



## Public Meeting Report

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<b>Report To:</b>	<b>Planning and Development Committee</b>		
<b>Date of Meeting:</b>	January 16, 2023	<b>Report Number:</b>	PDS-002-23
<b>Submitted By:</b>	Carlos Salazar, Director of Planning and Infrastructure Services		
<b>Reviewed By:</b>	Mary-Anne Dempster, CAO		
<b>File Number:</b>	ZBA 2022-0016 and S-C 2022-0008	<b>Resolution#:</b>	
<b>Report Subject:</b>	<b>Rezoning and Draft Plan of Subdivision for 7 lots for single detached dwellings in Bowmanville</b>		

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### Recommendations:

1. That Report PDS-002-23 and any related communication items, be received;
2. That the application for Draft Plan of Subdivision S-C-2022-0008 submitted by 1494339 Ontario Limited (Woodland Homes), to permit the development of 7 lots for single detached units, be approved;
3. That provided there are no significant concerns with the application during the Public Meeting, the rezoning application submitted by 494339 Ontario Limited (Woodland Homes), be approved and the By-law in Attachment 1 to Report PDS-002-23 be passed;
4. That any Council and/or Public concerns be addressed through the subdivision draft conditions and any related site plan process, if applicable;
5. That once all requirements of draft subdivision approval are satisfied the By-law authorizing the Removal of the (H) Holding Symbol be approved;
6. That the Region of Durham Planning and Economic Development Department and Municipal Property Assessment Corporation be forwarded a copy of report PDS-002-23 and Council's decision; and
7. That all interested parties listed in Report PDS-002-23 and any delegations be advised of Council's decision.

## Report Overview

The Municipality is seeking the public's input on applications for a proposed Draft Plan of Subdivision and Zoning By-law Amendment submitted by 1494339 Ontario Limited (Woodland Homes) to permit a total of 7 lots for single detached dwellings on existing public streets, in Bowmanville. Should there be no significant concerns from the public, Staff recommend that the zoning by-law amendment be approved.

## 1. Application Details

1.1 Owner: 1494339 Ontario Limited (Woodland Homes)

1.2 Applicant: D.G. Biddle & Associates

1.3 Proposal: Draft Plan of Subdivision

The proposed Draft Plan of Subdivision for 7 lots for single detached dwellings.

### **Zoning By-law Amendment**

To rezone the subject lands from "Agricultural (A)" to an appropriate zone to permit lots for single detached dwellings

1.4 Area: 0.291 hectares

1.5 Location: 248 Mearns Avenue, Bowmanville (see **Figure 1**)

1.6 Within the Built Boundary: Yes



**Figure 1** – Lands subject to the proposed Zoning By-law Amendment and Draft Plan of Subdivision Applications

## **2. Background**

- 2.1 On June 17, 2022, 1494339 Ontario Limited (Woodland Homes) submitted applications for a Draft Plan of Subdivision and Zoning By-law Amendment with supporting documentation for 7 lots for single detached dwellings on existing roads in Bowmanville. The subject lands were severed through a consent application (LD2022/030) approved earlier in 2022. The original owner retained a single detached dwelling at the southeast corner of the property.
- 2.2 The applicant has submitted the following studies in support of the applications and will be discussed in Section 7 of this report.
- Planning Justification Report and Landscape Analysis
  - Archaeological Assessment
  - Arborist Report
  - Stormwater Management and Functional Servicing Report
  - Noise Impact Report
  - Phase One Environmental Site Assessment
  - Geotechnical Report
  - Sustainability Report

## **3. Land Characteristics and Surrounding Uses**

- 3.1 The subject lands are located west of Mearns Avenue, north of Concession Road 3 between Lyle Drive and Ireland Street. The site is relatively flat and covered with shrubs and mature trees. An accessory structure to the original house remains on the subject site and will be demolished as a condition of approval.
- 3.2 The surrounding uses in all directions are primarily single detached dwellings.

## **4. Provincial Policy**

### **Provincial Policy Statement**

- 4.1 The Provincial Policy encourages planning authorities to create healthy, livable, and safe communities by accommodating an appropriate range and mix of housing types and development patterns, while making efficient use of land and infrastructure.
- 4.2 The proposal is consistent with the Provincial Policy Statement.

### **Provincial Growth Plan**

- 4.3 The Provincial Growth Plan encourages municipalities to manage growth by directing population growth to settlement areas, such as the Bowmanville Urban Area. Municipalities are encouraged to create complete communities by promoting a diverse mix of land uses, a mix of employment and housing types, high quality public open spaces and easy access to local stores and services.

- 4.4 The subject site is within a “Built-Up Area” of the Growth Plan. The proposed development will contribute to the intensification of a built-up area and to Clarington’s annual intensification targets and will provide a compatible land use within the community.
- 4.5 The proposal is consistent with the Growth Plan.

## **5. Official Plans**

### **Durham Region Official Plan**

- 5.1 The Durham Region Official Plan designates the subject lands as Living Areas. Living Areas permit the development of communities incorporating the widest possible variety of housing types, sizes and tenure to provide living accommodations that address various socio-economic factors. Living Areas shall be developed in a compact form through higher densities and by intensifying and redeveloping existing areas.

### **Clarington Official Plan**

- 5.2 The Clarington Official Plan designates the subject lands Urban Residential. The Urban Residential designation is predominantly intended for housing purposes. A variety of densities, tenure and housing types is encouraged, generally up to three storeys in height.
- 5.3 Mearns Avenue is a Type C Arterial Road.

## **6. Zoning By-law**

- 6.1 The R2-84 Zone is a site-specific exception zone that permits detached residential dwellings on lots with a minimum frontage of 10 meters and a minimum lot area of 340m<sup>2</sup>.
- 6.2 The R2-9 Zone is a site-specific exception zone that permits detached residential dwellings on lots with a minimum frontage of 13.5 meters and a minimum lot area of 420m<sup>2</sup>.
- 6.3 Zoning By-law 84-63 zones the subject site “Agricultural (A) Zone”. A Zoning By-law Amendment is required to permit the proposed 7 lots for single detached dwellings.

## **7. Summary of Background Studies**

- 7.1 The applicant has submitted several studies in support of the development applications which have been circulated to various agencies and departments for review and comment.

### **Planning Justification Report**

- 7.2 A Planning Rationale was submitted in support of the applications. The report concludes that the proposed residential development is consistent with Provincial, Regional and Municipal planning policies. The report also concludes that the development is consistent with the context of the surrounding neighbourhood.

### **Archeological Assessment**

- 7.3 A Stage 1 and 2 Archaeological Site Assessment has been prepared. The applicant also provided a letter to the Ministry of Heritage, Sport, Tourism and Culture Industries stating that the archeological assessment has been entered into the Ontario Public Register of Archaeological Reports.

### **Arborist Report**

- 7.4 The arborist inventoried 133 trees on site and recommend that 20 trees be retained. A Tree Preservation plan should be submitted with the detailed engineering submission to demonstrate how the existing trees will be protected during the construction process.

### **Stormwater Management and Functional Servicing Report**

- 7.5 A Functional Servicing and Stormwater Management Report was submitted in support of the applications. The report provides the details of how the proposed subdivision can be serviced (water, sanitary and storm) from existing and new infrastructure.
- 7.6 The development will be serviced by extending existing services from Lyle Drive and Ireland Street. Stormwater will flow to existing stormwater management pond south of Concession Street. Water quality will be handled through infiltration methods on the lots or within the municipal boulevard and soft landscaping around the homes.

### **Noise Impact Study**

- 7.7 The Noise Impact Study recommends noise attenuation fencing for the one lot which flanks Mearns Avenue. All lots will have appropriate warning clauses added to the purchase and sale agreements which advises the homeowner of noise from traffic, and noise mitigation measures within the home.

### **Phase One Environmental Site Assessment**

- 7.8 The subject site has been used for residential purposes since 1966. Based on information obtained through review of records, interviews, and visual observations, the site has a low potential for environmental concerns.



7.9 The Geotechnical Report concluded that the site is suitable for the development of 7 lots for single detached dwellings.

7.10 The report provides a high-level overview of conservation and sustainability measures to be implemented in the development in order to achieve a healthy and sustainable development now and in the future. It includes recommendations for the construction of the dwellings to improve air and water quality, implementation measures to reduce energy and water consumption, and an educational component for new homeowners.

8.1 Public Notice was mailed to each landowner within 120 metres of the subject lands and public meeting signs were installed fronting Lyle Drive, Ireland Street and Mearns Avenue.



8.2 Staff received two comments from members of the public. One resident was concerned with grading which has caused flooding on her property and adjacent lands. The resident was also concerned with the low water pressure in the area. A second inquiry was related to servicing availability in the area.

## **9 Agency Comments**

### **Regional Municipality of Durham**

- 9.1 The Region has no objection to the draft approval of the plan of subdivision application subject to including the Region's comments in the conditions of draft approval issued by the Municipality.

### **Central Lake Ontario Conservation Authority (CLOCA)**

- 9.2 CLOCA has no objection to the draft approval of the plan of subdivision application subject to including the CLOCA's comments in the conditions of draft approval issued by the Municipality.

### **Kawartha Pine Ridge District School Board**

- 9.3 The Kawartha Pine Ridge District School Board has no objection to the draft approval of the plan of subdivision application subject to including the Kawartha Pine Ridge District School Board comments in the conditions of draft approval issued by the Municipality.

### **Other Agencies**

- 9.4 Bell Canada, Enbridge Gas, Canada Post and Rogers and have no objection to the proposal.
- 9.5 Comments are outstanding from the Separate School Board and both Public and Separate French School Boards.

## **10 Departmental Comments**

### **Emergency and Fire Services**

- 10.4 Confirmation is required that the cul-de-sac located on Ireland Street does not require an emergency access from Mearns Avenue.

## **11 Discussion**

- 11.1 The lands to the north support single detached dwellings that were registered in 2017. The lands to the south of the subject site were registered in 1991. The proposed 7 lots are generally consistent with the lot sizes and frontages of the surrounding single detached dwellings.
- 11.2 The proposed dwellings will be subject to architectural controls, consistent with design, finishes and massing with the existing adjacent homes. Cash-in-lieu of parkland will be required at the execution of the subdivision agreement. The lots will be accessed from existing streets, Lyle Drive and Ireland Street only.



- 11.3 Details of the stormwater management and any related easements will be reviewed by Development Engineering through the detailed design of the subdivision itself. Easements will be obtained for overland flow or catch basins if required.
- 11.4 This site is considered a relatively minor infill site surrounded by similar residential units. The Director of Planning and Infrastructure Services has been delegated authority to issue draft approval, upon completion of the application review process.

### **Holding Symbol**

- 11.5 The Holding symbol shall only be removed if the following conditions are fulfilled:
  - 1. Once the Applicant provides satisfactory evidence which addresses all concerns listed in this report, and those listed at the public meeting as well as fulfills conditions of the development agreement (e.g., Subdivision) with the Municipality of Clarington to the satisfaction of the Director of Planning and Infrastructure Services.
- 11.7 As such, staff are recommending the draft plan be supported, and the zoning by-law amendment be approved, subject to a (H) Holding Symbol.

## **12 Financial Considerations**

- 12.1 This development already has the required infrastructure, financial implications for this development would be minor and include the applicable fees for seven units. Tax revenue cannot be assessed at this time as the exact units have not been assessed.

## **13 Concurrence**

- 13.1 This report has been reviewed by the Deputy CAO/Treasurer who concur with the recommendations.

## **14 Conclusion**

- 14.1 In order to streamline the process for minor applications that conform to Municipal, Regional, and Provincial policies approval will be recommended at the Statutory Public Meeting.
- 14.2 The purpose of the Public Meeting report is to provide background information on the Zoning By-law Amendment and Draft Plan of Subdivision applications submitted by 1494339 Ontario Limited (Woodland Homes) to permit a total of 7 lots for single detached units. Should there be no significant concerns from the public, staff recommend that proposed Draft Plan be supported, and the zoning by-law amendment, on Attachment 1, be passed with a (H) Holding Symbol, and that the (H) Holding Symbol be removed once all conditions of draft approval have been satisfied.

Staff Contact: Sarah Parish, Planner II, 905-623-3379 ext. 2432 or [sparish@clarington.net](mailto:sparish@clarington.net).

Attachments:

Attachment 1 – Zoning By-Law

Interested Parties:

List of Interested Parties available from Department.