



Committee Report

To:	Warden Milne and Members of Grey County Council
Committee Date:	June 8, 2023
Subject / Report No:	Flato East Redline / PDR-CW-27-23
Title:	Flato East Phase 11 – Redline Revision – 42T-2015-05
Prepared by:	Hiba Hussain
Reviewed by:	Scott Taylor
Lower Tier(s) Affected:	Township of Southgate
Status:	Recommendation adopted by Committee as presented per Resolution CW83-23; Endorsed by County Council July 22, 2023, per Resolution CC42-23.

Recommendation

- 1. That all written and oral submissions received on the proposed redline revision to plan of subdivision 42T-2015-05 were considered which helped to make an informed recommendation and decision; and**
- 2. That PDR-CW-27-23 be received, and that in consideration of the draft plan of subdivision 42T-2015-05, and the matters to have regard for under Subsection 51(24) of the Planning Act, the County of Grey Committee of the Whole hereby approves the revised plan of subdivision on lands described as Part of Lots 233 and 234, Concession 1, (geographic Township of Proton) in the Township of Southgate.**

Executive Summary

The report considers proposed revisions to the draft plan of subdivision 42T-2015-05 known as Flato East. The current draft plan consists of a total of 467 residential units (310 detached dwellings and 157 townhouses) and one commercial block. The revisions propose adding three single detached lots to Block 344, turning an easement along Lot 232 into Walkway/Access block, a Hydro block, a 0.3 metre reserve adjacent to the rest area, and creating two blocks for Highway 10 daylight triangles.

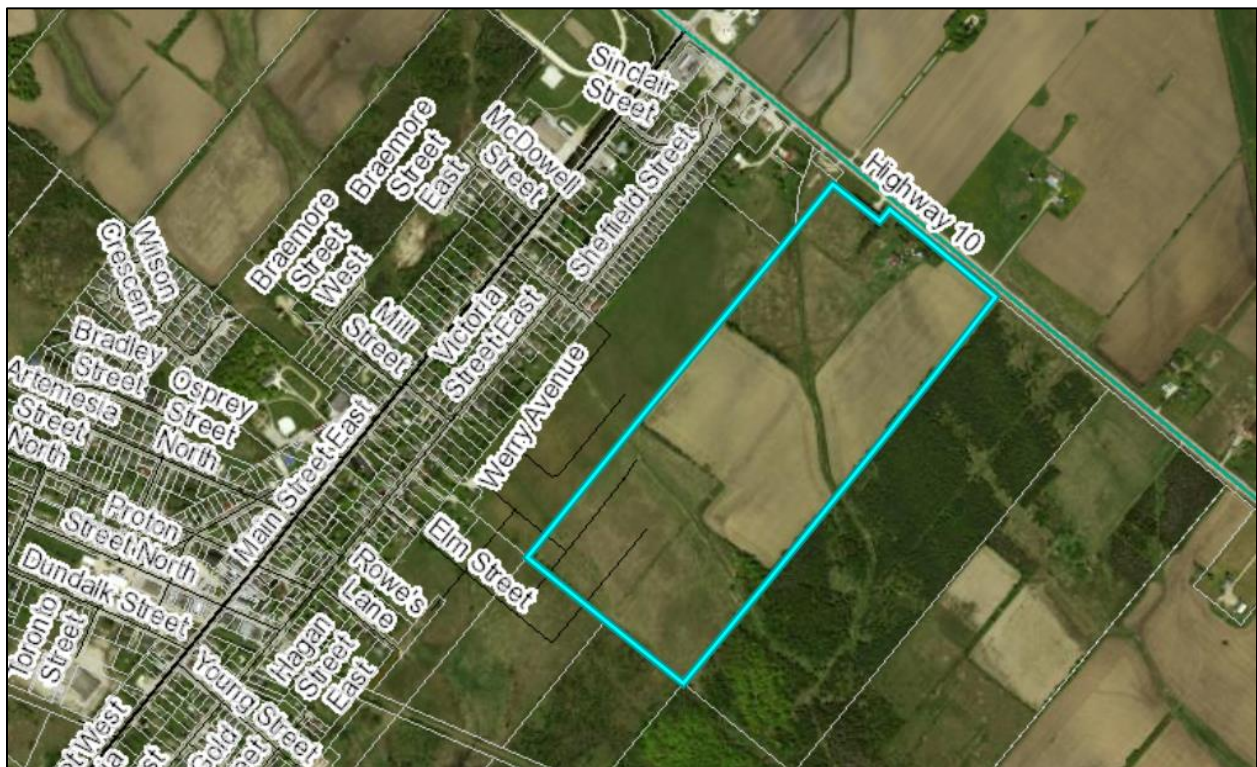
The total number of draft approved lots/units would increase by three (3). All written and verbal comments regarding the proposed revisions have been considered, and it is recommended that Committee approve the revisions to the draft plan.

An accompanying zoning by-law amendment application has also been processed by the Township of Southgate.

Background and Discussion

The County has received a redline revision application that proposes minor changes to the draft plan of subdivision 42T-2015-05 known as Flato East. The draft approved plan is in the Primary Settlement Area of Dundalk on lands situated southwest of Highway 10 and will eventually gain access off of Highway 10 and also connect to Flato West and Flato North. The lands are described as Part of Lots 233 and 234, Concession 1, (geographic Township of Proton) in the Township of Southgate (see Figure 1 – Subject Lands).

Figure 1: Subject Lands – Flato East



The revisions propose adding three single detached lots to Block 344, turning an easement along Lot 232 into Walkway/Access block, a Hydro block, a 0.3 metre reserve adjacent to the rest area, and creating two blocks for Highway 10 daylight triangles. The total number of draft approved lots/units would increase by three (3) and would be

located on Block 344 (see Figures 2 and 3 – Excerpts of Proposed Revision Plan for further details).

The Flato East plan of subdivision was originally draft approved in 2016 and has been revised several times, through a series of redline revisions since the original draft approval. Several phases of Flato East have already been registered, while the lands subject to the proposed redline revision have yet to be registered.

The Applicant has submitted a Planning Summary Letter and a Revised Draft Plan. An associated zoning amendment application was submitted to the Township of Southgate, and a public meeting was held on May 24, 2023, to discuss the zoning amendment application. Copies of all background reports and plans can be found on the [County website](#).

Figure 2: Excerpt of Proposed Revised Plan

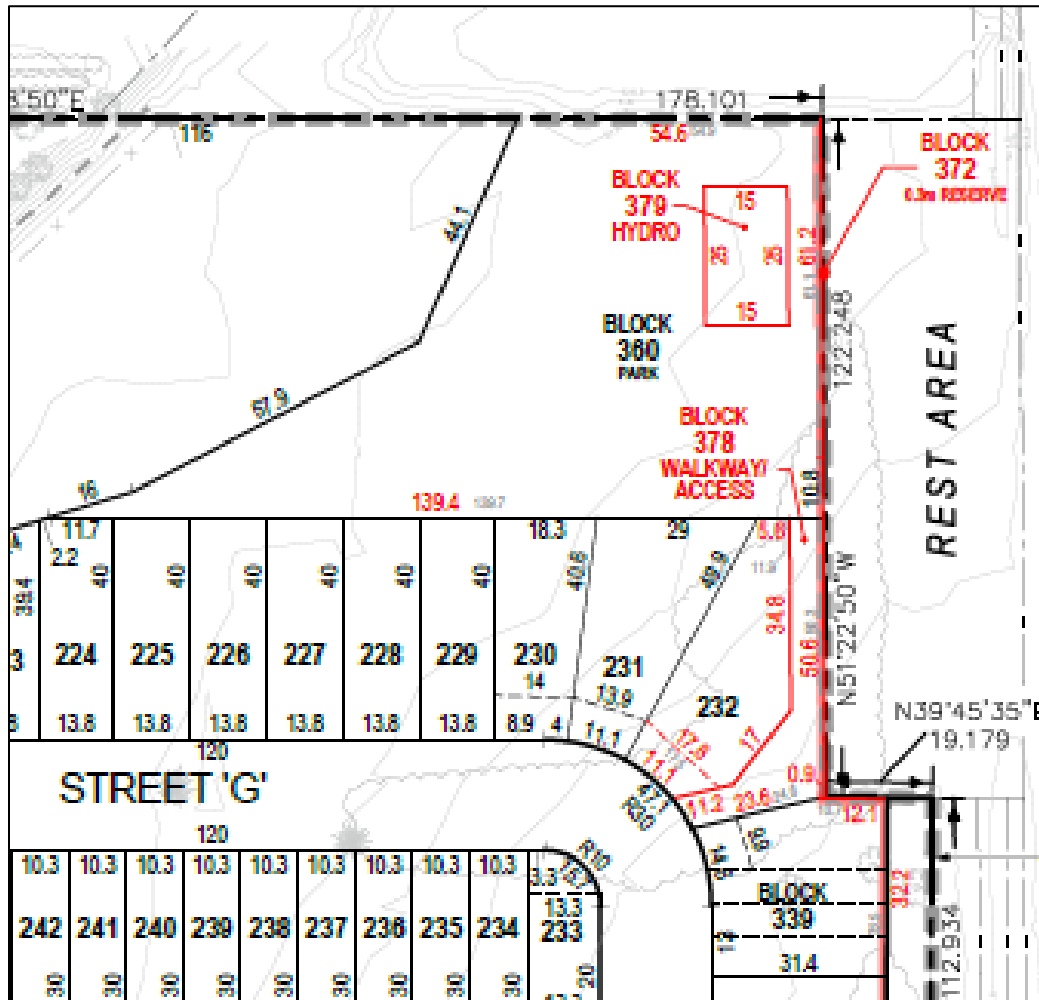
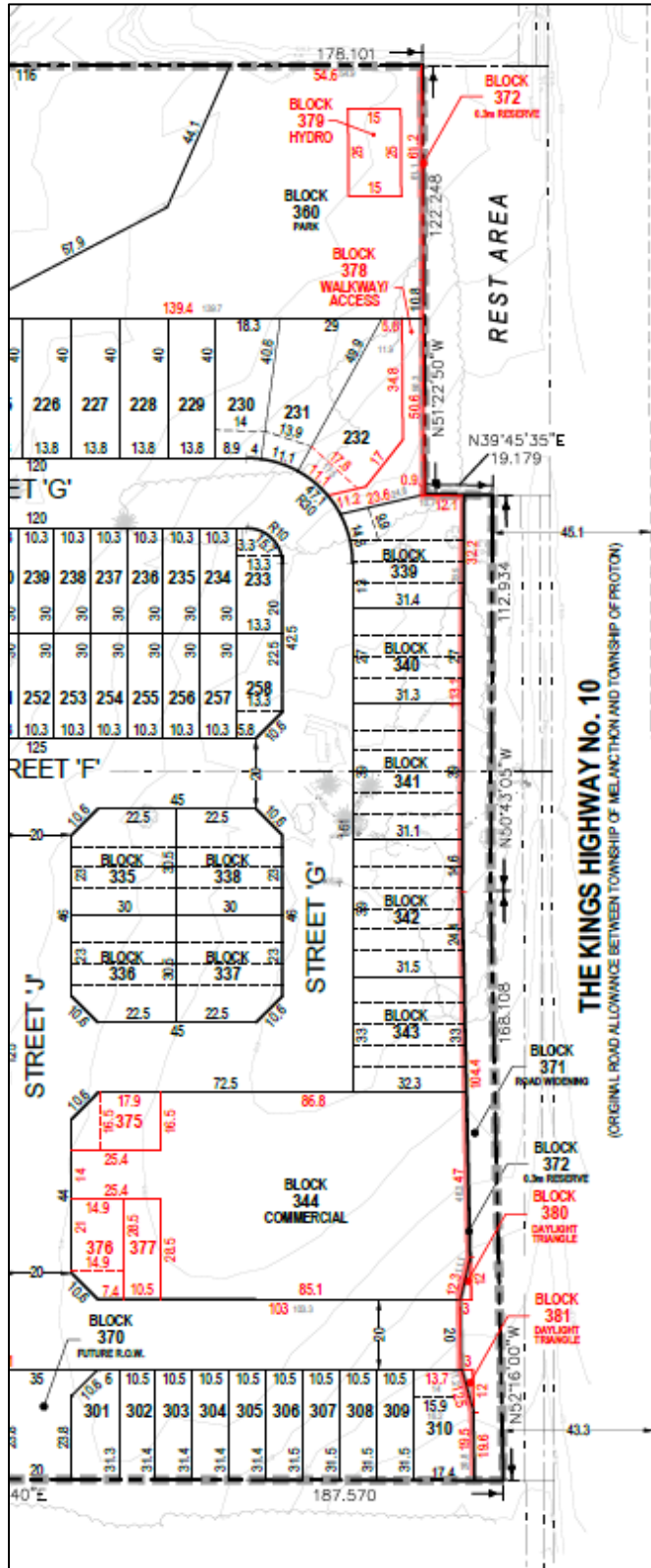


Figure 3: Excerpt of Proposed Revised Plan



Public and Agency Comments Received

Public Comments

As part of the redline revision application process, no public comments were received.

Agency Comments

As part of the application process, comments were received by the following groups, agencies and public bodies.

Ministry of Transportation (MTO)

In correspondence dated May 23, 2023, MTO requests that any necessary accesses from the commercial property be located 400 metres from the end of the rounding of the municipal road at the provincial highway intersection. The site plan was updated to meet this requirement, and MTO is satisfied these criteria can be met. All other concerns related to permitting can be addressed through previous conditions of draft approval.

Township of Southgate

On May 24, 2023, a public meeting was held with Township Council to discuss Zoning by-law amendment application C25-22, which relates to the subject redline revision. The purpose of the application was to rezone a portion of the lands to implement a hydro substation block and three (3) single detached dwelling lots associated with the subject redline revision.

Council received no written comments from the public prior to the public meeting. However, questions were raised by a member of the public and several councillors related to proposed hydro substation and its potential impacts to surrounding properties in terms of noise, potential radiation impacts and setback requirements. In a response to questions and concerns from the public meeting, MHBC worked with Hydro One engineering to assess the impacts of the substation. In terms of noise impacts, it was determined that the proposed transformer will produce minimal amounts of noise under max loading conditions (considered to be infrequent events). Further, it has been evaluated that the radiation produced will be minimal in nature and will not result in any adverse health concerns. Lastly, there are no setback requirements from the substation which will not affect future development on the adjacent properties. The applicant will be providing fencing and screening around the hydro substation to limit access and any impacts.

Based on the additional evaluations provided by the applicant, Township and County Planning staff are satisfied that all questions and concerns presented at the public meeting have been addressed.

Analysis of Planning Issues

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2020, and conform to any official plans or provincial plans that govern the subject lands. In this case, the County of Grey Official Plan and the Township of Southgate Official Plan have jurisdiction over the subject property. A detailed planning analysis was conducted when this subdivision was first draft approved in 2016. A link to that draft approval staff report has been included in the Attachments section of this report. For the sake of brevity, a condensed planning analysis has provided below, given the scope of the proposed redline revision.

The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote sustainable economic development, in a healthy natural environment, within a land use planning system led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act. The proposed revisions are minor in nature and result in improvements to the overall design. The subject redline revision application, with the attached revised conditions of draft approval, have regard for matters of Provincial Interest under the *Planning Act* including Section 51(24).

Provincial Policy Statement (PPS)

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development, infill and intensification. The subject lands have been designated for residential growth and are within a settlement area.

Section 1.6.6.1 of the PPS outlines the servicing hierarchy to be utilized in the Province of Ontario. At the top of the hierarchy are municipal water and sewer services. The proposed development will be serviced by municipal water and sewer services.

It can be concluded that the proposed redline revisions, with the attached revised conditions of draft approval, are consistent with the PPS.

County Official Plan

The proposed plan of subdivision is designated as 'Primary Settlement Area' within the County Official Plan. These lands are fully serviced by municipal water and sewer services and therefore conform to section 5.3 of the County Plan. The proposed changes to the subdivision also conform to the residential density policies in the County Official Plan. Subject to the revised conditions of draft approval attached to this report, the application conforms to the goals and objectives of the County of Grey Official Plan.

Township of Southgate Official Plan

Township staff have not flagged any conformity issues with respect to the Southgate Official Plan. The Township is supportive of the proposed redline revision.

Legal and Legislated Requirements

The application has been processed in accordance with the *Planning Act*.

Financial and Resource Implications

There are no anticipated financial, staffing, or legal considerations associated with the proposed redline revision, beyond those normally encountered in processing such applications. The County has collected the requisite fee for this application.

Relevant Consultation

- Internal: Planning Staff
- External: The public, Township of Southgate, Ministry of Transportation, and agencies under the Planning Act.

Appendices and Attachments

Revised Conditions of Draft Approval (attached)

[Draft Plan of Subdivision – Redline Revision – May 9, 2023](#)

[Addendum to PDR-PCD-04-16 Flato East Subdivision](#)

Applicant: Flato Dundalk Meadows Inc. (c/o Shakir Rehmatullah)
Municipality: Township of Southgate
Location: Part of Lots 233 and 234, Concession 1 (Geographic Township of Proton)
Date of Decision:
Last Date of Appeal:

File No.: 42T-2015-05 (Revised)
Date of Notice:

NOTICE OF DECISION

On Application for Revision to Approval of Draft Plan of Subdivision under Subsection 51(45) of the Planning Act

Draft Plan Approval was originally given by the County to Plan of Subdivision 42T-2015-05 on November 10, 2016 and later revised on February 23, 2017, June 13, 2019, January 9, 2020 and October 22, 2020. Revised Draft Plan Approval is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

PUBLIC AND AGENCY COMMENTS RECEIVED ON THE FILE

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Land Tribunal must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

- (1) set out the reasons for the appeal,
- (2) be accompanied by the fee prescribed under the Ontario Land Tribunal Act, and
- (3) Include the completed appeal form from the OLT's website.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person* or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions of the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

*Notwithstanding the above, only a 'person' listed in subsection 51(48.3) of the Planning Act may appeal the decision of the County of Grey to the Ontario Land Tribunal (OLT) as it relates to the proposed plan of subdivision. Below is the prescribed list of 'persons' eligible to appeal a decision of the County of Grey related to the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act. These are changes that have been made to the Planning Act by the province. A link to the revised Planning Act can be found here - <https://www.ontario.ca/laws/statute/90p13>. For more information

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about these recent changes, please visit the OLT website or contact OLT - <https://olt.gov.on.ca/about-olt/>.

The prescribed list of 'persons' eligible to appeal a decision of the County on the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act is as follows:

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.
2. Ontario Power Generation Inc.
3. Hydro One Inc.
4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.
5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.
6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.
7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.
8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Tribunal by filing a notice of appeal with the approval authority: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of subdivision if you have made a written request to be notified of changes to the conditions.

GETTING ADDITIONAL INFORMATION

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling 519-376-2205 or 1-800-567-GREY.

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Location: Part of Lots 233 and 234, Concession 1 (Geographic Township of Proton)
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ADDRESS FOR NOTICE OF APPEAL

County of Grey
595-9th Avenue East
OWEN SOUND, Ontario N4K 3E3
Attention: Hiba Hussain, MCIP RPP
Senior Planner

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File No.: 42T-2015-05 (Revised)
Date of Notice:

Plan of Subdivision File No. 42T-2015-05 has been revised and granted draft approval. The draft plan is hereby revised. The County's conditions of final plan approval for this draft Plan of Subdivision are amended as follows:

No. Conditions

1. Condition 1 of the draft plan conditions approved on November 10, 2016 and revised on February 23, 2017, June 13, 2019, January 9, 2020, October 22, 2020 and May 9, 2023 is hereby deleted and replaced with the following:

That this approval applies to the draft Plan of Subdivision as prepared by MHBC Planning dated December 11, 2015 and revised May 9, 2023 showing a total of 470 residential lots, 313 lots for detached dwellings (Lots 1 to 310, Lots 375-377) and 157 residential lots for townhouse dwellings within Blocks 311 to 343, one commercial block (Block 344), ten park blocks (Blocks 350 to 354 and 356 to 360), one sewage pump block (Block 355), three stormwater pond blocks (Blocks 361 to 363), four open space blocks (Blocks 364 to 367), three future right of way blocks (Blocks 368 to 370), one road widening block (Block 371), 0.3 metre reserve(s) (Block 372), three overland flow/walkway blocks (Blocks 345, 373 and 374), one access/walkway block (Block 378), one hydro block (Block 379), two daylight triangle blocks (Block 380 and 381) and Streets 'A' to 'J'.

2. Condition 2 of the draft plan conditions approved on November 10, 2016 and revised on February 23, 2017, October 22, 2020 and May 9, 2023 is hereby deleted and replaced with the following:

That Blocks 345, 350 to 370, and Blocks 373, 374 and 378 be deeded to the Township of Southgate and that Blocks 371 and 372 (road widening and 0.3 metre reserve(s) blocks) be deeded to the Ministry of Transportation. The final plans shall show a 0.3 metre reserve along all properties that have highway frontage (including the Rest Area). This would include a 0.3 metre reserve along the side yard of Lot 310 and a 0.3 metre reserve that runs along the rear yards of Blocks 339 to 344, and along Block 378 adjacent to the Rest Area. Block 379 will be the identified Hydro Substation Block. Street 'H' shall be shown on the Plan as being extended to the Provincial Highway and the daylight triangles shall be shown as separate blocks (Blocks 380 and 381) at the intersection of Street 'H' and the road widening for the Provincial Highway.

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3. That all other conditions of draft approval as granted on November 10, 2016 and revised on February 23, 2017 and October 22, 2020 remain in effect.