THE CITY OF Waterloo

STAFF REPORT
Planning

Title:	Official Plan Amendment Application No. 35, Northgate Land Corporation and Gabriella Groff, Southwest Corner of Conservation Drive & Beaver Creek Road
Report Number:	IPPW2022-025
Author:	Laura Dewar
Council Date:	May 30, 2022
File:	Official Plan Amendment Application No. 35 (OPA 35)
Attachments:	Map 1 – Location Map Appendix A – Schedule 'A' to OPA 35 Appendix B – Minutes of Informal Public Meeting Appendix C – Comments Received
Ward No.:	Northwest Ward 2

Recommendations:

1. That Council approve Staff Report IPPW2022-025.

2. That Council adopt Official Plan Amendment No. 35 as set out in Section 6 of IPPW2022-025.

3. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 35 in accordance with IPPW2022-025.

A. Executive Summary

Northgate Land Corporation (the "Applicant") has submitted Official Plan Amendment Application No. 35 (OPA 35) for the lands located generally at the southwest corner of Conservation Drive and Beaver Creek Road, having no municipal address, as shown on Map 1.

OPA 35 applies more specifically to the following blocks within Draft Plan of Subdivision 30T-17401 (the "Subject Lands"), as shown on Image 1 on page 3:

- Stage 1, Blocks 9 & 10
- Stage 2, Block 2 (partial)
- Stage 3, Blocks 20 & 21

Draft Plan of Subdivision 30T-17401 has been submitted to facilitate the construction of a new predominantly residential development, containing a mix of residential unit types, a portion of the planned mixed use node at the intersection of Conservation/Beaver Creek, two municipal parks, stormwater management facilities and servicing blocks, a public trail network, and open space. This subdivision application was appealed to the Ontario Land Tribunal in 2017 and a hearing is scheduled in October 2022.

The Subject Lands are designated Low Density Residential in the City's Official Plan, and are identified as Low Density Residential Two within the City's Beaver Creek Meadows District Plan. Through the detailed design of the proposed subdivision, a policy inconsistency has been identified, in that the Official Plan contemplates terrace dwellings in this designation up to 10 metres in height, whereas the District Plan contemplates terrace dwellings up to 4 storeys in height. Based on the current planning design standard of 3 metres per storey, 12 metres is needed to functionally construct 4 storeys.

OPA 35 seeks to align the Official Plan with the District Plan by adding a new policy to the existing Specific Provision Area 62 (Beaver Creek Meadows District Plan Area) which permits terrace dwellings (commonly developed as stacked townhouse buildings) on the Subject Lands up to a maximum of 12 metres and 4 storeys in height.

Based on the Planning Division's review of the application, staff recommend Council adopt Official Plan Amendment No. 35 as set out in Section 6 of IPPW2022-025.

B. Financial Implications

None. Should this application be appealed to the Ontario Land Tribunal (OLT), costs related to the Tribunal process and an OLT hearing may be incurred.

C. Technology Implications

None.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)
(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

The Application contributes to the Sustainability and the Environment Strategic Objective by introducing a policy which allows for compact development and efficient use of greenfield lands.

E. Previous Reports on this Topic

IPPW2016-004, Beaver Creek Meadows District Plan Study: Recommended District Plan, January 25, 2016

THE CITY OF Waterloo

Official Plan Amendment Application No. 35, Northgate Land Corporation and Gabriella Groff, Southwest Corner of Conservation Drive & Beaver Creek Road IPPW2022-025

SECTION 1 – SUBJECT LANDS

Northgate Land Corporation (the "Applicant") has submitted Official Plan Amendment Application No. 35 (OPA 35) for the lands located generally at the southwest corner of Conservation Drive and Beaver Creek Road, having no municipal address, as shown in Appendix A. OPA 35 applies more specifically to the following blocks within Draft Plan of Subdivision 30T-17401 (the "Subject Lands"), as shown and labelled on Image 1 below:

- Stage 1, Block 9 (A) & Block 10 (B)
- Stage 2, Block 2 (partial) (C)
- Stage 3, Block 20 (D) & Block 21 (E)

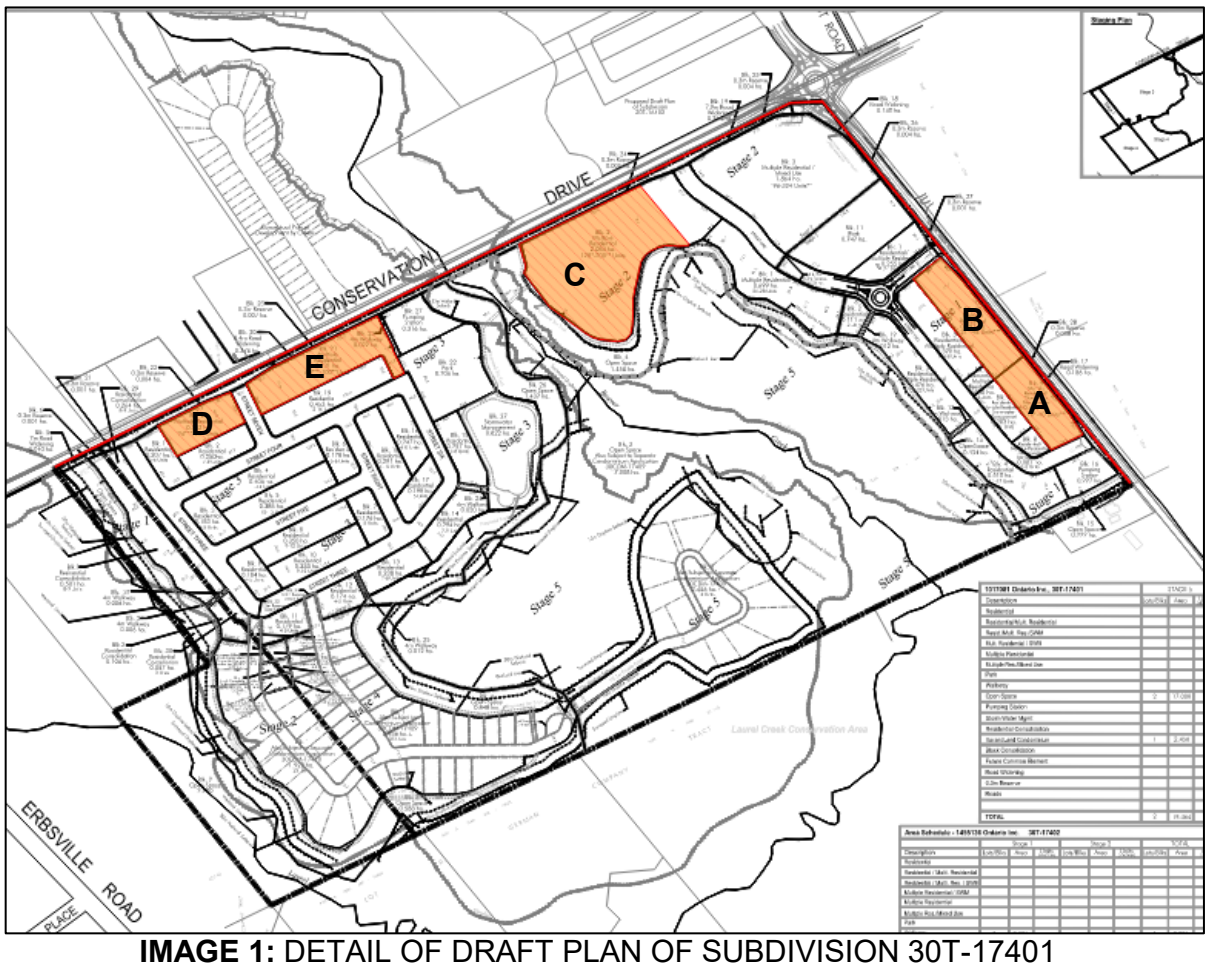


IMAGE 1: DETAIL OF DRAFT PLAN OF SUBDIVISION 30T-17401

Draft Plan of Subdivision 30T-17401 has been submitted to facilitate the construction of a new predominantly residential development, containing a mix of residential unit types, a portion of the planned mixed use node at the intersection of Conservation/Beaver Creek, two municipal parks, stormwater management facilities and servicing blocks, a public trail network, and open space. This subdivision application was appealed to the Ontario Land Tribunal in 2017 and a hearing is scheduled in October 2022.

SECTION 2 – CURRENT POLICY FRAMEWORK

The Subject Lands are designated Low Density Residential on Schedule 'A' of the City's Official Plan. The Low Density Residential designation contemplates a range of low-rise residential building types, such as singles, townhouses, terrace dwellings and low-rise apartments subject to compliance with applicable policies and implementing zoning. The maximum height of any building in this designation shall not exceed 10 metres, with the exception of apartments which may be up to 12 metres subject to meeting certain criteria. Through Specific Provision Area 62, which applies to the Subject Lands, the density requirement from the Beaver Creek Meadows District Plan was brought into the Official Plan.

The Subject Lands are also identified in the Beaver Creek Meadows District Plan as Low Density Residential Two, which contemplates buildings up to 4 storeys in height.

The current planning design standard to construct one storey is 3.0 metres. This means a 4 storey building equates to an overall height of 12 metres. Based on this, a policy inconsistency exists between the 10 metre height limit in the Official Plan for terrace dwellings and the 4 storey height limit in the District Plan for terrace dwellings.

For clarification, what is referred to as "terrace dwellings" in the City's Official Plan and District Plan is commonly constructed as stacked townhouses. This building type is defined in the City's Zoning Bylaw as *"a residential BUILDING containing four (4) or more DWELLING UNITS which are horizontally and vertically separated in a split level or stacked manner, where: • each DWELLING UNIT egresses directly outside to GRADE; and • no egress is provided from the DWELLING UNIT to a common corridor."*

Examples of stacked townhouses in the city are provided below, for illustrative purposes:





SECTION 3 – PROPOSED DEVELOPMENT & AMENDMENT

The Applicant is proposing to develop the Subject Lands with multi-unit residential buildings under the terrace dwelling use, oriented towards Conservation Drive and Beaver Creek Road.

To facilitate this development, the Applicant has advanced Zoning By-law Amendment Z-17-14 concurrently with Draft Plan of Subdivision 30T-17401. Application Z-17-14 proposes to rezone the entire subdivision. More specifically, the Subject Lands are proposed to be rezoned from Zone Change Application (ZC) to Residential Nine (R9), to permit a range of multi-unit building types including terrace dwellings/stacked townhouse dwellings, up to a maximum building height of 12 metres and 4 storeys.

Applications Z-17-14 and 30T-17401 were appealed to the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) in 2017 and 2018 respectively. The Applicant has also appealed various policies and schedules in the City's 2012 Official Plan as they relate to the Subject Lands. These appeals will be dealt with collectively at a hearing scheduled in October 2022.

OPA 35 seeks align the Official Plan with the District Plan by adding a new policy to the existing Specific Provision Area 62 (Beaver Creek Meadows District Plan Area) to permits terrace dwellings (commonly constructed as stacked townhouse buildings) on the Subject Lands up to a maximum of 12 metres and 4 storeys in height.

SECTION 4 – EVALUATION

The City's Official Plan contemplates developments such as terrace dwellings in Low Density Residential areas through policy 10.1.3 (7). Further, policies 10.1.3 (8) – (9) outline the criteria that must be met to permit terrace dwellings in areas designated Low Density Residential. Planning staff are satisfied that permitting terrace dwellings on the Subject Lands is consistent with policies 10.1.3 (8)-(9). The requested increase in building height permission from 10 metres to 12 metres for terrace dwellings implements the District Plan,

and is considered minor and compatible with the planned building heights on adjacent and surrounding lands (being between 3 storeys/10 metres and 6 storeys/20 metres). The height increase will likely allow individual buildings to accommodate additional units, which will assist with achieving the overall density target for this District within the Official Plan and District Plan, and efficiently use the Subject Lands.

Based on the Planning Division's review of the application, staff recommend Council adopt Official Plan Amendment No. 35 as set out in Section 6 of IPPW2022-025, for reasons including:

- the application is consistent with the Provincial Policy Statement;
- the application conforms to Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- the application conforms to the policies of the Regional Official Plan;
- the application is consistent with the City's Beaver Creek Meadows District Plan;
- the application aligns the Beaver Creek Meadows District Plan and the City's Official Plan;
- the proposed development will provide for an efficient use of land.

SECTION 5 – CIRCULATION & PUBLIC NOTICE

The Application was circulated to internal staff and other public agencies for comment on February 23, 2022. Minutes of the Informal Public Meeting held on March 21, 2022 are contained in Appendix B. Comments received are contained in Appendix C and were considered in the preparation of this staff report. Public Notice of the Formal Public Meeting was advertised in the Waterloo Chronicle on May 12, 2022 and notices were mailed to the owners of property located within 120 metres of the Subject Lands.

SECTION 6 – RECOMMENDATIONS

1. That Council approve Staff Report IPPW2022-025.

2. That Council adopt Official Plan Amendment No. 35 as follows:

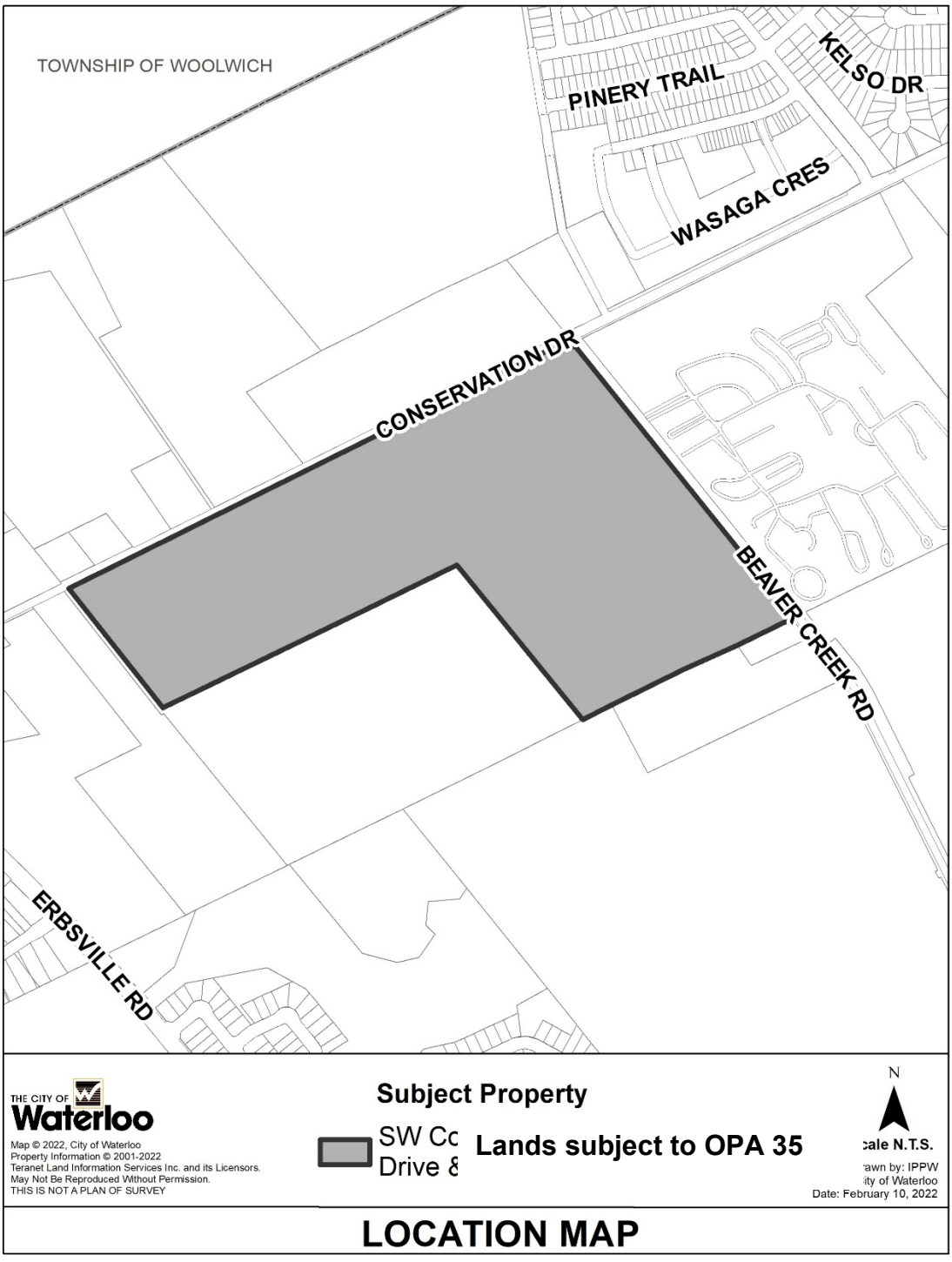
    a) The following policy shall be added to Specific Provision Area No. 62 (Beaver Creek Meadows District Plan Area):

    11.1.62 (3) Lands designated Low Density Residential and identified on Schedule 'A' of Amendment No. 35 to this Plan may permit terrace dwellings (including stacked townhouse buildings) up to 4 storeys and 12 metres in height in accordance with the implementing Zoning By-law.

3. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 35 in accordance with IPPW2022-025.

Appendix A

Schedule ‘A’ to Official Plan Amendment No. 35



Appendix B – Minutes of Informal Public Meeting held March 21, 2022

Informal Public Meeting

a)	**Title:**	**Official Plan Amendment No. 35 Gabriella Groff/Northgate Land Corp. SW Corner of Conservation Drive and Beaver Creek Road**
	Prepared by:	Laura Dewar
	Ward No.:	Ward 2

Laura Dewar gave a brief presentation on the proposed development. She then responded to questions of Council. Joel Cotter, Senior Director, IPPW, Director of Planning and City Planner, responded to questions of Council.

Trevor Hawkins, Partner, MHBC, gave a presentation further outlining the proposed development. He then responded to questions of Council.

Councillor Henry left the Chair (Time: 7:09 p.m.)
Mayor Jaworsky in the Chair

Appendix C – Comments Received

No Comments:

- Fire Services
- Township of Woolwich
- Economic Development

Region of Waterloo, Community Planning (Shilling Yip):

- Region staff has reviewed the above-noted application and provide the following comments at this time. The purpose of the amendment is to recognize a building height increase from 10 metres to 12 metres to permit development of residential multiples up 4-storeys within select areas within Plan of Subdivision 30T-17401.

- Corridor Planning staff indicated since the height of the townhouses will be increased to 12m, a revised Noise Study will be required to reflect assessment at new receptor height and setback change if any. This may be addressed as a condition of draft approval for the subdivision.

- Pursuant to Region Fee By-law 21-072 the fee for approval for an Official Plan amendment is 5,750.00.

- In conclusion, Region staff has no objection to City staff proceeding with a recommendation to Waterloo City Council with a recommendation on the application.

Waterloo North Hydro (Cameron Aitkens):

- Cameron Aitkens provided standard comments related to subdivision and site plan approval processes. None related to the OPA.

Public Comment (Resident of 515 Beaver Creek Road):

- Received Via Email on March 24, 2022

  Our problem with the rezoning for development is everything. Our family and our *neighbours just dont want more traffic or more people or more construction or population density or structures taking away from nature.*

  We have had meetings with Royce Bodaly the city expressing our concerns about the roundabout safety at beaver creek and laurelwood drive and other developments with the "donut" residential development encroaching the conservation area.

  Beaver Creek road already is barely suitable for vehicle traffic, in addition to that intersection corner with the hill is almost completely blind for turning. Certainly the road is extremely unsafe for pedestrians or bike traffic bc it needs repairs, is too narrow, no shoulder, no sidewalks or paths with buffers to traffic. We are also concerned about more collisions with or without road work /road improvement considerations. The speed at which traffic travels down beaver creek road is unreasonable for 50/60km limits which are rarely adhered to. In the 15 years we've lived on this street my children cannot play

out front without adult supervision on our property because of the speeding traffic concerns. Now that there are even more young families on the street my concern is amplified.

I have seen a school bus and a sports car clip their front bumpers, we have called police in the night bc a teenage girl hit a deer in her father car, and 911 because a man was speeding hit on ice and hit hydro pole and we dont believe he survived. All the warning caution signs on the wood hydro posts are bent and scraped bc of contact with vehicle traffic and supports posts dislodged by bridge from vehicles losing control. We cannot ever have our windows open, especially at night bc the sound from speeding cars over a km away and infront of our house are deafening to sound in the bedrooms.

Personally I have already seen 2 deer carcasses road side in past year on beaver creek. Not counting the possum, bunnies and skunks and a turtle that are flattened on the road weekly.

I know several bird watchers that come to area road side specifically to see the waterfowl bc some rare sighting there that would probably suffer bc increased traffic.

We want to see traffic decrease, traffic calming measures implemented, traffic speed decrease, safety measures increase. I'd be fine if beaver creek was made a culdesac and not a thru way at this point.