



Planning Justification Report

60 Henderson Street

Choice Property Limited Partnership

Zoning By-law Amendment and Official Plan Amendment

Municipality of Port Hope

June 2022

Prepared for:

Choice Property Limited Partnership

Wellings 2019 Inc

PLANNING JUSTIFICATION REPORT

Seniors Independent Living Residential Development

60 Henderson Street Municipality of Port Hope

Official Plan Amendment
Zoning By-law Amendment

Municipality of Port Hope
June 2022

Prepared for:

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The proposed Official Plan policy and Zoning Provisions for the Amendment Area, will facilitate the development of a 1.82 hectare (4.5 acre) portion of the Choice Land Holding at 60 Henderson Street. For the purpose of this Report, the site area refers to the 1.82 hectare portion of the landholding.

The Proposed Development at 60 Henderson Street consists of a 4-storey mid-rise residential building with 74 independent living suites, a restaurant/dining area, bar, personal service area, and fitness area for the residents and 36 bungalow townhouse units. Parking will be accommodated on the site, with 154 total spaces being provided. 98 spaces for the midrise building and 56 spaces for the townhouse units.

The Site is designated "General Commercial" in the Municipality of Port Hope Official Plan. The Site is zoned Commercial - COM2(H1) Zone in Zoning By-law 20/2010.

1.2 Proposed Applications

The Owner and Developer are proposing an Official Plan Amendment application that would allow a residential 4 – storey independent living seniors mid-rise building with 74 units and main floor amenities suited to the residents, including central dining area/restaurant, personal service, bar, fitness area as well as 36 bungalow townhouse units. The amenity areas are for the use of the residents. The amendment would allow the residential use at 60 Henderson Street.

The Owner and Developer are proposing a Zoning By-law Amendment application for the Site that would add the following use:

- 4 -storey mid-rise building
- Bungalow townhouses
- Residential Seniors independent living suites
- Main floor restaurant/dining, personal service, fitness area and bar

The proposed Zoning By-law Amendment would apply to the site together with the Official Plan Amendment and proposes the following zoning category High Density RES4 with Special Exception Zone:

- Seniors' Apartment Dwelling
- Seniors' Bungalow Townhouses
- Specify Parking 1 space per unit plus 0.25 spaces per unit for visitor/employee parking
- Minimum Front Yard 6.0 m
- Minimum Rear Setback 6.0m

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- Minimum Interior Side Yard Setback 6.0 m

The proposed zoning provisions would allow for a separate parcel under same ownership within the integrated development for the Site.

The proposed development concept was submitted to the Town staff on July 26th, 2021 and Staff Comments from the Pre Application Consultation were received on August 19, 2021. The Record of Pre-Application Consultation requires a Planning Justification Report, Functional Servicing Report, Stormwater Management Report, Geotechnical Report, Noise Study, Phase 1 Environmental Site Assessment, Commercial and Market assessment report, and a Traffic Impact Study to assess the proposed application's consistency with the applicable provincial and municipal policy as well as the application's suitability with the Site.

1.3 Report Content and Structure

This Planning Justification Report provides the justification and professional opinion for the proposed Official plan and Zoning By-law Amendment. It provides

- A description of the site's existing condition and its context within Port Hope and the immediate surrounding neighbourhood (Section 2);
- A summary of the proposed site master plan, including a description of the layout, uses and form (Section 3);
- An outline of the proposed planning applications and the intended future applications required for the proposed development (Section 4);
- A summary of the findings of the studies and reports prepared in support of the OPA and ZBA applications (Section 5);
- An overview and analysis of the relevant provincial and municipal planning policies to the proposed OPA and ZBA applications (Section 6); and
- A planning opinion and justification supporting the proposed OPA and ZBA applications (Section 7)

2.0 LOCATION, SURROUNDING USES AND DEVELOPMENT PROPOSAL

2.1 Site Location and Description

The area subject to the OPA and ZBA is part of a large commercial complex located north of Jocelyn Street and west of Henderson Street.

The proposed Official Plan Amendment and Zoning By-law Amendment references the vacant portion of the landholding west of Henderson Street and north of the existing Independent Grocer store. For the purpose of the Report, the 'Site' in the area shown in **Figure 1** is approximately 1.82 ha (18218 square metres) in size with frontage on Henderson Street.

The primary vehicular access to the Site is via Henderson Street which will have two direct accesses to the 'Site'.

The vegetation on the Site is extremely limited as the surrounding commercial area has already been developed. The topography of the Site is relatively flat.

2.2 Surrounding Neighbourhood Context

The Site is located in a large commercial complex that includes large format and retail strip plazas (**Figure 2**).

The Site is located in a neighbourhood with low density residential west of the commercial, Port Hope Health Centre on the east side of Henderson and agricultural land surrounding the commercial site.

The Site is well served by public transportation east-west along Jocelyn Street with the nearest bus stop being 250m away at the intersection of Jocelyn Street and Henderson Street.

Figure 1- Site Location and Context

Source: Google Aerial Imagery (2021)



2.2 Site Context and Surrounding Uses

The surrounding uses (Figure 2) include agricultural and hotel to the north, residential south and west of subject land and future employment to the east.

Figure 2- Commercial Area Context Plan

Source: Choice Properties Limited Partnership



3.0 PROPOSED DEVELOPMENT CONCEPT

3.1 Development Vision

The Owner and Developer are seeking to develop the Site area into a modern, mixed-use development in accordance with the intent of the policies outlined in the Municipality of Port Hope Official Plan and Zoning By-law. The development consists of seniors apartments and bungalow townhouses on the Site, a vacant 1.82 hectare portion of the Owners' landholding. The proposed development on the Site integrates seniors into the community by providing quality suites in proximity to the existing commercial amenities. The apartment includes ground floor residential amenities with 4 storeys of apartment suites. The townhouses are slab on grade 1 storey units. Both the apartments and townhouses have full kitchens and laundry with 1 or 2 bedrooms.

3.2 Concept Plan

The Proposed Development consists of the construction of a 4-storey seniors residential mid-rise building, with 74 units along with 36 townhouse bungalow units. The ground level of the apartment will include common amenity areas for the building residents as well as apartment suites. Surface parking will be provided for the residents, staff and visitors (**Figure 3**).

Building Design

Preliminary elevations are included in **Figure 4A and 4B**. The Site will be accessed through two entrances off of Henderson Street. Residential amenity space for the residents will be provided on the ground floor. Balconies will be included for each apartment unit. The townhouses will have rear yard amenity space.

The mid-rise building height will be 13.8 metres tall.

Building Amenities

The proposed apartments will benefit from indoor amenity space which is proposed to include a dining area, kitchen where meals will be prepared for residents, a personal service area, fitness area and bar. Private amenity space will include balconies for the mid rise and rear yard amenity area for the townhouse blocks.

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Parking

The proposed development includes 154 surface parking spaces. The parking spaces will include 98 for the midrise and 56 for the townhouse blocks. The number of spaces equal to 1 space per dwelling unit, plus 44 spaces for staff and visitors.

Figure 3: Proposed Site Plan
Source: Nautical Lands Group March 2022

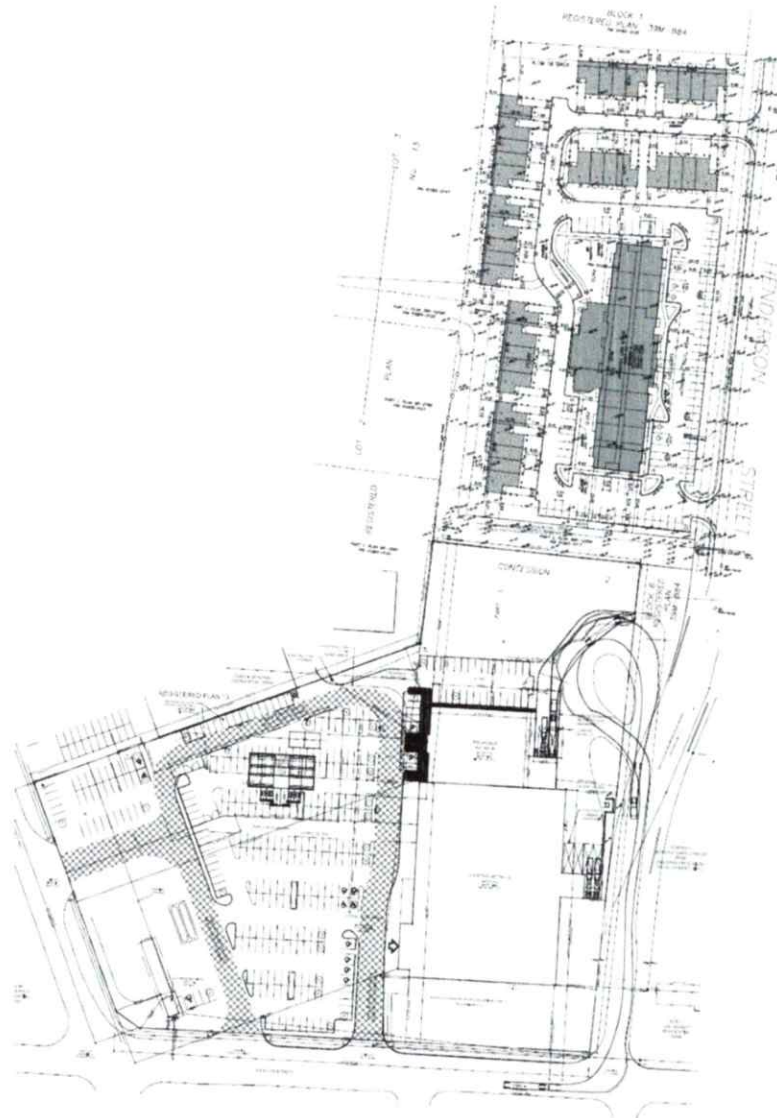


Figure 4A: Concept Colour Elevations Midrise
Source: Nautical Lands Group November 2021



Figure 4B: Concept Colour Elevations Townhouse Blocks
Source: Nautical Lands Group April 2022



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Access and Circulation

The Site is accessed from Henderson Street by two entrances.

Pedestrian access is provided along Henderson Street, Jocelyn Street and Toronto Road.

Open Space and Vegetation

The Site is located within close proximity to bicycle paths, golf courses and the waterfront trail.

4.0 PROPOSED APPLICATIONS

4.1 Official Plan Amendment

60 Henderson Street is designated General Commercial in the Municipality of Port Hope Official Plan.

Figure 5: Official Plan Schedule

Source: Municipality of Port Hope Official Plan

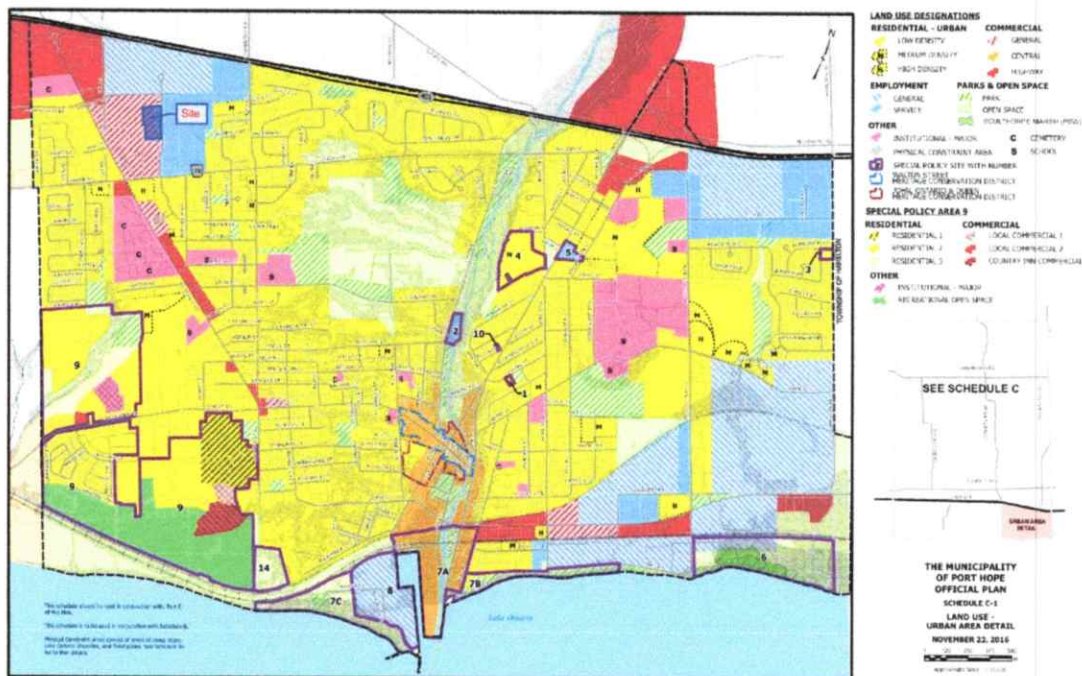
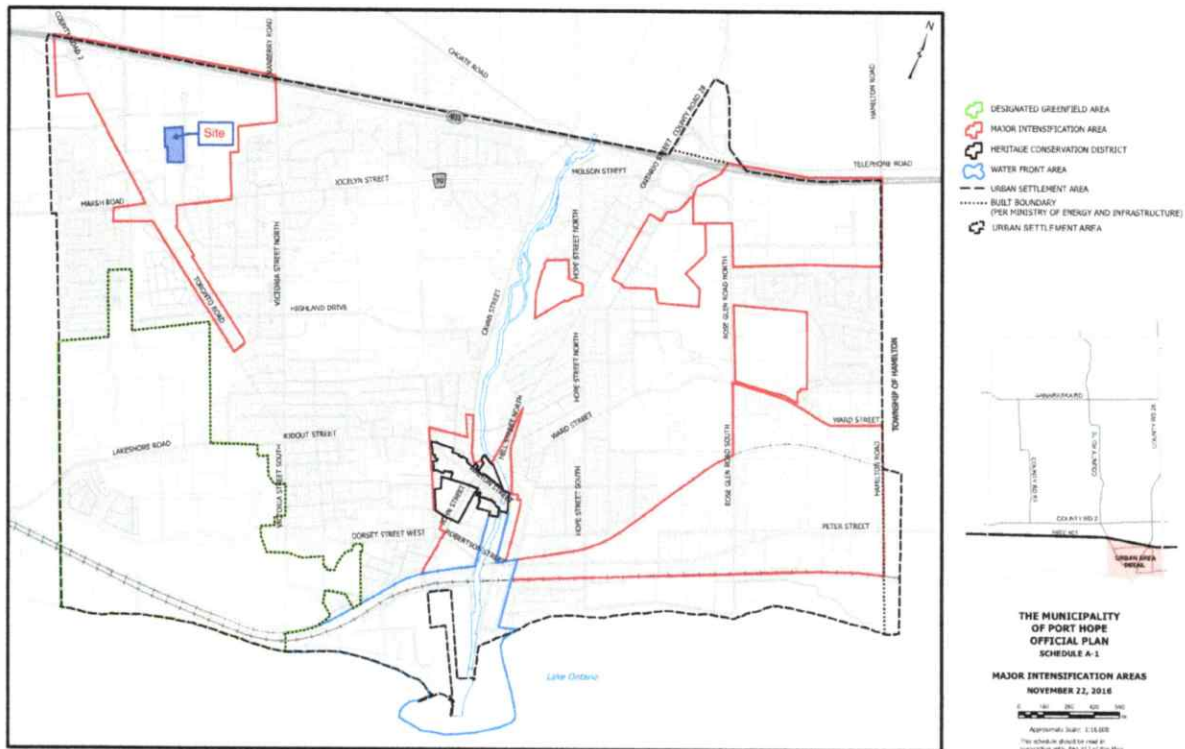


Figure 6: Official Plan Schedule
 Source: Municipality of Port Hope Official Plan



The Site is located within the Port Hope Urban Area. The site is designated General Commercial within the Municipality of Port Hope Official Plan. General Commercial shall mean that the predominant use of the lands in the areas so designated shall be for retail and service commercial uses which are owned and operated and designed to function as a unit, with common access points and parking facilities or clusters of individually owned retail and service commercial uses. Apartment dwelling units may also be permitted in conjunction with a General Commercial use.

The Site is also located within the area designated as Major Intensification within the Port Hope Official Plan.

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Section D3.2.2 states that apartment dwellings may be permitted in conjunction with a General Commercial Use.

The requested Official Plan Amendment (OPA) would be to permit a senior's mid-rise apartment with 74 units along with 36 townhouse units.

The Proposed Draft Official Plan Amendment is included in **Appendix B**.

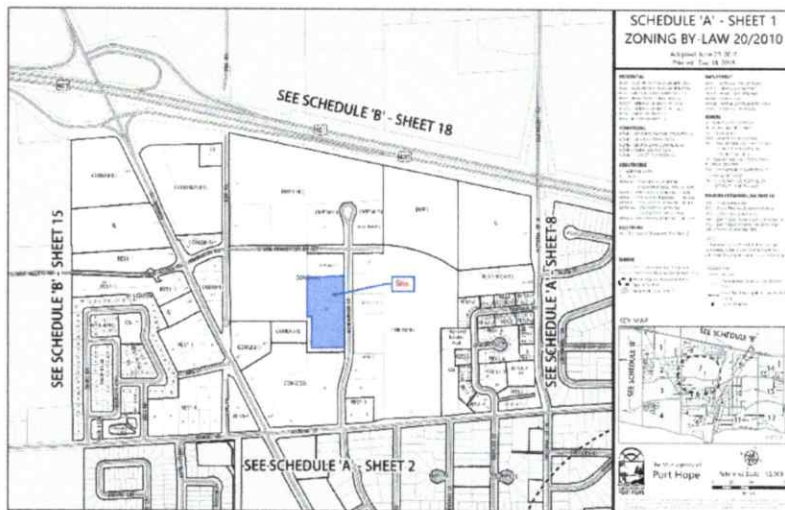
Justification: The proposed OPA is appropriate. As demonstrated in Section 6 of this Report the Proposed Development conforms with the intent of all the relevant planning policies including the Provincial Policy Statement, Town of Port Hope Official Plan

The site is within the area of Major Intensification and is designated General Commercial. The General Commercial designation states that apartment dwellings may be permitted. The proposed development will consist of a seniors residential building and townhouse units. The ground floor of the midrise building will include communal dining areas, and amenity space for the sole use of the residents. Use of amenities by the general public is not encouraged for the safety of the residents residing in the building. The ground floor will have residential units but a majority of the space will be for common areas and amenity space.

4.2 Zoning By-law Amendment

Figure 6: Zoning Schedule

Source: Municipality of Port Hope Zoning Bylaw



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The Site is zoned General Commercial COM 2 (H1) within the Comprehensive Zoning By-law 20/2010 of the Municipality of Port Hope.

The requested Zoning By-law Amendment (ZBA) would apply to the same area as the Official Plan Amendment.

The COM 2 zone permits a range of commercial uses. The COM 2 zone permits commercial uses, supermarket, motor vehicle establishments.

The following site-specific zoning regulations are requested:

- The zoning category requested is R4 zone with Special Exceptions to permit a 4 storey mid-rise apartment building and townhouse units for seniors on the Site;
- The Site shall be subject to the R4 Zone, except for the following provisions specific to the permitted residential uses:
 - Minimum front yard setback of 6.0m
 - Minimum rear yard setback of 6.0m
 - Minimum interior side yard setback of 6.0m
 - One parking space per dwelling unit plus 0.25 spaces parking spaces for staff and visitors parking for both the apartment and townhouse units.

The proposed Draft Zoning By-law is included as **Appendix C**.

Justification: The proposed ZBA is appropriate. There is a provision for Residential within the Commercial zoning category. Section 4.2.2 states, where an accessory dwelling unit is permitted in a Commercial Zone in this By-law: a) The maximum number of accessory dwelling units permitted on a lot shall be 1, except in the Downtown Commercial (COM3) Zone, where there is no maximum; b) The portion of floor area within the first storey of a building and within 12.0 metres of any streetline is used for commercial purposes. The Site is located within a Major Intensification area within the Official Plan. The COM 2 zoning permits 1 residential dwelling unit. There are provisions in the zoning bylaw that permit residential within Commercial zones. The area of Jocelyn Street and Henderson Street is an ideal location for seniors residential as it is located within an area of access to public transportation, pedestrian access to grocery and other retail, doctor's offices and restaurants. Although the apartment is not mixed use, the ground floor will include a restaurant/dining area, personal service, gym, and bar for the use of the residents of the seniors community.

The Zoning By-law requires a minimum front yard setback of 7.5 m, a minimum rear yard setback of 7.5 m and minimum side yard setback of 7.5 m for apartments. The proposed development has a minimum front yard, rear yard and side yard setback of

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6.0 metres. This will be a rental community and the entire site will remain under the same ownership as the existing retail.

The Site may be severed in the future in order to separate the residential component from the commercial. As well, there is justification below for reduction in parking requirement for the Seniors residential.

The proposed use is for a Seniors Independent living residence. Based on current occupancy and number of vehicles within the Developers other properties, on average within the Developers other communities, there are less than 1 vehicle per dwelling unit.

Wellings of Stittsville current occupancy:

Occupied Dwellings	Number of Residents	Number of Vehicles
173	215	130

The ratio is 1:0.76 dwelling to vehicles

Welling of Picton current occupancy:

Occupied Dwellings	Number of Residents	Number of Vehicles
73	83	48

The ratio is 1:0.66 dwellings to vehicles

Based on the actual vehicle count in the Developers Wellings communities, the requirement of 1.25 plus .25 parking spaces per dwelling unit for the midrise building is not needed and the requirement of 2.0 parking spaces per dwelling units for the townhouses is also not required. Wellings of Stittsville is located in an urban area within walking distance to grocery stores and amenities and is also on a convenient bus route. The Wellings of Port Hope will have a similar urban feel. The Wellings of Picton residents have even fewer vehicles per dwelling unit. Upkeep of cars and insurance may become less important for seniors in these independent living communities.

4.3 Future Applications

Once the Official Plan and Zoning By-law amendments are addressed, the Proposed Development will require Site Plan Approval. During this stage Urban Design criteria will be reviewed. The architectural details, façade treatments will be developed and

discussed with municipal staff. The Site Plan Approval requires detailed servicing plans and may require additional or updated reports.

The Owners may wish to sever the Site from the surrounding landholdings to separate the residential site from the commercial.

The units will be rental units and will not be sold and thus will not require a Draft Plan of Condominium.

5.0 Supporting Studies

The following studies analyze the impacts of the Proposed Development of the Site and surrounding neighbourhood and analyse whether the Proposed Development can be successfully accommodated on the Site. The studies are required as part of a complete application as provided through correspondence by the municipal staff during the Pre-application Consultation. A summary of each of the studies is provided below. For additional details please review the reports.

5.1 Functional Servicing Report

A Functional Servicing Report was prepared by Odan Detech to analyze the servicing and stormwater management solutions for the Proposed Development. The Engineering & Stormwater Management Report has analyzed the serviceability of the site for sanitary, storm, and watermain. The report concludes that the site is serviceable using the existing available infrastructure adjacent to the site. The report also analyzes stormwater management criteria. See the Engineering and stormwater management report for further details.

5.2 Geotechnical Investigation Report

A Geotechnical Investigation Report was prepared by Patterson Group to determine subsoil and ground-water conditions on the site and provide geotechnical recommendations pertaining to the design of the proposed development.

From a geotechnical perspective, the subject site is suitable for the proposed development. It is anticipated that the proposed buildings will be founded over the hard to very stiff brown silty clay deposit or dense to very dense glacial till bearing surface.

Due to the presence of a silty clay deposit, the subject site will be subjected to a permissible grade raise restriction.

5.3 Noise Feasibility Study

Aercoustics prepared the Noise Impact Study to examine the existing and future noise environment in the surrounding area and evaluate its impact on the expected noise sensitive receptors in the proposed development. The noise impact of the proposed development on existing receptors has also been considered.

The results of the transportation noise study indicate that use of building materials in accordance with the Ontario Building Code should mitigate the noise impact from transportation sources to levels which comply with MECP guidelines for indoor sound levels.

The noise impact from the neighbouring stationary noise sources around the proposed development are predicted to satisfy the applicable stationary noise limits with the incorporation of the noise controls discussed in Section 5 of this report. The noise impact of the proposed development on its surroundings is expected to fall below the applicable sound level limits.

As indicated in the MECP implementation guidelines, where mitigation is required or where noise may be concern, a warning clause maybe including in the Rental Agreement. As well, all suites and the entire building will have air conditioning units.

5.4 Phase 1 Environmental Site Assessment

A Phase 1 Environmental Site Assessment has been prepared by Pinchin Ltd.

The Site is vacant and undeveloped, free of any permanent structures and/or buildings. The purpose of the Phase I ESA was to assess potential issues of environmental concern in relation to the potential acquisition and financing of the Site.

Based on the results of the Phase I ESA completed by Pinchin, nothing was identified that is likely to result in potential subsurface impacts at the Site. As such, no subsurface investigation work (Phase II ESA) is recommended at this time.

5.5 Traffic Impact Brief

A traffic study was prepared b Nextrans Consulting Engineers to estimate traffic volumes generated by the proposed development to assess the developments impact on the surrounding road network.

The findings and conclusions of the analysis are as follows:

- The site generated 45 new auto trips during the AM peak hours and 62 new auto trips during the PM peak hours. This will have negligible impact on the adjacent road network.

5.6 Commercial Land Impact Assessment

Tate Economic Research Inc. prepared the Commercial Land Impact Assessment in order to determine the impact of removing the 4.5 acre Site from commercial land in the Municipality of Port Hope.

Based on the review by Tate,

- There is approximately 181 gross acres of zoned commercial land in the Port Hope Urban Area
- Approximately 35%, or 62 acres, of the commercial land supply is currently vacant. Using a standard coverage ratio, these lands could accommodate 675,000 square feet of retail commercial space. This total does not include the potential intensification of existing underutilized commercial lands. This vacant land represents a significant amount of development potential in the context of the Port Hope commercial structure.
- The Subject Site, at 4.5 acres, represents 2.5% of the total commercial land supply in the Port Hope Urban Area and 7.3% of vacant commercial land.
- The Subject Site is currently vacant and does not support the existing function of the retail commercial node.
- There are additional vacant retail commercial lands in the surrounding area that could accommodate retail commercial development in the future.
- The proposed development of the Subject Site will support retail commercial space in the surrounding area by adding additional demand generated by the residents of the proposed development.

6.0 Policy Overview and Analysis

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed Official Plan and Zoning By-law Amendment applications considering Provincial and Town policies.

6.1 Ontario Planning Act, R.S.O 1990, c. P.13

The Planning Act R.S.O 1990, c. P.13 (Planning Act) establishes the policy-led land use planning system for Ontario that outlines matters of provincial interest as part of municipal planning decisions and provides for statutory planning processes in Ontario.

Section 2 of the *Planning Act* identifies the breadth of matters considered as being provincial interest which a municipality must "have regard to" in carrying out its responsibility under the *Planning Act*. These matters are general in nature and broad in range. These matters are captured in more detail through the policy statements and provincial plans issued under the Section 3 of the Planning Act and through the official plans of the Region of Durham and Town of Whitby, which are reflected in Sections 6.2 through 6.5 below of this Planning Justification Report.

Section 3(5) of the *Planning Act* requires that the decisions of municipal councils regarding the exercise of authority concerning planning matters, including decisions on *Planning Act* applications:

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The 2020 Provincial Policy Statement was issued under Section 3(5) is applicable and relevant to the consideration of the proposed application. The 2017 Growth Plan for the Greater Golden Horseshoe, 2017 Greenbelt Plan, 2017 Oak Ridges Moraine Conservation Plan, and 2017 Niagara Escarpment Plan were also issued under Section 3(5). There have been no policy statements issued under 31.1 of the Metrolinx Act, 2006 or section 11 of the Resource Recovery and Circular Economy Act, 2016 per Section 3(8) of the Planning Act.

6.2 Provincial Policy Statement

The Provincial Policy Statement ("PPS") provides land use planning policy on matters of provincial significance. The 2020 PPS came into effect on May 1, 2020. The overriding vision of the PPS states that "*the long-term prosperity and social well-being of Ontarians*

depends on maintaining strong, sustainable and resilient communities for people of all ages, a clean and healthy environmental, and a strong and competitive economy".

The following specific PPS policies are relevant to the site and the proposed applications.

6.2.1 Community Design

Section 1.1.1 of the PPS seeks the establishment of "healthy, livable, and safe communities" through:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long- term care homes), recreation, park and open space, and other uses to meet long- term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

Response: The proposed applications are consistent with Section 1.1.1 of the PPS. The Proposed Development is an intensification of the Site making efficient use of municipal services and transportation infrastructure. The applications will facilitate efficient use of the Site and provide residential and employment uses, including residential dwellings catering to older persons. Environmental and human health will not be negatively affected by the development.

6.2.2 Settlement Areas

Section 1.1.3.2a) of the PPS directs that land use patterns in settlement areas are to be based on densities and a mix of land uses which:

1. *efficiently use land and resources;*
2. *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;*
3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
4. *support active transportation;*
5. *are transit-supportive, where transit is planned, exists or may be developed; and*

Response: The proposed applications are consistent with Section 1.1.3.2a) of the PPS. The Proposed Development is an efficient use of land and is adequately serviced by existing municipal infrastructure as demonstrated in the Functional Servicing Report summarized in Section 5.1 of this Report. The Proposed Development is transit-supportive and is serviced by transit. The development's access to public transit and compact design will minimize the generation of greenhouse gases. The introduction of residential use in close proximity to commercial development will encourage active transportation.

6.2.3 Intensification and Compact Form

Section 1.1.3.4 of the PPS direct the promotion of that appropriate development standards "*which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety*". Further, Section 1.1.3.6 identifies that new development in designated growth areas "*should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities*".

Response: The proposed applications are consistent with Sections 1.1.3.4 and 1.1.3.6 of the PPS in that the Proposed Development is a compact building within an existing commercial built-up area. The Proposed Development will intensify the Site within an area that is located within an intensification area identified in the Municipality of Port Hope Official Plan. The development does not pose a risk to public health or safety.

6.2.4 Employment

Section 1.3.1 of the PPS directs the promotion of economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities;*

Response: The proposed applications are consistent with Section 1.3.1 of the PPS as it provides a range of employment and residential opportunities. Adding seniors residential to existing commercial provides a mixed-use precinct .

6.2.5 Public Spaces, Recreation, Parks, Trails and Open Space

Section 1.5.1 of the PPS directs that healthy, active communities should be promoted by, among other matters, "*planning for safe public streets and spaces that meet the needs of pedestrian, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity*" as well as "*planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including parks, open spaces, and trails*".

Response: The proposed applications are consistent with Section 1.5.1 of the PPS as it provides linkages to the surrounding active transportation network along Jocelyn Street and Henderson Street. Along with safe sidewalks surrounding the Site.

6.2.6 Planning and Stormwater Management

Section 1.6.6.7 of the PPS identifies that stormwater management planning shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*

f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact

Response: The proposed applications are consistent with Section 1.6.6.7 of the PPS as stormwater quantity and quality is appropriately managed and does not negatively impact water quality or the function of surrounding vegetation. Stormwater has been addressed in the Functional Servicing Report summarized in Section 5.1 of this Report.

6.2.7 Transportation Systems

Section 1.6.7.1 of the PPS seeks transportation systems that are "safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs". Section 1.6.7.2 directs the efficient use of existing and planned infrastructure, including through TDM strategies. Section 1.6.7.4 promotes land use patterns, densities and mixes of uses that "minimize the length and number of vehicle trips and support current and future use of transit and active transportation".

Response: The proposed applications are consistent with Section 1.6.7.1 and 1.6.7.4 of the PPS in that it is well connected to the Town's bus system. Proximity to arterial roads, and location of the residential community within a commercial site, supports the Proposed Development and has been addressed in the Traffic Impact Study.

6.2.8 Energy Conservation, Air Quality and Climate Change

Section 1.8.1 of the PPS provides direction for environmental sustainability through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;*
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
- e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f) promote design and orientation which:*

1. *maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and*
 2. *maximizes opportunities for the use of renewable energy systems and alternative energy systems; and*
- g) maximize vegetation within settlement areas, where feasible.*

Response: The proposed applications are consistent with Section 1.8.1 of the PPS. The Proposed Development will facilitate compact development that provides commercial and residential uses on a transit and provides intensification in an area identified within the Municipality of Port Hope Official Plan.

6.3 Growth Plan for the Greater Golden Horseshoe

The Ministry of Public Infrastructure and Renewal released the Growth Plan for the Greater Golden Horseshoe ('Growth Plan') to manage growth in Ontario. The updated Growth Plan came into effect on May 16, 2019. Subsection 3(5)(b) of the Planning Act requires that all decisions that affect a planner matter 'shall conform' with Provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region that complements the Provincial Policy Statement and is implemented by municipal planning documents. At the core of the Growth Plan are guiding principles of building compact, vibrant and complete communities; planning and managing growth to support a strong, competitive economy; and optimizing the use of existing or planned infrastructure to support growth in a compact and efficient form.

Policies for managing growth are contained in Section 2.2 of the Growth Plan. The following policies, contained in Section 2.2.1, are applicable to the Proposed Applications:

1. *Forecasted growth to the horizon of this Plan will be allocated based on the following:*
 - a) *the vast majority of growth will be directed to settlement areas that:*
 - i. *have a delineated built boundary;*
 - ii. *have existing or planned municipal water and wastewater systems; and*

- iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.*

The Site is identified within the Greater Horseshoe Growth Plan Area. The Growth Plan states that by the year 2031 and each year thereafter all residential development occurring annually within each upper- or single-tier municipality will be within the Built-Up Area. The Growth Plan states "all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) Encourage intensification generally to achieve the desired urban structure;*
- b) Identify the appropriate type and scale of development and transition of built form to adjacent areas;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities"*

Response: The Proposed Development conforms with the Growth Plan. The development is within The Greater Horseshoe Growth Plan Area. Seniors housing will be provided in a commercial area, serviced by public transit. The Site is in an area which encourages intensification within the Municipality of Port Hope Official Plan. The addition of residential will provide a diverse mix of land uses. Access to local stores and services are conveniently accessed. The seniors development will improve social equity within the community

6.4 Northumberland County Official Plan

The Official Plan was approved by the Ontario Municipal Board on November 23, 2016

Port Hope is designated "Urban Area" in the County of Northumberland Official Plan.

Section B9 Minimum Intensification Target, states that the minimum intensification target for Port Hope is 50% and a minimum of 40% of all the residential development occurring

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with the County will be with the built form boundary of the urban areas in accordance with Table 1 of Section B9.

Response: The subject is located within the urban area is would support the required intensification within Port Hope.

Section C.1.1 Complete Communities, (d) encourages a range of housing types for all levels of income and ages and (h) a population level and density that supports the provision of public transit, where feasible

Response: The proposed development will be provide a diverse housing type including a mid-rise building and bungalow townhouses catering to independent seniors. It will bring intensification to the area. The development will be rental and rental rates will be more affordable than other seniors developments.

Section C1.2.1 Residential Areas, (b) encourages the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, need and desires while promoting the maintenance and improvement of existing housing; (d) encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development; (g) encourage local municipalities to establish comprehensive design guidelines and policies to foster the establishment of communities that are safe, functional and attractive;

Response: The proposed development supports the objectives of residential areas as outlined within the Official Plan. A diverse range of housing types is proposed, catering specifically to seniors. Increased densities are proposed which will foster a seniors community which is safe, functional and attractive.

C1.2.2 Commercial Areas, (b) encourage and promote development that combines commercial, residential and other land uses to facilitate the more efficient use of urban land and the establishment of a pedestrian environment; (c) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of commercial and residential intensification, where appropriate

Response: The proposed development will incorporate residential within an existing commercial development. This will provide a pedestrian environment with close proximity of residential to the existing commercial.

6.5 Municipality of Port Hope Official Plan

The current Municipality of Port Hope Official Plan (OP) was adopted November 25th, 2014.

The Site is located within the Port Hope Urban Area as identified in Schedule C1 of the OP and is designated "General Commercial" the OP. OPA #7 Schedule A1 identifies the Site as Major Intensification Area **Figure 5 and 6**

D3.2 General Commercial

The General Commercial designation permits service and retail commercial uses. Apartments may also be permitted in the General Commercial designation.

Section D3.2.2 states that apartments dwelling units may also be permitted in conjunction with a General Commercial use.

Response: The Site is located within a commercial development and is part of the landholding of the Owner. There is a variety of commercial existing within the developed area. Seniors housing will provide the residential apartment component noted in the OP along with bungalow townhouses. This will provide a variety of housing types for independent seniors living.

B9.2 Objectives

To encourage the provision of an adequate supply of housing accommodation, by type and tenure, in relation to the needs and demands of both present and future inhabitants of the Municipality as identified in the County of Northumberland 10-year Housing and Homelessness Plan in a form that generates a choice of life styles.

To encourage intensification within the Urban Area in a manner that is compatible with surrounding development.

To encourage the provision of affordable housing and endeavor to achieve a 25% share of affordable housing units broadly within new developments.

To permit secondary residential units as a way to achieve housing affordability, compact development, and intensification.

To ensure that all residential areas of the Urban Area are compact, pedestrian friendly, offer a mix of housing types and are accessible to a range of amenities such as community facilities and commercial uses.

Response: The proposed development will provide rental apartments for Seniors. The proposed development provides a diverse housing type catering to seniors and will add rental units to the community. It will allow for intensification in the area identified as Major Intensification Area in the Official Plan. The proposed development is compact, pedestrian friendly and offers a mix of house types that are not currently

provided in the urban area of Port Hope. The site is accessible to a wide range of commercial which is provided by the landholder of the Site.

6.6 The Municipality of Port Hope Zoning By-law 20/2010

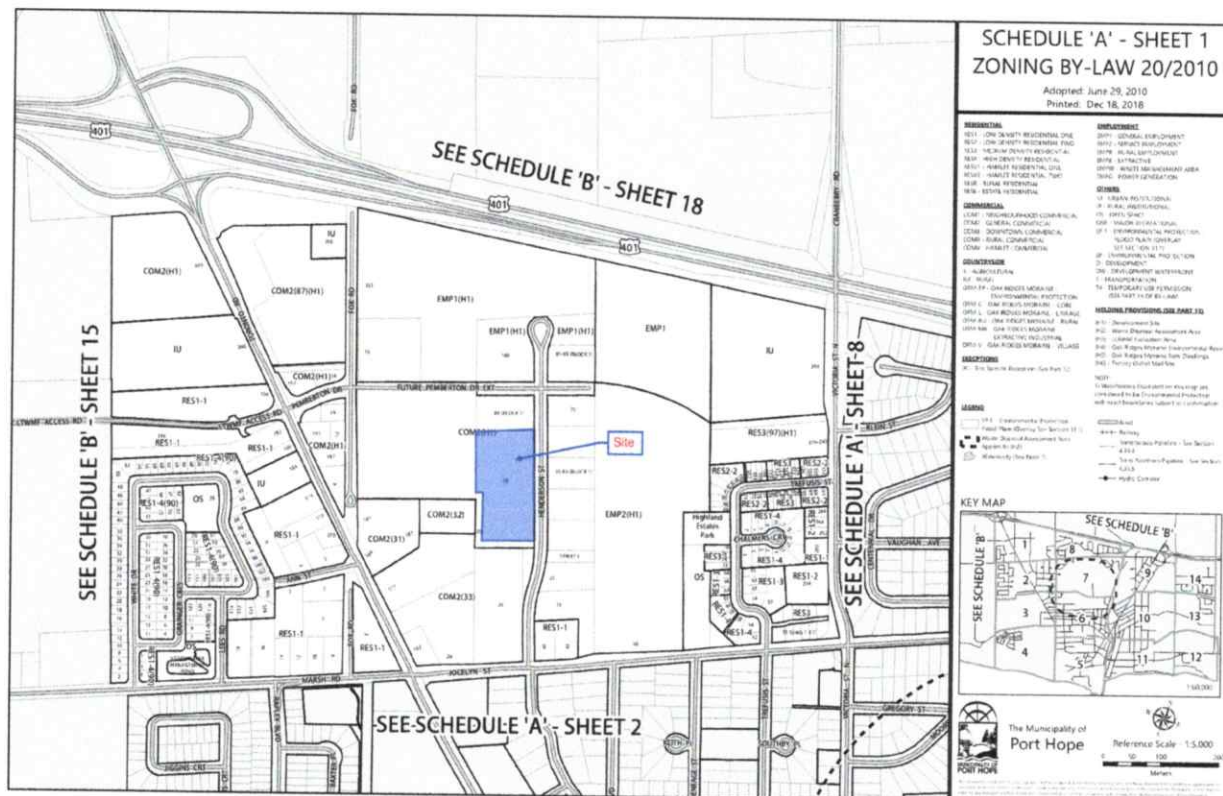
The Site is zoned General Commercial within the Comprehensive Zoning By-law 20/2010 of the Municipality of Port Hope (**Figure 7**)

Section 7.3 Permitted Uses for Commercial Zones. Table 7.1 lists permitted uses for the COM2 zone. These uses include a wide range of retail and service uses:

Art Gallery, Animal Clinic, Assembly Hall, Business Office, Dry cleaning dept, Dwelling - accessory, medical office, motor vehicle body shop, motor vehicle gas bar, personal service establishment, place of entertainment, restaurant, supermarket and other commercial uses.

Figure 7: Current Zoning Commercial COM 2(H1) Zoning

Source: Municipality of Port Hope By-law



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Section 4.2.2 of the Zoning by-law permits accessory dwelling units in Commercial Zones. Only 1 dwelling unit on a lot is permitted. However, COM3 permits an unlimited number of dwelling units, provided the first floor of the building is commercial.

Response: The proposed seniors residential will provide intensification to the area. The Site is under the same ownership of the retail development. An apartment is proposed. The ground floor of the midrise building will include a restaurant, spa, bar and fitness centre, along with residential units. The amenities will be for the use of the residents within the building and within the proposed townhouse units. The area has been identified for intensification in the Official Plan. The proximity to public transportation and pedestrian accessibility to retail amenities, offices and personal service provides an excellent location for residential. The mixed-use development complements the community and provides a diverse housing type for seniors, which affordable and needed in the urban area of Port Hope.

The chart provides the current zoning provisions for the Res4 zone, with exceptions:

PROVISIONS OF THE Res4 ZONE:

Provisions	Required	Provided	Compliance
Permitted Uses	Residential Apartment, Street Townhouse Dwellings, Senior Citizen Home	Add the following: Apartment building, Seniors	Amendment Requested
Minimum Lot Area	1 Ha	135 sq.m per dwelling unit	Complies
Minimum Lot Frontage	60 m	192.58 m	Complies
Minimum Front Yard	7.5 m for apartment 6.0 m for Townhouse	6.0 m	Amendment requested
Minimum Rear Yard	7.5 m for apartment; 7.5 m for Townhouse	6.0 m	Amendment Requested
Minimum Interior Side Yard	7.5 m for apartment; 2.0 m for Townhouse	6.0 m	Amendment Requested
Maximum Height	n/a for apartments 11.0m for townhouses	13.8 m	Complies

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Minimum Exterior Side Yard			Complies
Parking	Apartment 1.25/unit plus 0.25/unit for visitor parking Townhouse 2/unit provided 3 spaces are provided for every 2 dwelling units in a building containing 8 or more dwelling units Total = apartment 74 units requires 111 spaces Townhouse 36 units requires 72 spaces	Apartment 98 Townhouse 56	Amendment requested

7.0 Conclusion

The Planning Justification Report has been prepared on behalf of Choice Property Limited Partnership and Wellings 2019 Inc for an Official Plan and Zoning By-law Amendment for a portion of the property known municipally as 60 Henderson Street. The proposed planning applications are necessary to permit senior's residential to facilitate the construction of a 4 storey mid-rise senior's apartment building and 36 bungalow slab on grade townhouse units on the Site.

A Pre-Application package was prepared and issued to Wellings 2019 Inc and Choice Property Limited Partnership. The package consisted of comments from Town Staff and agencies including the Conservation Authority, Fire and Emergency Services. It was identified that a Planning Justification Report, Functional Servicing Report, Stormwater Management Report, Geotechnical Report, Noise Report, Phase 1 Environmental Site Assessment, Traffic Study, and Commercial Land Assessment Report are required as part of a complete application.

The Planning Justification Report concludes that the proposed Official Plan and Zoning By-law Amendments are appropriate and represent good planning for the following reasons:

- They are consistent with policies in the Provincial Policy Statement (2020)
- They are supported by the policies of the Municipality of Port Hope Official Plan
- The requested amendment to the Zoning By-law are appropriate and justified for the reasons set out in Section 4.2 of this Report

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- The Proposed Development will provide Residential within a Commercial node and is within an area identified as Major Intensification Area in the Official Plan
- The proposed development provides residential rental suites for Senior's in order permit residents of the community to age in place. It provides a diverse housing type along a pedestrian and transit accessible location as outlined in the Official Plan
- The Site can be serviced through proposed service connections to the existing sanitary, water and stormwater networks and appropriate measures for stormwater management quality control can be implemented; and
- Approval of the Proposed Amendments will permit development that is appropriate and compatible in this community

It is therefore our opinion that the proposed applications are appropriate and represent good planning and should be approved.

[Appendix A: Record of Pre-Application Consultation](#)



**Development Review Team Meeting
July 26, 2021
Via ZOOM**

Meeting of the Development Review Team held July 26, 2021 at 1:30 p.m. via ZOOM

Staff Present: T. Merepeza (Manager, Planning), E. Schaefer (Municipal Planner) K. Narraway (Marketing/Tourism Manager), M. van den Broek (Manager, Engineering), W. Coulter (Project Coordinator W&E) K. Thajer (GRCA), J. Snoek (Director, Parks, Recreation and Culture), J. Davidson (Director, Works and Engineering), Dan Smith (Director, Fire and Emergency Services)

Absent with Notice: S. Tam, T. Dodds

1. Delegations

a) '20 Jocelyn Street' – Nautical Lands Group

To develop the site for an independent living seniors community with a 4 storey 76 unit mid rise building (approx. 14 m in height) and 49 bungalow townhouses. All units would be rental. All technical studies will be done for the whole site however the construction will be in phases.

- Carport for each for 2BR townhouses units, and the driveway space
- Only driveway space for 1BR townhouses units,
- Combustible construction, 4 storey building will be sprinklered, townhouses will not be. Housing units are not considered low income.

The area proposed for development is part of 20 Jocelyn parcel. Will be developed by Nautical Lands Group in conjunction with Loblaw's. Lands to be leased from the current owner, not under a separate parcel. Can review the shadow effect from the four story building to the neighbouring properties.

Department/Agency Comments:

Planning Division:

- see attached
- required to apply for Official Plan Amendment
- also require a Zoning By-law Amendment (apply for OPA and ZBA concurrently)
- require a Planning Justification Report as to why this development represents good planning
- would suggest to wait for OPA and ZBA finalization before applying for SPA
- address the deficiencies in parking as part of the ZBA
- Addressing will probably be off of Henderson Street

- Both Loblaws and Nautical Lands Group will be on the site plan agreement
- Require a consent application/for lease over 21 years due to this agreement with Loblaws
- Would there be any shadowing on the opposite side of the street?
- Would like to review the SPA as a whole and then break it up into phases
- Strongly recommend that the development include affordable housing units. County Council recently has approved the Affordable Housing Grant Program: information about the program are found on the [Affordable Housing Grant Program webpage](#). There are Guidelines prepared by County: [2021-04-16 Northumberland Housing Grant Program Guidelines Copy 2.pdf](#) It is currently first come first serve for applications.

Contact Info at County:
 Rebecca Carman
 Housing Services Manager,
 Northumberland County Housing Corporation
carmanr@northumberland.ca

Works and Engineering:

- see attached
- can review their files to see if they can locate the plan/profile for Henderson Street (tender drawings only, not as-built)
- would like to see water modeling for the development to determine capacities, will provide contact at CIMA, at the cost of developer
- not anticipating water capacity issues
- traffic impact study to be completed
- no sidewalks currently on Henderson Street. This type of proposal would lend itself to building sidewalks.
- Master Storm Water Management study completed in 2010, will send a copy of the report to developer, limit discharge rates to 17.3 litres per second per hectare. Overcontrol due pipe size bottleneck down stream.
- As Jocelyn Street is a County Road, the County will also be reviewing/approving the Traffic Impact Study
- Poor sightlines at the intersection of Jocelyn and Henderson Street. TIS to look into this matter.
- Parking- AODA regulations
- Will require separate water meters for each unit, but only one main water meter going in to the building
- Building a new sidewalk is required for this development.

Fire & Emergency Services/Building:

- Fire flow rates need to be provided
- Layout looks OK from the emergency point of view

GRCA:

- review storm water management guidelines on GRCA website
- the site is not regulated under the GRCA
- supportive of low impact design but interested to see how this relates to the overall storm water management scheme

MTO:

- MTO is currently only concerned with storm water management at this time. Will be circulated at the time of Site Plan application

Parks, Recreation, and Culture:

- Will confirm parkland cash in lieu

County Roads/Waste:

- Review Storm Water Management Report and Traffic Impact Study
- County's Waste By-law (attached)

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Planning Comments

** comments provide below are based on an initial review of the preliminary proposal and are therefore subject to change **

PROPOSAL:

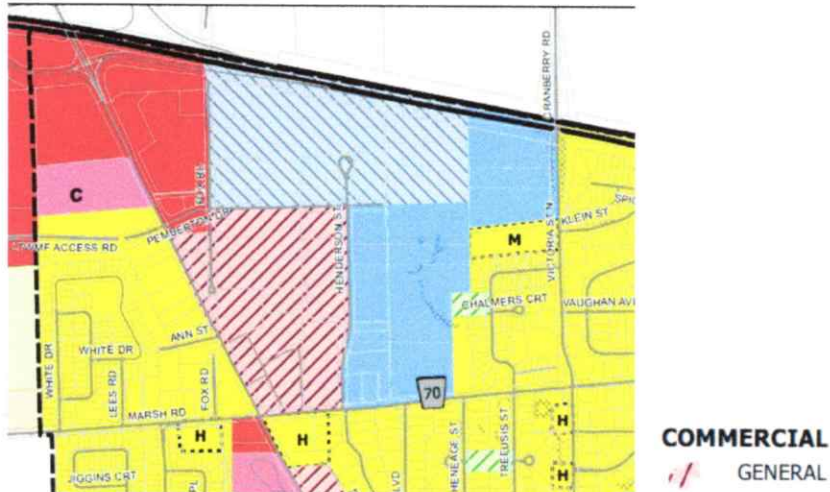
- To develop the site for an independent living seniors community with a 4 storey 76 unit mid rise and 49 bungalow townhouses

QUESTIONS:

- Staff sent questions to proponents in advance of meeting to clarify proposal. Proponent responses in blue.
 - o *Is this the correct Subject Lands? Drainage lands shown to the south*
Odan Detech can respond to this on the call
 - o *Is the mid-rise building intended to be a mixed-use development?*
It is not mixed use but we will have a restaurant, salon and gym in our amenity area
 - o *Does the proposed mid-rise dwelling meet the Zoning By-law's definition for "apartment," "multiple unit"?*
I have reviewed the definitions. The apartment definition is more suitable as there is a common external access
 - o *Is this a "retirement home," "nursing home," long term care facility? What services will be provided?*
It is a seniors independent living residence. Our services are very limited
 - o *Is this a condo? Rental? Market-rate? Affordable?*
These are all rental units.
 - o *Are garages incorporated in townhouse design?*
Some units have garages.
 - o *What is the purpose of the patio space? For the restaurant? Residents of mid-rise dwelling?*
it is part of the outdoor amenity area. We can discuss this further on the call today.

LAND USE POLICY:

- Official Plan: General Commercial
 - o Retail and service commercial permitted
 - o Medium density residential no permitted uses
 - o **Official Plan Amendment required**
- Section C5.1.1.1.3: New residential uses in upper stories shall be permitted provided: a) the habitable floor space shall be located above the Regulatory Flood level; and Continuation of Existing Uses Provincial Policies Minor Renovation and Addition New Residential in Commercial Buildings Commercial Use Limitations 30 of 182 Municipality of Port Hope Official Plan –2017 b) safe ingress/egress and parking can be achieved, as defined in this Plan



- Zoning: COM2(H1) Zone
 - COM2 Zones permit restaurant
 - Residential uses not permit except for Accessory Dwellings
 - The proposed townhouses and mid-rise dwellings are not considered accessory dwellings
 - **Zoning By-law Amendment required**
- Development Constraints
 - Proximity to an unevaluated wetlands. Refer to comments from GRCA.
- PHAI
 - Through its Historic Waste Program Management Office, Canadian Nuclear Laboratories is implementing the Port Hope Area Initiative Project (PHAI) on behalf of Atomic Energy of Canada Limited, a federal Crown corporation. The PHAI Project involves the cleanup of historic low-level radioactive waste from various sites in Port Hope. For information on the PHAI Project and file information on the specific lands you have written about, you should contact the Historic Waste Program Management Office at (905) 885-0291.

General Comments:

- Staff do not generally support the removal of commercial/employment lands for residential purposes. Planning rationale required to rationale change in use
- From Official Plan: Assessment Ratio: If any proposed form of residential development is likely to change the existing ratio of commercial/industrial assessment (i.e. municipally profitable from a cost-and-benefit perspective) to residential assessment (i.e. municipally unprofitable from a cost-and-benefit perspective) so as to have a significant negative impact upon the tax burden of agriculture, such **proposed development shall be deemed to be premature.**
- Please note that planning policies focus on the **land use** and not a specific age cohort for rental tenure.

- Staff note that the drawing provided was missing information, and was very conceptual. Dimensions, setbacks, height not shown so staff review is limited. Refer to Zoning By-law for requirements.

Applications Required:

- Major Official Plan Amendment + Major Zoning By-law Amendment required to address use and zoning deficiencies. (\$9,250 + 50% of \$5,700)
- Planning Justification Report by professional planner, other report/studies may be required.
- Major Site Plan application based on proposal.
- Consent Application based on proposal for easement over 21 years.

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Appendix B: Draft Official Plan Amendment

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. XX/2022

Being a By-law to adopt Official Plan Amendment No. X to the Official Plan for the Municipality of Port Hope, which will re-designate certain lands municipally known 60 Henderson Street, PT LT 1-2 PL 13; LT 10 CON 2 HOPE AS IN NC338607, NC338609 & PT 1 & 2, 9R2580 N OF PT 2 39R12594; Municipality of Port Hope, County Of Northumberland.

The Council of the Corporation of the Municipality of Port Hope, in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P.13, as amended, hereby enacts as follows:

1. That Amendment No. X to the Official Plan of the Municipality of Port Hope, being the attached Schedule "A" is hereby approved.
2. This By-law shall come into force and take effect on the day of passing thereof, pursuant to Section of the Planning Act, R.S.O. 1990, c.P.13.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME and finally passed in Open Council this ____ day of _____, 2022.

R.J. Sanderson, Mayor

Brian Gilmer, Clerk

Schedule "A" to By-law X/2022

Amendment No. X
Municipality of Port Hope Official Plan

Amendment No. X

Municipality of Port Hope Official Plan

PART A: BACKGROUND INFORMATION

1. **THE PURPOSE OF AMENDMENT NO. X**

The purpose of Amendment No. X to Municipality of Port Hope Official Plan is to amend the Official Plan in order to re-designate the subject lands to a Special Site Policy exception to the General Commercial designation permitting residential uses in order to facilitate the development of the subject lands to allow for residential uses, permitting a medium density seniors residential development with both a 4-storey midrise apartment building with 74 units and 36 bungalow townhouse units. The amendment will support the intensification area within the urban area established in the Municipality of Port Hope Official Plan and of the County of Northumberland Official Plan.

2. **LANDS AFFECTED BY AMENDMENT NO. X**

Amendment No. X applies to the lands Municipally known as 60 Henderson Street *PT LT 1-2 PL 13; LT 10 CON 2 HOPE AS IN NC338607, NC338609 & PT 1 & 2, 9R2580 N OF PT 2 39R12594*; Municipality of Port Hope, County of Northumberland, with an approximate area of 1.82 ha. The general location of the subject property within the Municipality is shown on the attached Schedule "A" to Amendment No. X.

3. **BASIS OF AMENDMENT NO. X**

An application has been submitted to amend the Official Plan designation and the Zoning By-law currently in effect in order to permit residential uses on the subject lands. The application seeks to amend the General Commercial designation to permit a seniors residential medium density designation with 74 apartment units with ground floor residential and amenity areas for the residents along with 36 bungalow townhouse units. The amendment provides for the introduction of residential dwellings within a commercial plaza providing a mixed-use development. The proposed amendment will allow for new housing opportunities, while respecting the municipal interest of intensification and pedestrian connectivity to retail, while utilizing available urban services.

4. PLANNING RATIONALE

The proposed amendment is consistent with and does not contradict the Provincial Growth Plan (2020), the Provincial Policy Statement (2020), and is consistent with the urban area intensification identified in of the Municipality of Port Hope Official Plan, and the County of Northumberland Official Plan.

PART B: THE AMENDMENT

The Municipality of Port Hope Official Plan is hereby amended as follows:

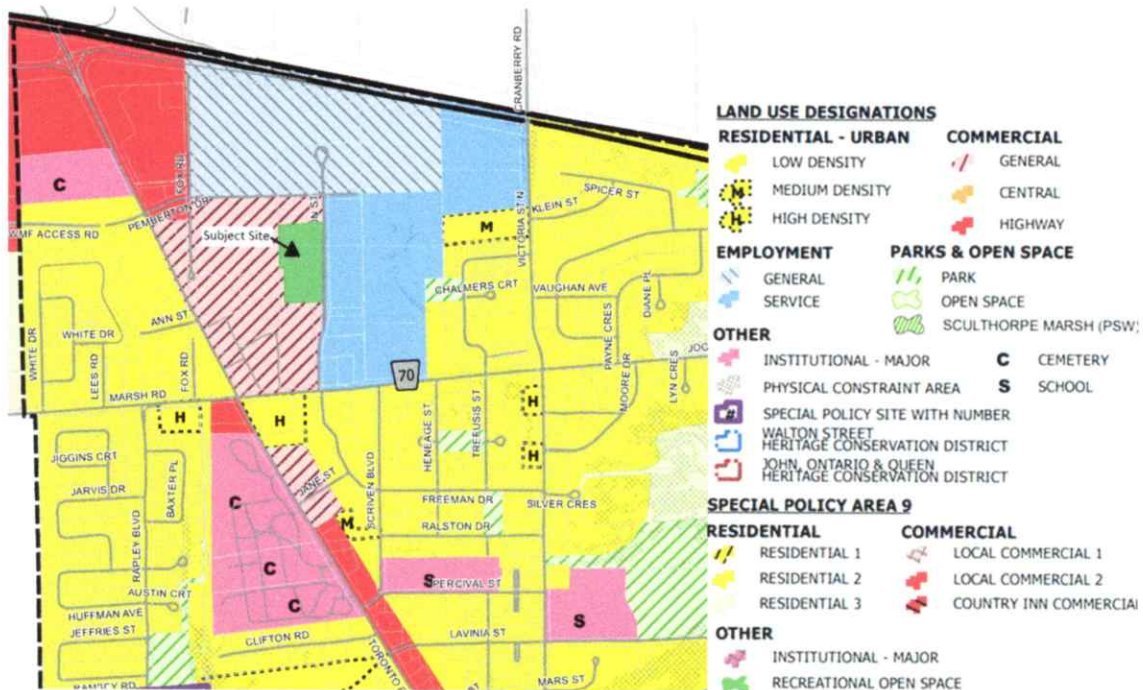
- i. That Schedule C-1 (Land Use – Urban Area Detail) for the property known as 60 Henderson Street, located west of Henderson Street and North of Jocelyn Street, and identified on Exhibit A is hereby amended, by providing an exception to the General Commercial designation specific to the subject property.
- ii. That the following uses be included within the General Commercial designation:
 - (a) Seniors Residential
 - (b) Apartment Building
 - (c) Townhouse units

DRAFT OPA

Exhibit 'A' to Amendment # _____

The Municipality of Port Hope Official Plan

General Commercial with Exception



Appendix C: Draft Zoning By-law

PLANNING RATIONALE REPORT
60 Henderson Street Port Hope
June 2022

Proposed Zoning By-law Amendment

That the Site be rezoned from Commercial COM2 (H1) to Site Specific Residential RES4 with the following provisions:

Proposed Zoning Schedule

Provisions	Required	Provided	Compliance
Permitted Uses	Residential Apartment, Street Townhouse Dwellings, Senior Citizen Home	Add the following: Apartment building, Seniors	Amendment Requested
Minimum Lot Area	1 Ha	135 sq.m per dwelling unit	Complies
Minimum Lot Frontage	60 m	192.58 m	Complies
Minimum Front Yard	7.5 m for apartment 6.0 m for Townhouse	6.0 m	Amendment requested
Minimum Rear Yard	7.5 m for apartment; 7.5 m for Townhouse	6.0 m	Amendment Requested
Minimum Interior Side Yard	7.5 m for apartment; 2.0 m for Townhouse	6.0 m	Amendment Requested
Maximum Height	n/a for apartments 11.0m for townhouses	13.8 m	Complies
Minimum Exterior Side Yard			Complies
Parking	Apartment 1.25/unit plus 0.25/unit for visitor parking Townhouse 2/unit provided 3 spaces are provided for every 2 dwelling units in a building containing 8 or more dwelling units	Apartment 98 Townhouse 56	Amendment requested

