



Committee Report

To:	Warden McQueen and Members of Grey County Council
Committee Date:	October 22, 2020
Subject / Report No:	PDR-CW-39-20
Title:	Flato East – Redline Revisions – 42T-2015-05 – Commercial Development
Prepared by:	Randy Scherzer
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	Township of Southgate
Status:	Recommendation adopted by Committee as presented per Resolution CW181-20; Endorsed by County Council November 12, 2020 per Resolution CC87-20;

Recommendation

- 1. That all written and oral submissions received on the proposed redline revisions to plan of subdivision 42T-2015-05 were considered which helped to make an informed recommendation and decision; and**
- 2. That PDR-CW-39-20 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.**

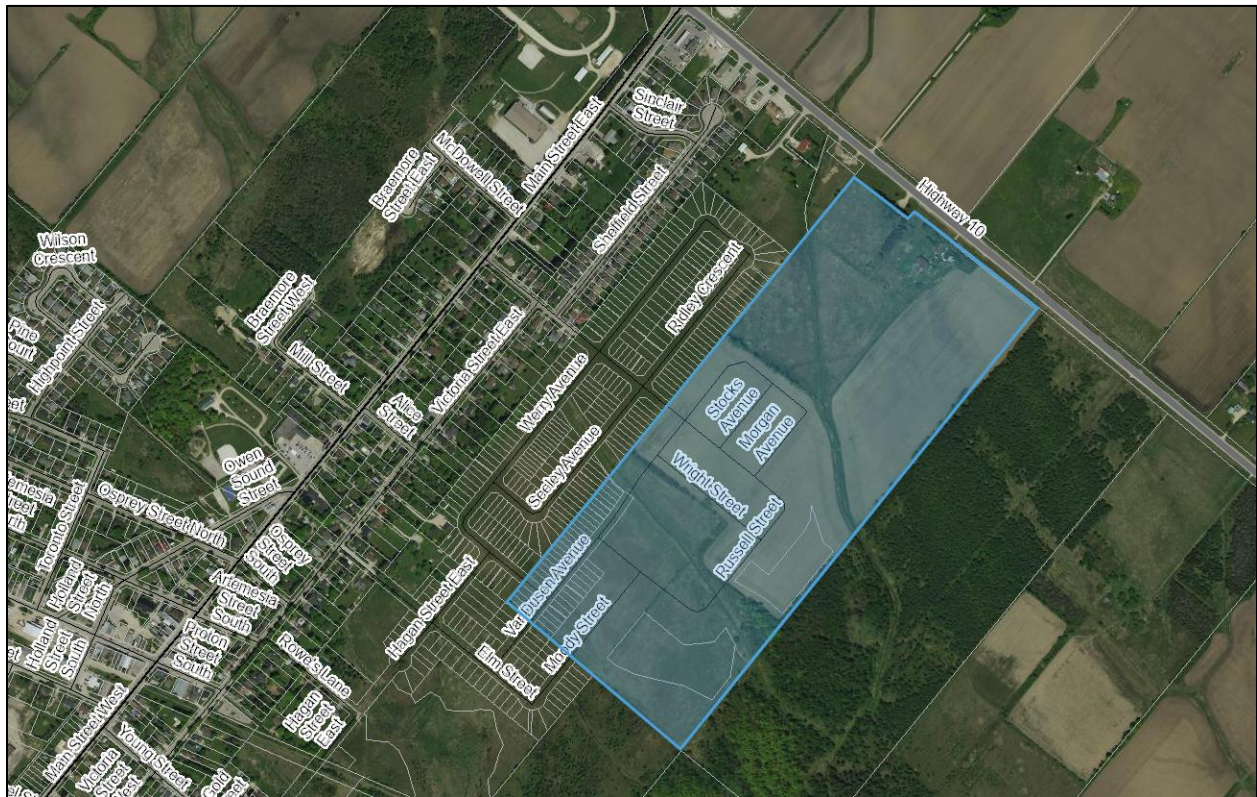
Executive Summary

The proposed redline revision to draft approved Plan of Subdivision 42T-2015-05 proposes to create a commercial block in the southeast corner of the subdivision. The proposed commercial block would have frontage on Highway 10 and will have internal access from the subdivision. The commercial block would result in the reduction of 33 townhouse units (8 townhouse blocks) being removed from the existing draft approved plan. Street 'G' would also be realigned and the intersection of Street 'G' and Street 'H' would be removed. The proposed revisions to the draft plan also required an official plan amendment to the Township of Southgate which has been adopted by Township Council and approved by the County and is currently in the appeal period. 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.

Background and Discussion

The County has received a redline revision application that proposes to create a commercial block in the southeast corner of draft Plan of Subdivision 42T-2015-05 known as Flato East. The draft approved plan is in the 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).

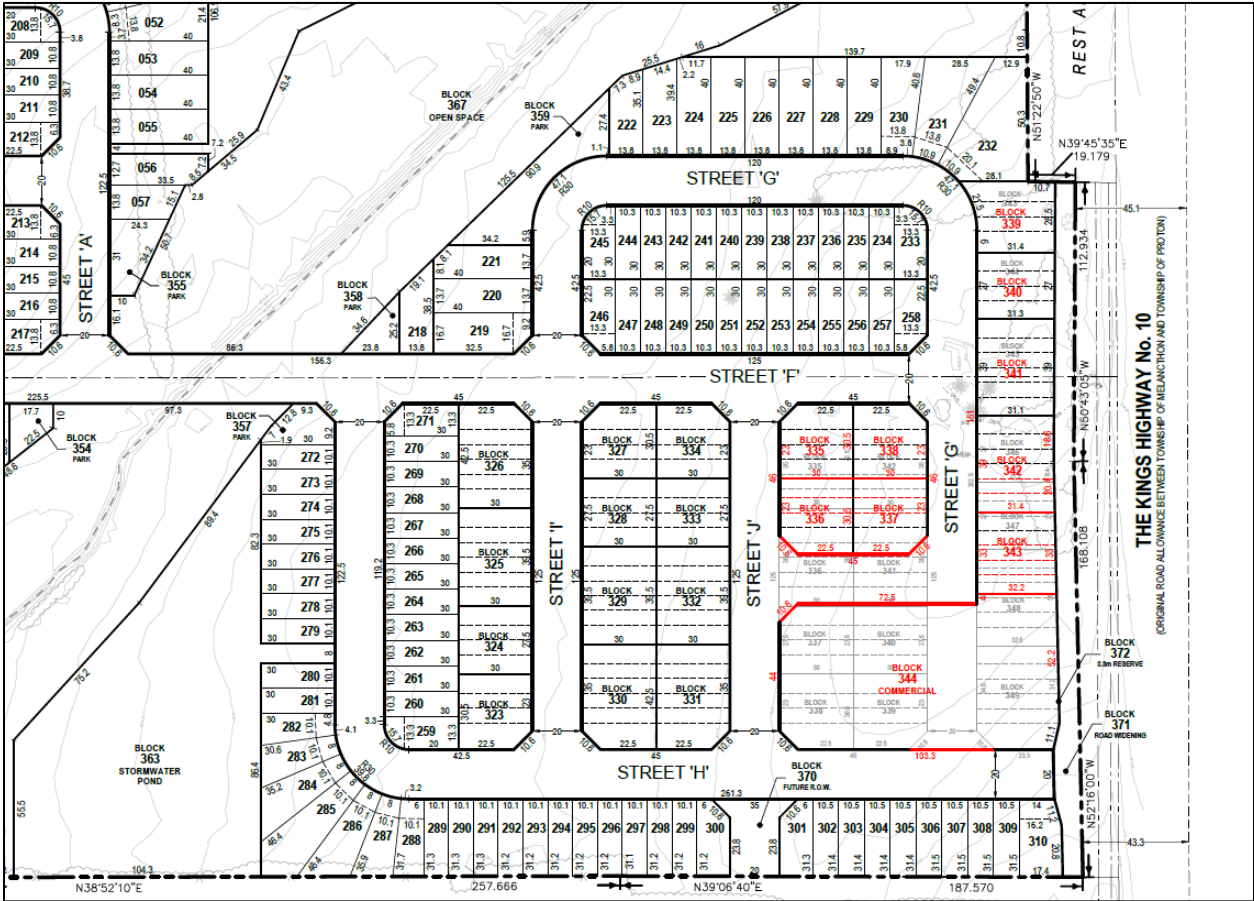
Figure 1: Subject Lands – Flato East



The proposed commercial block would have frontage on Highway 10 and will have internal access from the subdivision. The commercial block would result in the reduction of 33 townhouse units (8 townhouse blocks) being removed from the existing draft approved plan. Street 'G' would also be realigned, and the intersection of Street 'G' and Street 'H' would be removed (see Figure 2 – Excerpt of Proposed Revised Plan).

The Applicant has submitted a Planning Summary Letter and a Revised Draft Plan. Copies of all background reports and plans can be found at [this link](#).

Figure 2: Excerpt of Proposed Revised Plan



Public and Agency Comments Received

Public Comments

As part of the planning application process, the following comment was received from the public:

- Carole Henderson – concerned that the proposed commercial development will compete with the Downtown Businesses of Dundalk and draw traffic and business away from the Town centre.

Staff comment: The intent of the proposed commercial development is to be complimentary to businesses with the downtown core and to provide services for residents residing in the neighbourhood such as a convenience store.

Agency Comments

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

Historic Saugeen Metis, Hydro One, Enbridge, Grey Bruce Public Health Unit

No concerns or objections.

Grand River Conservation Authority (GRCA)

In a letter dated April 23, 2020, the GRCA notes that the stormwater management analysis has determined the stormwater management facility is adequately sized to handle the increased volume of runoff and stormwater flows caused from the proposed changes and therefore have no objection from a stormwater management perspective. They note that further refinements to the stormwater facility can be considered through the detailed design submission for Phases 11, 12 and 13.

Grey County Transportation Services

In an email dated April 16, 2020, Grey County Transportation Services indicated that they have no concerns.

Ministry of Transportation Ontario (MTO)

In initial comments dated April 30, 2020, MTO notes that they are generally supportive of the proposed commercial development and noted that MTO's 14 metre setback from the highway property limit would apply for anything integral to the site, that access to the commercial plaza is to come from Streets J and G, and MTO permits and review will be required prior to any work starting. The proposed commercial development is proposing access from Street H and Street G. The Developer's Agent provided further information to MTO regarding the proposed access and in further correspondence dated July 6, 2020, MTO notes that their preference is to not have access to Street H from the commercial block; however, MTO notes that if this is not feasible that MTO will accept the proposal with access to Street H with an access spacing of 84.4 metres. A site plan application will be required for the proposed commercial development and therefore the details regarding the access can be addressed as part of the site plan process.

Township of Southgate

Township staff presented a report dated September 16, 2020 which recommended that the proposed redline revisions be supported, that the local official plan amendment (LOPA) be adopted, and that the zoning by-law amendment be passed. Township Council supported the staff report and adopted the LOPA and passed the zoning by-law

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.

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 will provide neighbourhood commercial services to the residents in the neighbourhood, including commercial uses within walking distance of the residents living in the Flato East and Flato North subdivisions. 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, is 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. Subject to the revised conditions of draft approval attached to this report, the applications conform to the goals and objectives of the County of Grey Official Plan.

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 revisions, beyond those normally encountered in processing the application. The County has collected the requisite fee for this application.

Relevant Consultation

- Internal: Planning Staff, Transportation Services
- External: Township of Southgate, agencies under the Planning Act

Appendices and Attachments

Revised Conditions of Draft Approval (attached)

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 and January 9, 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 Local Planning Appeals 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 Local Planning Appeals Tribunal Act, and
- (3) Include the completed appeal form from the LPAT'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 Local Planning Appeal 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 Local Planning Appeal 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 Local Planning Appeal Tribunal (LPAT) 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 recent 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 about these recent changes, please visit the LPAT website or contact LPAT - <https://elto.gov.on.ca/tribunals/lpat/about-lpat/>. 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:

Applicant: Flato Dundalk Meadows Inc. (c/o Shakir Rehmatullah)

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

Municipality: Township of Southgate

Location: Part of Lots 233 and 234, Concession 1 (Geographic Township of Proton)

Date of Decision:

Date of Notice:

Last Date of Appeal:

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.

ADDRESS FOR NOTICE OF APPEAL

County of Grey
595-9th Avenue East
OWEN SOUND, Ontario N4K 3E3
Attention: Mr. Randy Scherzer, MCIP RPP
Director of Planning & Development

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:

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 and January 9, 2020 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 January 28, 2020, showing a total of 467 residential lots, 310 lots for detached dwellings (Lots 1 to 310) and 157 residential lots for townhouse dwellings within Blocks 311 to 343, one commercial block (Block 344), eleven park blocks (Blocks 350 to 360), 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), and an overland flow/walkway block (Blocks 345 and 373) and Streets 'A' to 'J'.

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

That Blocks 345, 350 to 370, and Block 373 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, along the shared lot lines of Block 339 and Lot 232 adjacent to the Rest Area. 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 at the intersection of Street 'H' and the road widening for the Provincial Highway.

3. That Condition 7 of the draft plan conditions approved on November 10, 2016 be revised by adding the following paragraph:

Prior to final approval and registration of the subdivision, Local Official Plan Amendment 26 to the Township of Southgate Official Plan shall be in force and effect under Section 17 of the Planning Act.

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