Chase Meadows subdivision located west of the subject lands, the consultant confirmed that the intention was not to introduce a stone wall.

(Rural Setting) - a resident raised concerns about the character of the area and adding this subdivision in the middle of a rural area;

- The property is located within the Urban Boundary with subdivisions eventually to be located on both the west and east side of the development. Although the location currently appear rural, the area is fully serviced and designated to allow subdivision development and it is expected that the area will be developed over time.

(Buffering) - a resident requested clarification as to whether a fence will be erected by the developer along the west property line;

- Part of the Draft Plan submission fencing requirements are not typically examined. However, it could be reviewed during the detailed design phase. Township staff also commented that the Township's subdivision manual does require fencing in locations where backyards abut a street. However, it is not a requirement under the current manual to provide for fencing when it abuts other property. It was indicated that fencing could be discussed with the developer during the detailed design phase and could be considered as part of the decision of Council.

(Density) – a resident requested clarification on the design of the subdivision and whether the subdivision could be less dense or have the lots made larger to make it more aesthetically pleasing;

- Township staff clarified that option could be considered; however, the current proposal meets all requirements of the current zoning.

(Open Space /CN Berm) - a resident requested clarification regarding the areas designated as open space and the safety of the area in relation to the rail line and its access to the public;

- The consultants provided clarification as to the blocks designated as open space and the berm proposed for the subdivision. The berm located at the north limit of the subdivision is intended to reduce noise and not intended for the purpose of public access.

(Noise Concern) - a resident requested clarification as to the Township's noise by-law as it relates to construction.

- Township staff provided details of the Noise By-law, the By-law applies to the full municipality and is not necessarily related to construction alone;

(Traffic Concern) - a resident expressed concerns related to safety and the speed of traffic along the County Road 36 and the current speed limit of 80/km;

- United Counties SDG staff requested the resident send a request regarding the speed limit reduction request. In addition, the consultant clarified that the safety studies completed for the subdivision assessed the safety for maneuvering in and out of the subdivision at the speed of 100km/h and concluded that even with the higher threshold all maneuvers could be safely completed. The resident confirmed that she would provide a formal request to the United Counties regarding the speed limit.

The abovementioned concerns will be further examined during the detailed design phase of the subdivision process.

## **Attached**

- **Appendix A – Proposed Conditions of Draft Plan Approval**

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### **Options:**

1. That Council supports Plan of Subdivision Application No. 01-SS-S/2020, based on the conditions of approval described in Appendix A of the Action Request dated January 27<sup>th</sup>, 2021 and further, that these conditions be forwarded to the United Counties of SDG and the applicant, representing the Township's formal comments on the proposal. This is the recommended option.
2. That Council advise the United Counties that the Township does not support Plan of Subdivision Application 01-SS-S/2020.
3. Other.

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**Financial Impact:**

The costs of developing the subdivision are to be borne solely by the developer. The Township does not anticipate any unreasonable increases in costs to provide municipal servicing/services as a result of the subject lands being developed. Full buildout of the proposed development will add to the Township's tax base.

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**Others Consulted:**

Senior Management, Raisin Region Conservation Authority, SDG Counties

*Prepared by:*

Karl Doyle, Community Planner

## **APPENDIX A – PROPOSED CONDITIONS OF DRAFT PLAN APPROVAL**

**SDG File No.** 01-SS-S/2020

**Owner:** Newell and Grant Brown Ltd.

**Location:** Part of East Half of Lot 33, Concession 5, Being Parts 1-6 on 52R-7695, Geographic Township of Cornwall, Township of South Stormont

1. That the owner enters into a Subdivision Agreement with the Township of South Stormont.
2. That the Subdivision Agreement between the Owner and the Township of South Stormont be registered against the land to which it applies once the plan of subdivision has been registered.
3. The Owner agrees, by entering into a Subdivision Agreement, to satisfy all terms, conditions and obligations, financial and otherwise, of the Township of South Stormont, at its sole expense, including, but not limited to, design and construction of roads, services, utilities, lot grading and drainage, in accordance with the Township's specifications and standards, all to the satisfaction of the Township of South Stormont.
4. That the Subdivision Agreement between the Owner and the Township of South Stormont indicate that such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
5. That prior to the registration of the Plan of Subdivision, the Township of South Stormont shall be satisfied that the proposed plan of subdivision conforms with the Zoning By-law approved under the requirements of the Planning Act, with all possibility of appeal to the Local Planning Appeal Tribunal exhausted.
6. That the road allowance(s) included in this draft plan shall be shown and dedicated as public highways.
7. That the public highway(s) shall be named to the satisfaction of the municipality.
8. The Owner agrees in writing to reimburse the Township for all legal, engineering, planning and other expense that the Township may incur in relation to the subdivision.

9. That a report on the detailed sediment and erosion control measures be implemented (pre, during and post development) be prepared for the subject lands and be submitted to the Township of South Stormont and the Raisin Region Conservation Authority for approval. The report should include a detailed maintenance and inspection proposal with corresponding checklist to ensure the measures are properly implemented, routinely inspected, and in good working order.
  - That the Subdivision Agreement includes the requirement that the approved report on sediment and erosion control prepared by the developer is implemented.
10. That prior to Final Subdivision Approval, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
11. That when requesting Final Approval from the United Counties, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the zoning by-law. The surveyor's certificate regarding zoning compliance shall be accompanied by written confirmation from the Township of South Stormont.
12. That the Subdivision Agreement shall contain provisions including but not limited to the dedication of blocks and/or easements and carrying out of any works deemed necessary by the Township, in its sole discretion, to provide access to parkland at the Owner's sole expense.
13. That the subdivision agreement include a requirement for trees to be located in the front and rear yard of each lot.
14. The Owner agrees to convey up to 5% or the lands cash-in-lieu of the land included in the Plan to the Township for park purposes.
15. The Owner acknowledges there may be requirements for buffering/fencing along the exterior of the subject lands during the design phase, based on the Township's updated subdivision guidelines.
16. That the implementing zoning by-law and/or subdivision agreement include a safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm.
17. That the rail buffer lands in Block 48 be added to the adjacent lots