



**The Corporation of the City of Cornwall
Planning Advisory and Hearing Committee**

File Number:

Applicant:

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2021-138-Planning, Development and Recreation
Prepared By: Lindsay Parisien, Development Planner
Meeting Date: September 20, 2021
Subject: Marguerite D'Youville Draft Plan of Subdivision

Recommendation

Based on the proceeding discussion, it is recommended:

That the Planning Advisory and Hearing Committee (PAC) approve the Draft Plan of Subdivision prepared by Ron M. Jason O.L.S., dated August 25th, 2021, on Part of Lot 1, Concession 1, being Parts 1 - 37 on Reference Plan 52R-5198 (Attachment #1), comprising approximately of 1.62 hectares (4 acres), referred to as Marguerite D'Youville Subdivision (Attachment #2). In addition, Block 1 on the Draft Plan has been identified as dedicated Parkland whereas Blocks 2 and 3 are being reserved for future residential development and phases associated with the Marguerite D'Youville Subdivision. This Draft Plan will be subject to the fulfillment of the Draft Plan Conditions, as shown in Appendix A to this report (Attachment #3).

- (a) To develop lots 1 - 24 as single detached dwellings and recognize Phases 2 and 3 of the proposed Draft Plan as future development Blocks and recommend same to Council.

Background

Grant Marion Construction Limited has submitted an application for approval of a Draft Plan of Subdivision to the Planning Division. Phase 1 of the proposed subdivision will have frontage along Marguerite D'Youville Street and is situated north of Easton Avenue. Phase 2 will have frontage along Easton Avenue and Phase 3 will be established east of both Phases and has been identified as future development.

The purpose of this report is to recognize the Province of Ontario's transition from the Land Registry system to the Land Title system, and to re-establish the proposed lot fabric that was created via Reference Plan 52R-5198 by the City of Cornwall in 1995. This report will primarily focus on Phase 1 of the proposed Draft Plan as these lots are being prepared for immediate development. The proposed Draft Plan of Subdivision is modelled after Reference Plan 52R-5198 where the initial lot fabric, dimensions and road networks details have not changed.

Furthermore, a Service Extension Agreement between the City of Cornwall and the Developer has been reviewed and executed earlier this year. As a result, municipal services for water, wastewater and sanitary sewers are currently under construction and are being installed. In addition, both Marguerite D'Youville Street and Easton Avenue will be extended as part of the first phase of development. The extension of both roadways will provide the necessary means of road access to these lots that will serve the existing and future residents in the area.

Evaluation and History of the Subject Property

The proposed Draft Plan of Subdivision has gone through several reviews and evaluation over the past twenty-five years. The following section will provide a brief overview on how the subject lands were created and the reason why this application is being reviewed for Planning Act compliance and approval at this time.

Between 1992-1996

In 1992, The City of Cornwall completed a social housing residential development known as the Logement La Nativité Townhouse Project. Upon completion of this project, some lands were left vacant and undeveloped.



In September 1995, the City created a Reference Plan (52R-5198) which outlined the proposed lot fabric and road configuration of Marguerite D'Youville Street and Easton Avenue. This Reference Plan was used as a means for the City to sell these lots through public tender. The decision to deem these lands as City surplus lands was approved by Committee of Council. Therefore, based on Council direction, the City proceeded and prepared an offer for public tender.

In April 1996, By-law #072, 1996 (Attachment #4) was passed for the purpose of rezoning the lands identified on Reference Plan 52R-5198 from Residential 20 (RES 20) to Residential 10 (RES 10). The purpose of rezoning the lands was to only permit the development of single detached dwellings. The City felt the introduction of low density single-detached dwellings would provide a good balance and mix to the existing residential housing type to the surrounding neighbourhood. It was also recognized that a modified Subdivision Agreement would be required between the Developer and the City (Attachment #5 – April 29th, 1996, PAC Report).

Since 1996 - Present

For the past twenty-five years the original file remained dormant. However, in May 2020 the City accepted an offer from Grant Marion Construction Limited who purchased these surplus lands. A Public Notice was given regarding the Purchase and Sale Agreement of these lands which indicated that Phase 1 was to be developed in a timely manner. The Developer agreed to build single detached dwellings along Marguerite D'Youville Street and Easton Avenue as Phase 1 of the entire development. The Developer also agreed to extend both roadways to ensure appropriate road access was provided for both existing and future residents.

After the transaction was finalized, the Developer has made significant strides with obtaining the necessary approvals to develop these lots. For example, the Developer received an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks (MOECP); and in June 2021, a Service Extension Agreement was executed between Grant Marion Construction Limited and the City of Cornwall. Since then, municipal services and infrastructure have been under construction to service lots 1-24 (Phase 1) of the proposed Draft Plan of Subdivision.

However, in August 2021, the City's Solicitor determined that due to the Province of Ontario's transition from the Land Registry system to the Land Titles system, the subject lands had to be converted to Land Titles absolute. In addition, it was



also realized that due to the lands being sold from the City to a single owner (Grant Marion Construction Ltd.), all identified Parts on the Reference Plan (52R-5198) merged on title and were given one Property Identification Number (PIN). Therefore, an application for a Draft Plan of Subdivision under Section 51 of the Planning Act was deemed necessary in order for the Developer to legally describe the individual lots under the Land Titles system for future sale of each property.

Therefore, an application was submitted by the Developer which has been circulated to various Agencies and internal Departments for review. Public Notice was also given for this application as required by the Planning Act. The Draft Plan of Subdivision focuses on Phase 1 as these lots are being prepared for immediate development, whereas Phases 2 and 3 will be subject to subsequent reviews and approvals.

On September 14th, 2021, a Minor Variance application was approved by the Committee of Adjustment (COA) to address a reduction in minimum lot area of 449 square metres for Lots 3 - 10 and 15, when the current Zoning By-law requires a minimum lot area of 464 square metres. The legislated 20-day appeal period will end on October 4th, 2021, and to date, no appeals have been filed.

Subject Site Characteristics:

Location:

Part of Lot 1, Concession 1, being Parts 1-37 on Reference Plan 52R-5198.

Size:

The subject lands constitute approximately of 1.62 hectares (4 acres)

Existing Land Use:

Vacant Lands

Proposed Land Use:

Phase 1: Single detached lots, Small Lot Singles (SLS)

- Lots 2, 11,12,13, 14, and 17 (SLS)



- Lots 3, 4, 5, 6, 7, 8, 9, 10 and 15 reduced lot area of 449 square metres
 - Minor Variance Application A-32-21 was approved at the September 14th, 2021, Committee of Adjustment meeting. This file is currently undergoing legislated 20-day appeal period which should end on October 4th, 2021.
 - To date, no appeals have been filed.
- Block 1: Parkland Dedication

Phases 2 and 3: Future Residential Development

- Block 2: Proposed Phase 2 Future Residential Development
- Block 3: Proposed Phase 3 Future Residential Development and Draft Plan required

Surrounding Land Uses:

North:

Existing low density residential

East:

Phase 1, Cornwall Non-profit Housing Development - Logement La Nativité Townhouse development (1992); vacant lands as well as Glen Stor Dun Lodge Retirement Home, and NAV Canada.

South:

Riverfront Retirement Centre (Former East Front Public School).

West:

Existing low density residential

Official Plan Designation:

Urban Residential (U. RES)

Zoning:

Existing – Residential 10 (RES 10)

Proposed – Residential 10 (RES 10)

Provincial Policy Statements (PPS) 2020

The Provincial Policy Statement (PPS) included Provincial Policy direction on various matters related to Land Use Planning. Section 3 of the Planning Act requires that all land use planning matters are consistent with the PPS.

Over the past twenty-five years several Provincial policies, rules, regulations have changed and further support this application for Draft Plan of Subdivision. The following policies have been selected to determine the appropriateness of this application and provides some guiding policies on how the Draft Plan should be analysed.

Provincial Policy – Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

Section 1.1.3 Settlement Areas

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources.
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.

This Draft Plan is considered an appropriate land use for the existing residential neighbourhood. The introduction of low density, single-detached dwelling units for Phase 1, is supported by the current market demands for this type of housing in the area. Phase 2 along Easton Avenue and Phase 3 could have a combination of housing types and densities; however, the development will be sensitive to the abutting land uses and existing conditions.

The Developer intends on making efficient use of the subject lands by connecting to available resources. The extension of municipal services, infrastructure and public service facilities are currently underway; therefore, costs involved with having to install these services has been greatly reduced.

PPS Section 1.4 Housing

Section 1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

c) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

This application primarily focusses on the immediate development of Phase 1 of the proposed Draft Plan of Subdivision. The subject lands are considered a form of infill development due to its location and being surrounded by lands that have been fully disturbed and previously developed.

The following section of this report will review some major goals and guiding policies selected from relevant sections of the City's Official Plan which further supports this Draft Plan of Subdivision.

City of Cornwall Official Plan (2018)

The subject lands are designated Urban Residential (U. RES) which further supports this application for Draft Plan of Subdivision approval. The Official Plan's Urban Residential designation encourages residential development proposals; therefore, an amendment to the Official Plan is not required at this time. The following policies have been selected to assist the Planning Division's review and evaluation of this application.

Section 4.3.2., the major goals of the Official Plan with respect to lands designated Urban Residential are to:

2. Provide an orderly and efficient pattern of residential development.
4. Promote land use compatibility in the planning of all residential areas

Section 5.2. Housing Goals:

4. Ensure that all residential development is suitably located and designed
10. Support and promote residential development intensification to increase density and enhance the compact urban form.

The proposed Draft Plan will provide for a range of housing types and compact built form that will be compatible with the existing land uses. The Developer has proposed a phased approach which provides an orderly and efficient pattern of residential development. Phase 1 will consist of low density, single detached dwellings, whereas Phases 2 and 3 of the proposed Draft Plan will be subject to

further review and will likely offer a combination of housing types and densities. Therefore, within this Draft Plan, a good mix of housing types and built form will be constructed, offering residents the ability to choose a form of housing that best suit their needs and current lifestyle.

Evaluation and Analysis of the Draft Plan of Subdivision

The Planning Division has reviewed the subject application for Draft Plan approval in respect of the criteria that is considered by a Subdivision Approval Authority, as detailed in the Planning Act Section 51. In addition, the applicable sections of the Provincial Policy Statement (PPS) and the City's Official Plan have been reviewed and further supports this application for Draft Plan approval.

The Draft Plan of Subdivision has been circulated to all legislated agencies and internal departments of the City of Cornwall. Planning staff have emphasized the technical issues of the Reference Plan versus the requirements of Section 51 of the Planning Act. Commentary has been received and recognized in the Draft Plan Conditions (Attachment #3). Upon completion of all Draft Plan Conditions, the final stage of the process involves the registration of the Plan of Subdivision.

Typically, a Subdivider's Agreement establishes the Developer's responsibility in matters related to road construction, installation of municipal services/utilities, parkland contribution, site servicing and lot grading. In this case, an Environmental Compliance Approval (ECA) issued by MOECP, and an executed Service Extension Agreement, dated June 15th, 2021, have enabled the Developer to proceed with construction. Therefore, the existing municipal infrastructure and services have been extended allowing the Developer the ability to connect each lot in Phase 1 of this development.

As previously mentioned in this report, the Developer will introduce 24 single detached lots with frontage along both sides of Marguerite D'Youville Street, whereas Phases 2 and 3 of the Draft Plan will be the subject to further reviews and additional Planning development applications. Furthermore, Planning staff would comment that this Subdivision Plan adheres to the City's Official Plan policy direction for subdivisions:

Sections 14.10.2 states that "No plan of Subdivision shall be recommended for approval unless it is in conformity with the Planning Act and:

- a) can be supplied with adequate services such as water supply, sewage and disposal, storm water quality and quantity, fire protection, roads, utilities, schools, and other community facilities.

- d) can be integrated with adjacent lands, subdivisions, and streets.

Parkland Dedication

Block 1 on the proposed Draft Plan has been identified as Parkland. The Developer has agreed to dedicate this parcel in favour of the City of Cornwall in order to satisfy the 5% Parkland Dedication requirement. In addition, the Developer has preserved some of the existing vegetative elements and mature Oak trees within this Block.

Sidewalk and Fencing

Pedestrian connectivity will be provided along the east side of Marguerite D'Youville Street and will be extended to Easton Avenue. The Developer is required to connect the new sidewalk along Marguerite D'Youville to the existing sidewalk which currently runs along the south side of Easton Avenue. At this time, the Developer has not been required to introduce any privacy fencing or vegetative buffering between abutting landowners.

COMMENTS FROM OTHER DEPARTMENTS / AGENCIES

As part of the Plan of Subdivision application circulation and review process, this Draft Plan was circulated to various Agencies and City Departments. The comments received to date are provided below.

Ministry of the Environment, Conservation and Parks (MECP):

The Developer received an Environmental Compliance Approval (ECA) from the MOECP, dated June 25th, 2021, for Phase 1 of this proposed development.

Municipal Works:

No comments.

Building Division:

No comments from Building Division.



Parks and Recreation:

Block 1 has been identified as dedicated Parkland on the proposed Draft Plan of Subdivision. This will satisfy the 5% Parkland Dedication requirement for this Draft Plan.

Engineering Division:

The Service Extension Agreement (dated June 15th, 2021) for Marguerite D'Youville, entered into by Grant Marion Construction Limited and the Corporation of the City of Cornwall, correctly outlines the requirements for the new development. Minor modifications will be required to be made to the Legal Descriptions contained throughout the Service Extension Agreement, and the addition of "Plan of Subdivision" at the beginning of Clause 43, Section B, prior to registration of the agreement on title.

Transit Division:

Cornwall Transit have no objections or comments.

Canada Post:

Canada Post has provided comments and conditions upon approval in a response letter dated September 8th, 2021. These conditions have been included in Appendix A – Draft Plan Conditions.

Bell Canada:

We have reviewed the circulation regarding the above noted application and have no objections to the application as this time. However, we hereby advise the Owner to contact Bell Canada at planninganddevelopment@bell.ca during detailed design to confirm the provisioning of communication/telecommunication infrastructure needed to service the development. Conditions upon approval has been provided and included in Appendix A – Draft Plan Conditions

Enbridge Gas Inc. / Union Gas:

Enbridge Gas Inc. (operating as Union Gas) requests that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.



Social Housing Services:

No comments.

Cornwall Community Police Services:

No issues from Police Services.

Municipal Assessor:

No comments.

Economic Development:

No comments or objections to this application.

Traffic Engineer:

No objections or comments.

Raisin Region Conservation Authority:

The RRCA has reviewed the site information and determined:

- There are no known watercourses on the subject lands
- There are no known flood hazards on the subject lands
- There is no known fish habitat on the subject lands
- There are no known wetlands on the subject and adjacent lands
- There are no known areas of natural scientific interests (ANSI) on the subject and adjacent lands
- There are no known significant woodlands on the subject and adjacent lands
- There are no known hazardous soils on the subject lands
- The subject lands are not within or adjacent to a Cornwall Sediment Strategy zone of contaminated sediment
- There are no known source water intake Protection Zones (IPZ) OR Wellhead Protection Areas (WHPA) on the subject lands
- There are no known species of conservation concern noted on the subject lands
- The management of stormwater quantity and quality from Phase 1 has been accounted for already through an existing SWM facility, the Leitch-McLennan drain as part of the Eastridge subdivision storm water design.

Based on the above information, the RRCA does not have any objections to the proposed draft plan of subdivision as presented.



As an environmental reviewing agency, the RRCA recommends the developer consider the following:

- Maintain as much shrub/treed lands as feasible and establish a tree replacement plan to compensate for the removal of existing trees.

Public Commentary:

The Public was notified in accordance with legislated requirements set out in the Ontario Planning Act. To date, the Planning Division has received one public inquiry regarding the submitted application who expressed concerns with regards to converting the vacant lands. Planning staff provided a response and have reiterated the intent for these residentially zoned and designated lands, which was established over twenty-five years ago when the City deemed this area as surplus lands.

In addition, the Developer has made a conscious effort to preserve and protect some of the existing natural habitat and mature Oak trees through Parkland Dedication (refer to Block 1 on Draft Plan) which will be developed as part of Phase 1. Furthermore, Phases 2 and 3 of the proposed Draft Plan will be subject to further studies and detailed review.

Conclusion

Planning Division staff has reviewed the Draft Plan of Subdivision and the associated supporting documentation to facilitate the development of lots 1 - 24 as single detached dwellings; and, recognizes Phases 2 and 3 as future residential developments. The subject lands' lot fabric and road configurations were established in 1995/1996 via Reference Plan 52R-5198, as they were deemed City surplus lands. The City did not receive a viable offer for these lands until 2020, where the subject lands were finally sold to Grant Marion Construction Limited. However, due to the Province of Ontario's transition from the Land Registry System to the Land Titles system, it was determined that Planning Act approval under Section 51 was required in order to legally describe and sell the individual parcels.

A development of this nature maximizes the use of available municipal services, includes an appropriate density and land use. The proposed residential development is well integrated with the abutting-built environment and the proposal adheres to such general principles of land use planning, as promoted in the P.P.S. and City's O.P. documents.



Therefore, the Planning Division supports this application, and recommends the lands are approved for immediate development as set out in the Draft Plan prepared by Ron M. Jason O.L.S., dated August 25th, 2021, subject to Draft Plan approval conditions, which have been attached to this Technical Report, as Appendix A (Attachment #3). The applicant must agree to adhere to each of these conditions prior to Council granting final approval.



Report Approval Details

Document Title:	Marguerite D'Youville Draft Plan of Subdivision - 2021-138-PDR.docx
Attachments:	<ul style="list-style-type: none">- Reference Plan 52R-5198.pdf- Draft Plan of Subdivision (August 2021).pdf- Appendix A - Draft Plan Conditions Marguerite D'Youville.pdf- BL 072,1996 and Schedule A.pdf- PAC Report dated April 29, 1996.pdf
Final Approval Date:	Sep 16, 2021

This report and all of its attachments were approved and signed as outlined below:

Mary Joyce-Smith - Sep 16, 2021 - 12:49 PM

Mark A. Boileau - Sep 16, 2021 - 12:57 PM

Maureen Adams - Sep 16, 2021 - 3:39 PM