

Fred Zenger

**PLANNING SUMMARY REPORT
55 RIVER STREET, BLOOMINGDALE, TOWNSHIP OF
WOOLWICH**

FINAL

JULY 13, 2011



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TABLE OF CONTENTS

1.	PURPOSE	1
2.	SUBJECT PROPERTY	2
3.	BACKGROUND	2
4.	PLANNING POLICIES	5
4.1	Regional Official Plan	5
4.2	Township of Woolwich Official Plan	6
4.3	Grand River Conservation Authority	8
4.4	Township of Woolwich Zoning By-Law (Current)	8
5.	PROPOSED DEVELOPMENT	10
5.1	River Street	12
5.2	Access To Existing and Proposed Lotting – River Street	13
6.	PROPOSED ZONING BY-LAW	14
7.	PLANNING COMMENT	14
8.	RECOMMENDATIONS	16

TABLE OF FIGURES

Figure 1	Location Map	3
Figure 2	Surrounding Area	4
Figure 3	Township of Woolwich Official Plan	7
Figure 4	Current Township of Woolwich Zoning By-Law	9
Figure 5	Development Concept	11
Figure 6	Proposed Township of Woolwich Zoning By-Law	15

1. PURPOSE

Fred Zenger is proposing to amend the Township of Woolwich Zoning By-Law for the approximately 1.4 hectare property located at the western end of River Street in Bloomingdale within the Township of Woolwich.

Upon completion of the Zone Change Application, it is the intent to apply to the Committee of Adjustment to provide for the implementation of the Township Official Plan and the amended Zoning By-Law to create two additional single detached residential lots in addition to the existing single detached residence. Through the Consent process, a parcel of land at the western terminus of River Street would be dedicated to the Township and a "hammerhead" design would provide for the completion of River Street. The "hammerhead" design would provide the opportunity to permit the safe turning movement of public and municipal vehicles (snow ploughing, etc.).

In addition, the existing residence located to the north of the subject property would then have frontage on an open public road.

Therefore, the purpose of this report is to provide for a review of the planning policy framework, review the existing conditions, discussion of the proposed amendment and future development concept and to demonstrate a rationale to support the adoption/approval of a Zoning By-Law.

Therefore, this report should be made available to the planning review agencies, the public and all landowners circled within 120 metres of the subject property, all who participate in the review of the application, and to Council.

This report has been prepared on behalf of Fred Zenger and in accordance with good planning principles. Therefore, this report is structured as follows:

- Subject Property – provide a discussion of relevant information related to the subject property.
- Background Review – provide a discussion of relevant information to understand the existing context.
- Planning Policies – Identify and provide an overview of existing planning policies that should be considered in determining compliance/conformity of the proposed development application.
- Proposed Development – Outline the proposed development.
- Proposed Zoning By-Law – Outline the proposed Zone Change Application being sought.
- Planning Comment – Provide a detailed independent planning review and comment.
- Conclusions/Recommendations – Provide a detailed recommendation.

2. SUBJECT PROPERTY

As shown on Figure 1 – Location Map, the subject property is located at the western terminus of River Street within the Settlement Area known as Bloomingdale. The municipal address of the property is 55 River Street, Bloomingdale, Township of Woolwich. The legal description of the subject property is Part of Lot 35, Registered Plan 592 and Part of Lot 5, James Wilson Tract, Township of Woolwich, Regional Municipality of Waterloo.

The subject property is comprised of two separate parcels acquired at different times. The intent would be to consolidate the two parcels if the application was approved into one ownership prior to applying to the Committee of Adjustment to create three (3) lots.

Parcel A (approximately 1.1 hectares) is developed with a bungalow style detached residence, a small cottage and a garage/shed. This lot is serviced on private septic system and well. The western and southern edge of this parcel is treed. Access and frontage is provided to River Street.

Parcel B (approximately 0.4 hectares) was acquired separately and is vacant. This parcel is subject to a right-of-way over the adjacent parcel to a Township of Woolwich owned, unopened road allowance. It is our understanding that this property was previous utilized as a transmission tower. All facilities related to the transmission tower have been removed.

As shown on Figure 2 – Surrounding Area, the subject property is located within the Bloomingdale Settlement Area. The Grand River provides the western boundary of the property (City of Kitchener is located on the other side of the Grand River), single detached residential to the north and east (River Street – McAllister Drive) and a vacant property to the south and east. At this time this property is vacant, is used for agriculture, and may in the future be the site of a hospice. There was a previous Zone Change Application for the hospice use.

Parcel A has frontage on an open public road and is limited to the existing right-of-way width of River Street. Parcel B is currently landlocked from having an open public road unless the Township opened the road as a public highway. This request has not been made by the landowner.

3. BACKGROUND

The landowner and consultant have had several discussions/meetings with Township Planning Staff regarding the subject lands and the proposed development. Through the review of the Zone Change Application for the potential hospice, both participated, evaluated, and considered different development scenarios.

In October, 2009, the Township advised of a potential solution to provide for a publicly owned and maintained turn around at the existing terminus of River Street. It was suggested that a “hammerhead” design constructed to municipal standards could be supported. This solution also provided an additional benefit to provide public road frontage to the existing single detached residence located to the north and immediately adjacent to the subject property. It was also further suggested that a “keyhole” lot design together with a right-of-way, but created with sufficient width to provide each lot with their own (minimum 5.0 metres) should the common right-of-way have maintenance concerns, could be supported subject to appropriate municipal approvals. It is anticipated that two additional single detached units could be created and appropriately address municipal requirements. It should be noted that other opportunities were considered and explored (Plan of Condominium – Plan of Subdivision), but were considered not viable/feasible.



FIGURE 1
LOCATION MAP
 ZENGER PROPERTY
 55 RIVER STREET, BLOOMINGDALE, TOWNSHIP OF WOOLWICH
 SCALE NTS
 DATE JULY, 2011
 PROJECT NO. 28084

APPROXIMATE LOCATION OF SEPTIC SYSTEM AND WELL



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FIGURE 2
SURROUNDING AREA
 ZENGER PROPERTY
 55 RIVER STREET, BLOOMINGDALE, TOWNSHIP OF WOOLWICH
 SCALE NTS
 DATE JULY, 2011
 PROJECT No. 28084

FIGURE 2
SURROUNDING AREA
 ZENGER PROPERTY
 55 RIVER STREET, BLOOMINGDALE, TOWNSHIP OF WOOLWICH
 SCALE NTS
 DATE JULY, 2011
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In addition, the landowner has had several discussions with representatives of the proposed hospice to coordinate the extension of the unopened road allowance with no success on a common approach.

4. PLANNING POLICIES

4.1 Regional Official Plan

The Region of Waterloo, after a thorough consultation process, adopted an Official Plan which implements the policy framework of the Province of Ontario - Provincial Policy Statement (2005), Growth Plan for the Greater Golden Horseshoe (2006), and initiatives of the Regional Growth Management Strategy (2003).

The Regional Official Plan was adopted by the Region and approved with modifications by the Minister of Municipal Affairs and Housing (2010). Subsequent to the Notice of Decision (2010) several parties appealed the decision to the Ontario Municipal Board (2011). Several Pre-Hearing Consultations have been held with more to be scheduled in the fall (2011) and with Hearing dates (based on agreement of all parties), at an undetermined date in the future.

It is my professional opinion whether you reference the Regional Official Policies Plan (2005) or the Regional Official Plan (2010) it would not affect the conformity of the proposed Zone Change Application. Both Plans recognize that residential development can occur within the Bloomingdale Settlement Area as defined by the Township of Woolwich Official Plan. It is further my opinion that it is appropriate to reference the Regional Official Plan (2010).

Therefore, it is noted that Map 7 – The Countryside, within the Regional Official Plan designates the subject property including the Bloomingdale Settlement as Prime Agricultural Area.

However, Regional Plan Policy 6.G.1 states:

“Rural Settlement Areas are not identified within this Plan, but will be designated and zoned in Area Municipal Official Plans and Zoning By-Laws.”

To be discussed further within this report, we advise that the Township has designated and zoned the Bloomingdale Settlement Area and the subject property as provided by Regional Plan Policy 6.G. 1.

Without providing a detailed review of the Regional Official Plan policies as they relate to the subject property and the Zone Change Application, it is my opinion that the proposed development contributes to meeting the planning horizon residential development requirements, recognizes that limited private serviced development is permitted (it is not feasible to extend municipal services (water/sanitary) to Bloomingdale and no development would be supported where there was a hazard (bank of the Grand River).

It is my professional opinion that the proposed rezoning is in conformity with the Regional Official Plan and that this would be the appropriate plan to consider. However, the proposed rezoning is in conformity with the Regional Official Policies Plan (2005).

4.2 Township of Woolwich Official Plan

The Township has initiated a review of their Official Plan (Planning Horizon 2016) and no specific policy changes have been proposed and therefore, the current Plan in affect would apply.

As shown on Figure 3 – Township of Woolwich Official Plan, the approved Plan designates the subject property within the Bloomingdale Settlement Area and as Urban Area. This addresses Regional Plan Policy 6.G.1.

The Urban Area designation would permit residential development and would include single detached residential development.

The Plan (Policy 7.7.3) recognizes that water may be provided by a construction of “Communal Water Supply” and “Private Water Supply”. The existing and proposed development would be serviced by private water.

The Plan (Policy 7.7.4) recognizes that sewage disposal shall be by means of “Private Sewage Treatment”. It is anticipated that at the Consent review/approval stage that detailed technical review is appropriately evaluated. However, the existing and proposed development would be on private sewage treatment.

The Plan (Policy 7.4 – Severance Policies – Identified Settlements) provides for specific policies that are to be considered when evaluating potential severances. It is my opinion that while comment may be provided to demonstrate that in the future consents could be approved and be in conformity with the Official Plan that the detailed technical scope of work is not required at this time.

It is anticipated that when the Zone Change Application is agreed upon in principle, the Consent Applications and supporting technical information would be applied for and provided.

Based on Section 7.4, we provide the following comments:

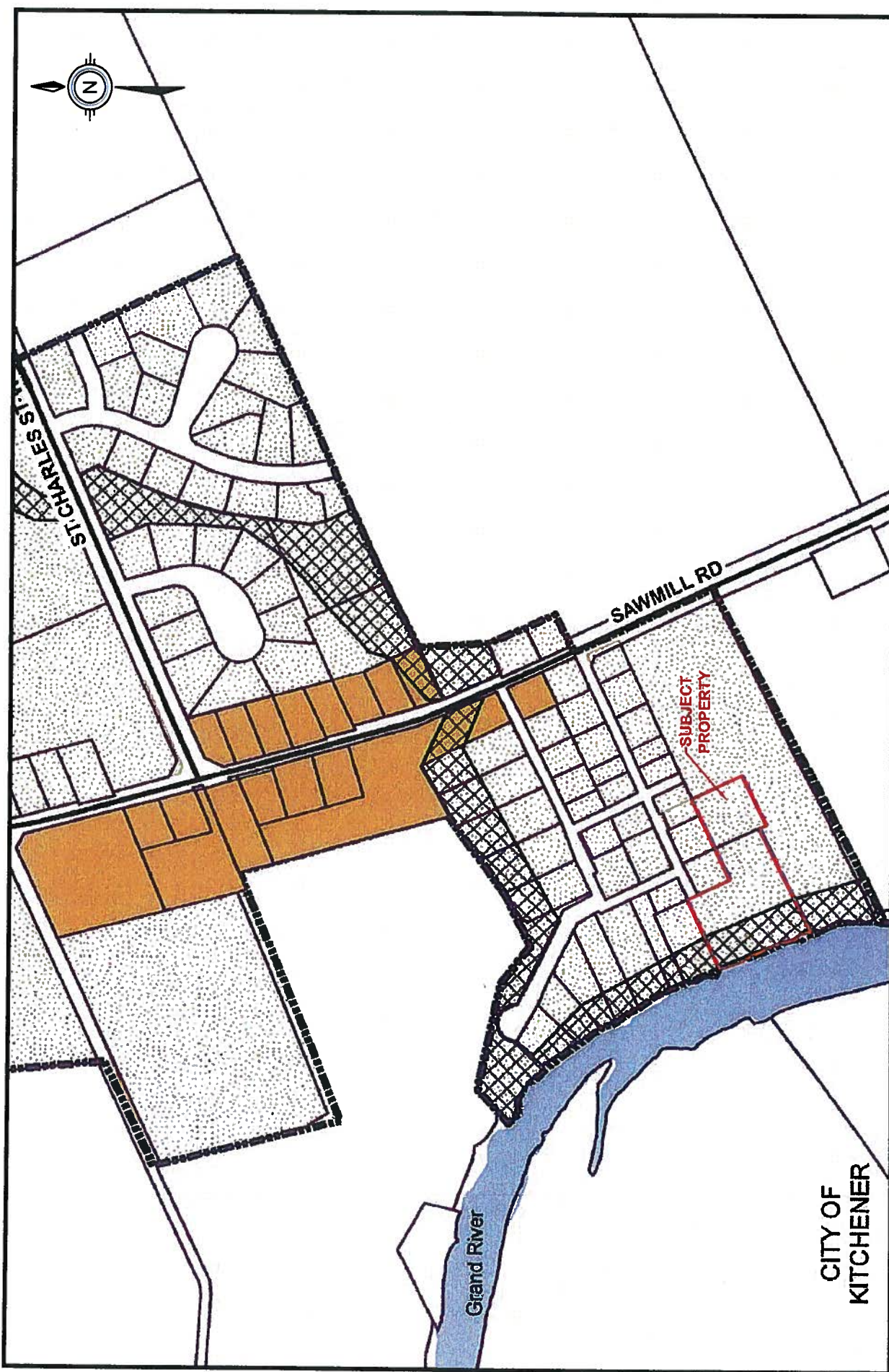
Policy 7.4.1 – The subject property is located within the Bloomingdale Settlement Area and is designated urban Area.

Policy 7.4.2 – The future severances would be in conformity with the Township of Woolwich Official Plan and the more detailed policies related to Settlement Areas. In addition, the existing and proposed land uses are compatible with the existing and planned land uses. The Official Plan provides for the opportunity for additional residential land uses to the rear of the existing residences which front onto River Street.

Policy 7.4.3 – Through the approval of the Zone Change Application, the future severances would be in conformity with the Township of Woolwich Zoning By-Law. The Zone Change Application is in conformity with the Official Plan.

Policy 7.4.4 – Based on preliminary discussions with Municipal Staff and as provided through the construction and conveyance of the “hammerhead”, all existing and proposed lots would have sufficient frontage on an open public road.

In addition, the proposed lotting pattern provides for the opportunity to have a shared right-of-way for the proposed lots. However, should a shared right-of-way not address operational/maintenance matters between the two proposed lots the “design-lotting” provides for sufficient width that each lot could have an independent driveway.



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FIGURE 3
TOWNSHIP OF WOOLWICH OFFICIAL PLAN
 ZENGER PROPERTY
 55 RIVER STREET, BLOOMINGDALE, TOWNSHIP OF WOOLWICH
 SCALE NTS
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Legend

	PRIMARY ROADS
	RESTRICTED AREA
	CORE AREA
	SETTLEMENT BOUNDARY
	URBAN AREA



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Policy 7.4.5 – Consideration has been given to the policies of the Plan relating to Trunk and Primary Roads. River Street is neither a Provincial nor Regional Road, but within the jurisdiction of the Township.

Policy 7.4.6 – For the Zone Change Application, we do not identify conditions that should be included prior to Third Reading of the Zoning By-Law.

However, we recommend that through the review and approval of the Consent applications, that appropriate conditions could be required to address the dedication and construction of the “hammerhead”, servicing approvals, rights-of-way and other matters.

The landowner is prepared to work with the Municipality to provide for the successful implementation of the Zone Change Application.

Policy 7.4.7 – It is my professional opinion that a Plan of Subdivision is not required to provide for the orderly development of the subject property. The Consent approval process provides the opportunity for the Municipality and other review agencies if supported by the Committee of Adjustment to impose conditions.

We anticipate that at the time of the Consent Application that the Region, Township, and the Committee of Adjustment will reach the same conclusion and agree that a Plan of Subdivision is not required.

It is my professional opinion that the Zone Change Application is in conformity with the approved Township of Woolwich Official Plan.

4.3 Grand River Conservation Authority

The Conservation Authority reviews Planning Act applications to determine if the proposal is in conformity/compliance with their applicable policies. There are two areas where the Conservation Authority would have an interest in the subject property.

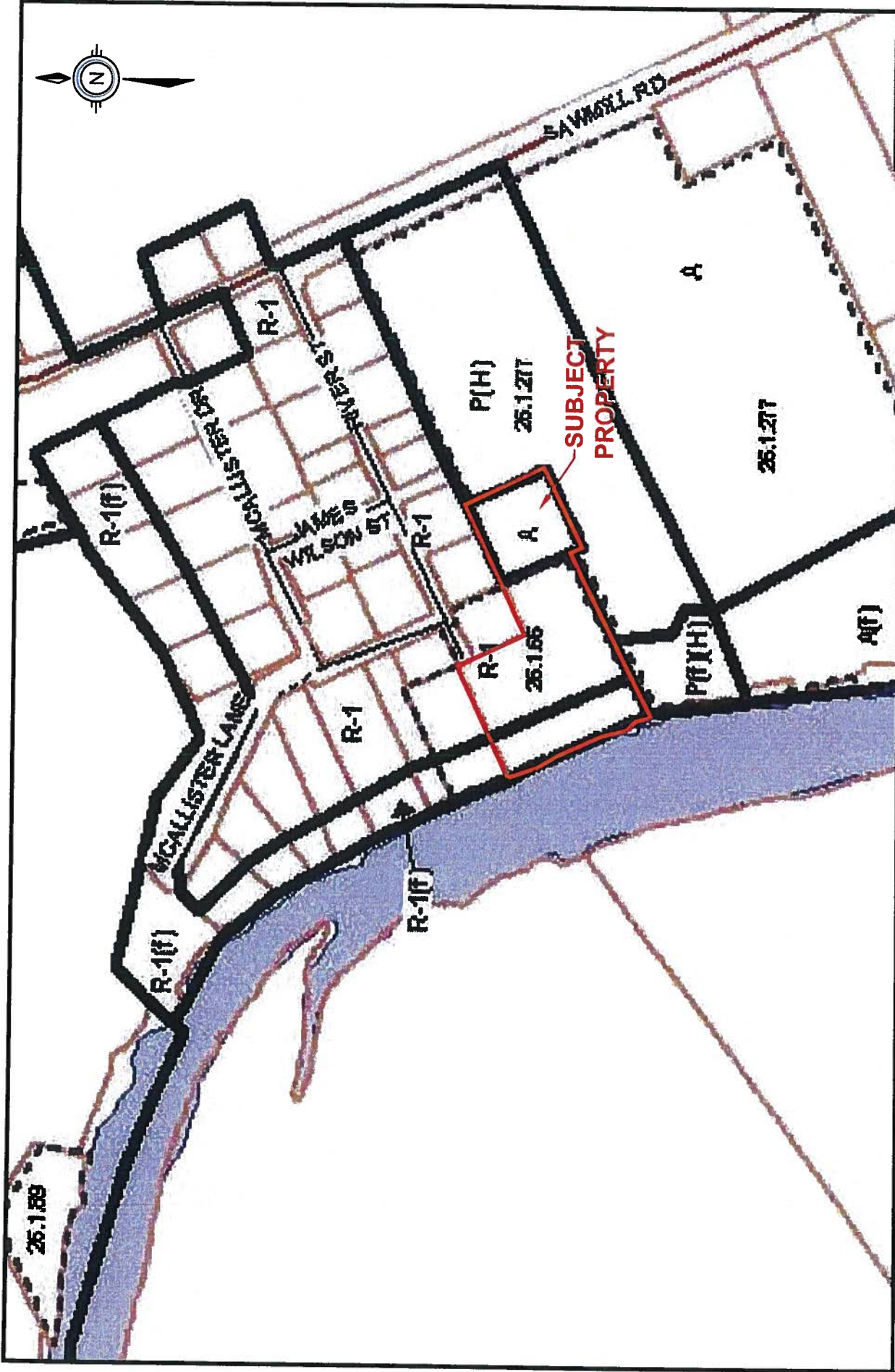
The first, all of Parcel A and the western half of Parcel B are located within the Authority's Regulation Limit. Therefore, any new lot creation or development would have to be reviewed and processed in accordance with the Authority Regulation.

The second, immediately adjacent to the Grand River, the Authority has provided a restriction to protect the Grand River from new development. The existing Official Plan and Zoning By-Law recognize this restriction.

It is our opinion that the rezoning should be supported by the Authority. Subject to a more detailed review at the Consent stage, the Authority will require an Interference Permit and additional technical information related to the location of dwellings, driveways, and services (water/septic). We believe that it is appropriate to request this detail at the Consent stage and not the Zoning By-Law.

4.4 Township of Woolwich Zoning By-Law (Current)

As shown on Figure 4 – Current Township of Woolwich Zoning By-Law, the subject property is affected by three zones and regulations. The lands immediately adjacent to the Grand River is zoned R-1 (f) to recognize the area of interest of the Authority to prohibit new development from affecting the Grand River.



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Rural Site Specific
 See Section Noted
 i.e., A20 see 26.1.20

Site Specific -
 See Section Noted

Zone Boundary

FIGURE 4
CURRENT TOWNSHIP OF WOOLWICH ZONING BY-LAW

ZENGER PROPERTY
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The remainder of Parcel A is zoned R-1 subject to specific regulation 26.1.66. Zone R-1 is the Settlement Residential Zone and provides for the following:

- Permits Residential Building – One Unit;
- Minimum Lot Area – 1,390 square metres;
- Minimum Lot Width – 30 metres;
- Minimum Lot Frontage (Interior) – 18 metres;
- Minimum Side Yards (Each Side) – 1.2 metres;
- Minimum Rear Yard – 7.5 metres.

Specific regulation provides that notwithstanding “Frontage on Public Streets”, the subject property may have a Minimum Lot Frontage of 12.2 metres.

Parcel B is zoned A – Agricultural – 7.4 existing lot, 1390 square metres to 4 hectares. This lot is legal non-conforming as it is an existing lot of record and does not meet the minimum of having frontage on a public street.

Clearly, given the status of this parcel, the Zoning By-Law limits opportunities, however, the Official Plan provides in conjunction with adjacent lands, residential potential subject to a Zone Change Application.

It is my opinion that a Zone Change Application in conformity with the official Plan is required.

5. PROPOSED DEVELOPMENT

As shown on Figure 5 – Development Concept, the intent is to implement the Official Plan through a Zone Change Application which would, through the Consent approval process, facilitate the creation of two additional single detached lots together with the existing single detached dwelling.

This detail is provided to assist with the understanding and rationale of the proposed Zoning By-Law Amendment.

Proposed Parcel A:

- Single Detached Residential/Cottage/Shed-Garage
- 0.49 hectares in area (approximately)
- 33.0 metres frontage
- Existing private septic system/well.

Proposed Parcel B:

- Proposed Single Detached Residential
- 0.49 hectares in area (approximately)
- 5.0 metres frontage



C
0.4868 ha (1.20 acres)

B
0.4865 ha (1.20 acres)

A
0.4865 ha (1.20 acres)

RIVER ST

FIGURE 5
DEVELOPMENT CONCEPT

ZENGER PROPERTY
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- Proposed private septic system/well.
- Criteria to be established to provide for a satisfactory location of new residence and buildings to address public policy framework and to ensure minimum impact to adjacent residences and conformity with Zoning By-Law regulations.

Proposed Parcel C:

- Proposed Single Detached Residential
- 0.49 hectares in area (approximately)
- 10.0 metre frontage (to protect existing vegetation)
- Proposed private septic system/well.
- Criteria to be established to provide for a satisfactory location of new residence and buildings to ensure minimum impact to existing residences and conformity with the Zoning By-Law regulations.

5.1 River Street

The “hatched” area is to be conveyed to the Township to provide for a “hammerhead” design. The design will provide street frontage to existing and proposed lots while addressing municipal requirements for maintenance.

At this time, Township maintenance is restricted due to insufficient public ownership and sufficient area to turn vehicles around.

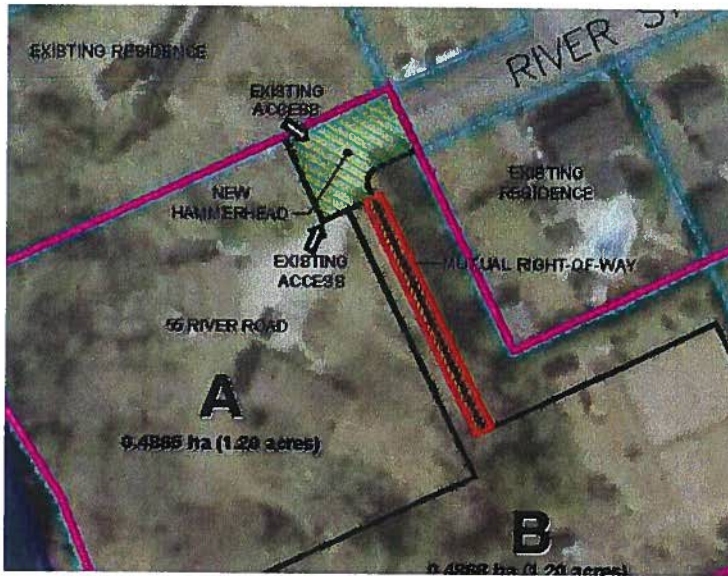


Township Engineering staff have provided design details that are to be implemented in the proposed development concept. As a condition of the future Consent applications, the “hatched” area is to be conveyed to the Township. Appropriate conditions will require the applicant to design the roadway (addressing municipal standards and drainage). Township staff have advised that the roadway is to be constructed with 60mm HL4 asphalt surface with 150mm granular “A” and 30mm Granular “B” base. The “hammerhead” is to be a minimum of 17 metres wide by 10 metres long and offset to the 6 metre wide road. The design is to address drainage and provide sufficient area for the location of utilities.

5.2 Access To Existing and Proposed Lotting – River Street

With the new “hammerhead” design, the roadway would address existing access to 55 River Street, the existing access to the residence to the north and the proposed two residential lots.

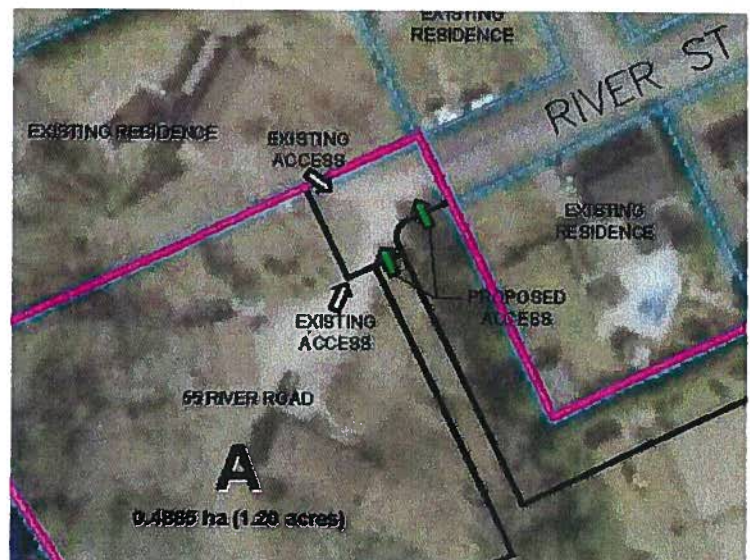
There are two options related to access.



Option 1

The first option is a mutual right-of-way in favour of the two lots with a constructed common driveway along the centre line of the lot lines.

Option 2



The second is to have two independent accesses to the proposed residential lots.

Both options provide for a wider lot width for Proposed Lot B to protect existing vegetation with the adjacent lot.

6. PROPOSED ZONING BY-LAW

The purpose of this Zone Change Application is to amend the Zoning By-Law regulations for the subject property to permit and provide direction to the future Consent applications.

As shown on Figure 6 – Proposed Township of Woolwich Zoning By-Law, the By-Law proposes to undertake the following:

- For Parcel A – Modify the Special Regulation (26.1.66) to provide for a minimum frontage of 33.0 metres.
- For Parcel B – Modify the Special Regulation (26.1.66) to provide for a minimum frontage of 5.0 metres.
- For Parcel C – Rezone the property from A to R-1 and add a Special Regulation to provide for a minimum frontage of 10.0 metres.

This is based on the future dedication of the “hammerhead” design as a public highway.

It is my professional opinion the proposed Zoning By-Law would be in conformity with the Township Official Plan.

7. PLANNING COMMENT

Both the applicant and the consultant have had several meetings and discussions with the Township prior to submitting this application.

The subject property is located within the Bloomingdale Settlement Area as defined in the Township of Woolwich Official Plan and, in my opinion, is in conformity with the Regional Official Plan.

The appeal of the Regional Official Plan does not affect the review or the merits of the Zone Change Application.

The existing Zoning By-Law already recognizes the merits in a reduction of the existing frontage within the regulations. The proposed By-Law provides for the appropriate regulation for frontage.

The proposed frontage provides for the consideration of access that address public access.

The proposed “hammerhead” provides for public ownership of the expansion of the existing road network to address an existing situation and provide for the future lots. The expanded roadway would be constructed to acceptable municipal standards.

Given the proposed Zoning By-Law provides for a minimum lot frontage and the By-Law implements the Official Plan designation, we do not believe that any additional technical review related to the proposed lots is necessary. It is our opinion that this would be required at the time of the current review. We believe the lots are of sufficient size to accommodate a private well and septic system.



REQUEST TO AMEND:

- R1 (SPECIAL REGULATION 26-1-66) to R1 WITH NEW SPECIAL REGULATION
- A to R1 WITH NEW SPECIAL REGULATION

SPECIAL REGULATION TO PROVIDE FOR A MINIMUM FRONTAGE OF:

- PARCEL A - 33.0 metres
- PARCEL B - 5.0 metres
- PARCEL C - 10.0 metres

FIGURE 6
PROPOSED TOWNSHIP OF WOOLWICH ZONING BY-LAW
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8. RECOMMENDATIONS

It is my recommendation that the Township of Woolwich accept and circulate the Zone Change Application for 55 River Street, Bloomingdale within the Township of Woolwich for development, agency review and public comment as outlined herein. Furthermore, it is recommended that the Township of Woolwich schedule the Public Meeting for the proposed Zone Change Application.

Upon resolution of any matters identified through the review of the proposed Zone Change Application, that the Township give Three Readings to the implementing Zoning By-Law.

Respectfully Submitted
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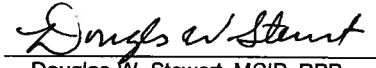
Douglas W. Stewart, MCIP, RPP
Associate, Senior Planner

DWS/baw
Encl.

cc: Fred Zenger



I hereby certify that this Planning Summary Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners' Institute Act, 1994.

2011/07/13 
Date Douglas W. Stewart, MCIP, RPP