

## Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

---

<b>Report To:</b>	<b>Planning and Development Committee</b>		
<b>Date of Meeting:</b>	December 6, 2021	<b>Report Number:</b>	PDS-064-21
<b>Submitted By:</b>	Ryan Windle, Director of Planning and Development Services		
<b>Reviewed By:</b>	Andrew C. Allison, CAO	<b>Resolution#:</b>	PD-250-21, C-400-21
<b>File Number:</b>	ZBA2021-0002	<b>By-law Number:</b>	
<b>Report Subject:</b>	<b>An application by LARKIN + Land Use Planners to permit two 11 storey mixed-use buildings at the south-west corner of Green Road and Highway 2 in Bowmanville, a Recommendation Report for ZBA2021-0002.</b>		

---

### Recommendations:

1. That Report PDS-064-21 and any related correspondence be received;
2. That the application to amend the Zoning By-law by LARKIN+ Land Use Planners Inc. be approved and that the Zoning By-law contained in Attachment 1 be passed;
3. That once all requirements as identified in the Staff report PDS-064-21 are satisfied, the By-law authorizing the Removal of the (H) Holding Symbol be approved;
4. That the Durham Regional Planning and Economic Development Department and Municipal Property Assessment Corporation be forwarded a copy of Report PDS-064-21 and Council's decision; and
5. That all interested parties listed in Report PDS-064-21 and any delegations be advised of Council's decision.

## Report Overview

This report recommends the approval of an application to amend the Zoning By-law to permit a mixed-use development to be constructed in two phases. The proposal includes two 11-storey buildings with a total of 228 residential units comprised of condominium apartments and townhouses along with approximately 371 square metres of commercial space on the ground floor. The site is approximately 0.96 hectares, resulting in a housing density of 238 units per hectare. The site plan details and tenure will be addressed through the ongoing Site Plan application and a future Plan of Condominium application.

The proposed development conforms with the Clarington Official Plan.

This Zoning By-law amendment is subject to a Holding provision to meet the conditions of site plan details that would be addressed through the ongoing Site Plan application and a future plan of condominium.

## 1. Purpose of the Report

- 1.1 The purpose of this Staff Report is to recommend to Council the adoption of Zoning By-law Amendment (ZBA2021-0002) to Clarington Zoning By-law 84-63. The recommendation comes following a thorough public planning and consultation process.
- 1.2 This report includes a summary of the process and comments received since the Statutory Public Meeting held on June 7, 2021.

## 2. Application Details

- 2.1 Owner: 1898578 Ontario Limited
- 2.2 Applicant: LARKIN+ Land Use Planners Inc.
- 2.3 Proposal: Zoning By-law 84-63 Amendment

To rezone the lands from “Agricultural (A) Zone” and “Holding – Urban Residential Type 4 Exception ((H) R4-29) Zone” to a “Holding - Urban Centre Mixed Use Exception ((H) MU3-3) Zone” to permit the mixed-use development that includes two 11-storey buildings with a total of 228 residential units comprised of condominium apartments and townhouses with approximately 371 square metres of commercial space on the ground floor. The development is proposed to be constructed in two phases. Both phases of the development are proposed to be connected through an underground parking level.

Phase one is proposed to front Highway 2 and would be comprised of 137 residential units and 192.9 square metres of commercial space on the ground floor.

Phase two is proposed to front along Green Road and would be comprised of 91 residential units and 178.6 square metres of commercial space on the ground floor.

- 2.4 Area: 0.96 hectares
- 2.5 Location: 2345 and 2349 Regional Highway 2, Bowmanville
- 2.6 Within Built Boundary: Yes



Figure 1: Site Location Map

### 3. Background

- 3.1 In September 2020, the applicant began initial conversations related to the proposal with Clarington Staff.
- 3.2 On January 28, 2021, LARKIN+ Land Use Planners Inc. submitted an application to amend the Zoning By-law and a corresponding Site Plan Application, to permit a multi-residential, mixed-use development to be constructed in two phases (See **Figure 2**). Phase one was proposed to front Highway 2 and be comprised of 137 residential units and 192.9 square metres of commercial space on the ground floor. Phase two was proposed to front along Green Road and be comprised of 91 residential units and 178.6 square metres of commercial space on the ground floor. Both phases of the development are proposed to be connected through an underground parking level.
- 3.3 Below is an up-to-date timeline related to the processing of the development applications for two mixed-use buildings:
- Pre-consultation application received: July 21, 2020
  - Pre-consultation meeting held September 3, 2020
  - Final pre-consultation minutes sent to applicant: September 11, 2020
  - Rezoning and Site Plan applications received: January 28, 2021
  - Rezoning and Site Plan Applications deemed complete: February 10, 2021
  - Applications circulated for comments: February 11, 2021
  - Applicant held Open Houses: April 20 and 22, 2021
  - Statutory Public Meeting held on June 7, 2021
  - Status Letter sent to applicant: June 18, 2021
  - Internal meeting with Applicant to discuss comment letter: June 30, 2021
  - Second Submission received: September 21, 2021
  - Second Submission circulated for comments: September 27, 2021
- 3.4 The applicant submitted a number of technical studies in support of the applications. Following the Statutory Public Meeting and comments from internal staff departments and external agencies, the applicant has provided revisions. A list of these technical studies and changes made will be reviewed in Section 9.



Figure 2: Proposed Site Layout

- 3.5 A statutory Public Meeting was held on June 7, 2021. Comments received from the public meeting are discussed in Section 8 of this report.
- 3.6 After the public meeting the applicant submitted a revised proposal that maintains the same number of units but addressed a number of concerns identified by internal departments, external agencies and members of the public.
- 3.7 The applicant has submitted the following studies in support of the applications which are reviewed in Section 9 of this report:
  - Planning Rationale Report
  - Urban Design Brief
  - Geotechnical Investigation
  - Phase 1 Environmental Site Assessment (ESA)
  - Phase 2 Environmental Site Assessment (ESA)
  - Transportation Impact and On-Site Circulation Study
  - Environmental Noise Assessment
  - Functional Servicing and Stormwater Management Report
  - Fill Management Plan
  - Landscape Analysis Plan
  - Arborist Report

## 4. Land Characteristics and Surrounding Uses

- 4.1 The site is comprised of two separate properties (2345 and 2349 Highway 2) located at the southwest corner of Green Road and Regional Highway 2 in Bowmanville that are proposed to be consolidated upon approval. In total, there is approximately 91 metres of frontage along Regional Highway 2 and 79 metres of frontage along Green Road.
- 4.2 The surrounding uses are as follows:
- North:** Regional Highway 2 and existing commercial plaza
  - East:** Green Road and Loblaws supermarket
  - South:** Existing single detached residential dwellings
  - West:** Existing single detached dwelling Residential lot
- 4.3 A corresponding Site Plan Application has been deemed complete and was circulated with the Rezoning application. The Site Plan review process is ongoing and is assisting Staff to determine whether the site is appropriate for the proposed use (See Figure 2).

## 5. Provincial and Regional Policy Conformity

### Provincial Policy Statement

- 5.1 The Provincial Policy Statement (PPS) policies direct growth to settlement areas and promote compact development forms. Planning authorities are to facilitate development of a variety of housing forms and promote residential intensification to achieve efficient development patterns, especially along public transit and active transportation routes. Recent changes to the PPS policies state that planning authorities shall also consider market demands and long-term economic prosperity when evaluating proposals.
- 5.2 The site is located within the Bowmanville urban area and located along a transportation corridor. The new development has compact form and promotes residential intensification.
- 5.3 The proposed mixed-use development conforms with the Provincial Policy Statement.

### Growth Plan for the Greater Golden Horseshoe (Growth Plan)

- 5.4 The Growth Plan is a long-term planning framework that manages growth, mainly within the urban areas of the Greater Golden Horseshoe. It provides policies to encourage complete communities, which includes a diverse mix of land uses, a mix of employment and housing types, high quality public open spaces, and convenient access to local stores and services.

- 5.5 New transit-supportive and pedestrian-friendly developments will be concentrated along existing and future transit routes. The objective is to make efficient use of existing public infrastructure and encouraging compact development within the already built-up areas of the Municipality.
- 5.6 The Growth Plan also provides policies on Major Transit Station Areas (MTSAs). MTSAs are lands within an approximate 500-800 metre radius of a transit station. They are intended to be developed as high density, mixed-use, transit-supportive neighborhoods. A minimum of 150 residents and jobs combined per hectare is required within an MTSA. Areas that surround the proposed GO Station site need to be designed to incorporate multi-modal access and connection to transit (including active transportation infrastructure). Land uses within MTSAs should be planned for a mix of uses (residential, commercial, office). Lands within the MTSA areas are also appropriate for alternative development standards (e.g. reduced parking requirements).
- 5.7 The site is within a soon to be defined MTSA in Bowmanville, as delineated in [PDS-008-21](#) as it is within 545 metres of a proposed GO Station site.
- 5.8 The proposed mixed-use development conforms with the Growth Plan.

## **6. Official Plans**

### **Durham Region Official Plan**

- 6.1 The Durham Region Official Plan designates the subject lands as a Regional Centre. Regional Highway 2 is a Type B Arterial Road and functions as a transit spine. Regional Centres are targeted for a concentration of uses, including institutional, commercial, residential, cultural, entertainment, major office and major retail uses.
- 6.2 Regional Centres support an overall, long-term density target of at least 75 residential units per gross hectare and a floor-space index of 2.5 times (not applied on a site basis but rather across the entire area). This means the built form will need to be an appropriate mix of mid-rise and high-rise development (as determined by the area municipalities).
- 6.3 Urban areas across the Region shall be planned to accommodate a minimum 40 percent of all residential development occurring annually through intensification within built-up areas. The Durham Regional Official Plan requires a minimum intensification target of 32 percent for lands within the built boundary in Clarington.
- 6.4 Transit spines facilitate inter-regional and inter-municipal transit services along arterial roads (GO Transit) and intersect with local transit services (Durham Regional Transit). Development along transit spines shall provide for complimentary higher densities and mixed uses in accordance with the Regional Centre policies.

6.5 The proposed mixed-use development conforms with the Durham Region Official Plan.

### **Clarington Official Plan**

6.6 The subject lands are within an “Urban Centre” within which mixed-use and apartment buildings are to be the predominant housing form with a permitted height from 4 to 12 storeys, and a minimum net density of 120 units per hectare.

6.7 Urban Centres shall be developed as the main concentrations of activity in each community. In particular, the Bowmanville Urban Centres will be planned as a centre of regional significance providing the highest level of retail and service uses and shall be the primary focal point of cultural, community, recreational and institutional uses in Clarington.

6.8 Core objectives of the Official Plan are to encourage transit-supportive, mixed use and compact urban form in Priority Intensification Areas, which includes Urban Centres.

6.9 The proposed mixed-use development conforms with the Clarington Official Plan.

### **Bowmanville West Urban Centre Secondary Plan**

6.10 The subject site is located within the ongoing Bowmanville West Urban Centre Secondary Plan. This Secondary Plan is currently being updated to conform with the updated Clarington Official plan as well as to incorporate the Major Transit Station Area (MTSA) of the Bowmanville GO Station.

6.11 The review and update of the Bowmanville West Urban Centre Secondary Plan is currently in progress. The applicant has submitted a concept plan demonstrating that this proposal could be integrated into future development within the Bowmanville MTSA. There are no concerns that the current proposal will negatively impact the ongoing secondary plan process.

6.12 The proposed development conforms to the vision of the ongoing Bowmanville West Urban Centre Secondary Plan.

## **7. Zoning By-law**

7.1 The western property, municipally known as 2345 Regional Highway 2 is zoned “Agricultural (A)” in Zoning By-law 84-63. The zoning permits one single detached dwelling.

7.2 The eastern property, municipally known as 2349 Regional Highway 2 is zoned “Holding – Urban Residential Exception ((H) R4-29)”. This zoning permits apartment housing subject to the removal of the holding symbol. The current zoning regulations permit

approximately 197 units within one or more buildings with a maximum height of 24 metres (equivalent to six stories). The current zoning was approved in April, 2007, in report [PSD-035-07](#) and by [By-law 2007-069](#).

- 7.3 The current zoning on these properties does not permit the proposed development, resulting in the need for the rezoning application.
- 7.4 The proposed Zoning By-law Amendment (**Attachment 1**) would allow for the development of the proposed multi-residential, mixed-use development which includes two 11-storey buildings with a total of 228 residential units comprised of condominium apartments and townhouses along with approximately 371 square metres of commercial space on the ground floor. A site-specific “Urban Centre Mixed Use Exception (MU3-3) Zone” is recommended for the entirety of the property.
- 7.5 This Zoning By-law amendment is subject to a Holding provision to meet the conditions of Site Plan details that will be addressed through the ongoing Site Plan application and a future Plan of Condominium.

## 8. Public Participation and Submissions

### Public Participation

- 8.1 The preparation of this Zoning By-law amendment has been supported by a thorough public engagement strategy, including a range of public consultation initiatives. These efforts have been in addition to all statutory meeting requirements. All landowners in the area received notice of the public information centres held and the statutory Public Meeting. Also, the landowners have been informed that this recommendation report is being presented to Council.
- 8.2 All public notices, communications and review periods have been designed to ensure conformity with the requirements of the *Planning Act*.
- 8.3 As detailed below, at the time of writing this report, Staff had been contacted by 12 residents regarding this proposal. Comments are detailed in **Attachment 2**.
- 8.4 In summary the following were the opportunities provided for public consultation:

### Applicant initiated Virtual Open Houses

- 8.5 Prior to notice being posted on the site, Staff received seven pieces of correspondence and several phone calls from neighbouring residents with concerns about the proposal. The concerns were all centered around the appropriateness of the scale of the proposal, relative to the existing, low-density homes to the south. There were concerns about the

lack of transition proposed to the existing residential neighbourhood to the south and the loss of privacy.

- 8.6 In response to these concerns, Staff encouraged the Applicant to host a virtual Open House to provide more details of the proposed development and hear the neighbouring residents concerns. The Applicant held two virtual Open Houses on April 20 and April 22, 2021. Comments heard at these meetings generally related to concerns of the proposed height and shadow impact, loss of privacy, whether there has been any effort to create a mature landscape buffer to the adjacent properties and anticipated timing of construction.

### **Planning and Development Committee Public Meeting – June 7, 2021**

- 8.7 All landowners within 120 metres of the subject lands were invited to the Public Meeting before Council on June 7, 2021. The Public Meeting and associated Staff Report ([PDS-032-21](#)) outlined the proposed planning process, application details, detailed the technical reports submitted in support of the application and provided an opportunity to hear all comments from the public related to the proposed development.
- 8.8 There was one delegation in opposition at the Statutory Public Meeting.

### **Public Submissions in Support**

- 8.9 Generally, the support from the public is as follows:
- Proposed building and site design
  - Higher-density development neat future GO Station
  - Need for active transportation linkages

### **Public Submissions in Objection**

- 8.10 Generally, the concerns from the public are as follows:
- Loss of privacy to neighbouring properties
  - Height and Appropriate Transition
  - Tree and Landscaping Concerns
  - Light Pollution on neighbouring properties
  - Decreased Land Values
  - Construction disturbance for neighbouring residents

- 8.11 The concerns listed above are generally related to the Site Plan approval process. Staff are working with the applicant directly through the ongoing Site Plan approval process to ensure the above-mentioned concerns are satisfied prior to receiving final approval.

## 9. Studies

The following studies were submitted in support of the applications:

### Planning Justification Report, Larkin + Land Use Planner Inc.

- 9.1 This report provides the planning context of the subject lands and surrounding neighbourhood. The report identifies that the proposed development meets the requirements of the *Planning Act*, Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, the Durham Regional Official Plan and the Clarington Official Plan. The report also identifies how the development promotes the vision of the Bowmanville West Urban Centre Secondary Plan.



**Figure 3:** South-east perspective of the proposed 11 storey buildings

- 9.2 The report concludes that, in this location, the proposed scale and intensity of the development are in conformity with the applicable planning documents and represents good land use planning.

### Urban Design Brief, Barry Bryan Associates (BBA)

- 9.3 BBA was retained by the Owners to prepare an Urban Design Brief in support of the development applications. The brief was revised to include further justification in support of the proposal following comments received by staff and the public with concern

regarding Phase 2 building massing and transition to the low-rise residential neighbourhood to the south. The brief concludes that the proposed development is appropriate and aligns with the goals of the Clarington Official Plan and Bowmanville West Urban Centre and Secondary Plan as the Municipality continues to support new transit-oriented infrastructure.

**Geotechnical Investigation, Soil Engineers Ltd.**

- 9.4 Soil Engineers Ltd. was retained by the Owners to carry out a geotechnical investigation for the subject properties. The purpose of the investigation was to reveal the subsurface conditions and to determine the engineering properties of the soils for the design and construction of the proposed project. The geotechnical findings which warrant special considerations are presented throughout the report and will be addressed throughout the Site Plan Approval and construction processes.

**Phase One Environmental Site Assessment (ESA), Soil Engineers Ltd.**

- 9.5 Soil Engineers Ltd. was retained by the Owners to carry out a Phase One Environmental Site Assessment (ESA) for the subject properties. The Phase One ESA identifies three areas of potential environmental concern within the site. First, potential use of pesticide during the agricultural activities at the subject site. Secondly, the presence of fill materials of unknown quality at the subject site and lastly, the presence of spill and stain on the basement floor of the building at the site. A Phase Two ESA was recommended.

**Phase Two Environmental Site Assessment (ESA), Cambium Inc.**

- 9.6 Cambium Inc. was retained by the Owners to carry out a Phase Two Environmental Site Assessment (ESA) for the subject properties. Based on the results of the Phase Two ESA, Cambium concluded no contaminants of potential concern are present at concentrations greater than the applicable standards. No further work is recommended.

**Transportation Impact and On-Site Circulation Study, NextTrans Consulting Engineers**

- 9.7 NextTrans Consulting Engineers was retained by the Owners to carry out a Transportation Impact and On-Site Circulation Study in support of the proposal. The study was revised and re-submitted to provide justification to support a reduction in parking and to address comments related to traffic. The report concludes that the proposed amount of parking is sufficient for the proposal. Vehicular access is envisioned through a full movement entrance that would front Green Road to the east. The study concludes that the development proposal can adequately be accommodated by the existing transportation network with negligible traffic impact to the adjacent public roadways.

**Environmental Noise Assessment, YCA Engineering Limited**

9.8 YCA Engineering Limited was retained by the Owners to prepare an Environmental Noise Assessment in support of the proposal. The assessment examined the noise generated by traffic on Regional Highway 2, Green Road and the Canadian Pacific Railway approximately 550 metres to the south. Mitigation measures such as stationary noise outdoor measures, ventilation requirements, warning clauses and upgraded building components are outlined in the noise assessment and will be addressed through the Site Plan Approval process.

**Functional Servicing and Stormwater Management Report, Candevcon East Limited**

9.9 Candevcon East Limited was retained by the Owners to prepare a Functional Servicing and Stormwater Management Report in support of the proposal. This report investigated water supply, sanitary sewer and storm drainage for the site. The report provides a number of recommendations for successful servicing and stormwater management for the proposal. The recommendations will be implemented through the Site Plan Approval process.

**Fill Management Plan, Soil Engineers Ltd.**

9.10 Soil Engineering's Ltd. was retained by the Owners to carry out a Fill Management Plan (FMP) in support of the proposal. The FMP demonstrates how the earthworks would be completed in accordance with the Ministry of the Environmental, Conservation and Parks (MECP) requirements as well as the [Clarington Site Alteration By-law 2008-114](#).

**Landscape Analysis Plan, prepared by Gina Brouwer and Terence Radford**

9.11 A Landscape Analysis Plan was prepared in support of the proposal. The Landscape Plan was revised and includes coniferous trees along the southern edge of the property following comment from residents to the south. The Plan is provided to assess, describe and interpret the existing context of the subject site.

**Arborist Report, NewLeaf Landscape Architecture Ltd.**

9.12 NewLeaf Landscape Architecture Ltd was retained by the Owners to prepare a tree assessment on the subject lands. The report concluded that due to the extensive development, all the existing vegetation on site requires removal. Recommendations to ensure natural buffering to the southern neighbours have been identified throughout this report and would be implemented as necessary through the Site Plan Approval process.

## 10. Agency Comments

### Durham Region

- 10.1 Durham Region has no concerns or objections to the approval of the Zoning by-law amendment provided that the applicant submits documentation which addresses potential noise impacts, potential site contamination, the Traffic Impact Study and the Site Plan to the Region's satisfaction. The above requirement must be satisfied prior to the passing of the zoning by-law, or alternatively, be subject to an ('H') Holding Provision. The Holding Provision can be lifted once the applicant provides satisfactory evidence which addresses the above noted issues pertaining to the subject site.

### Central Lake Ontario Conservation Authority

- 10.2 The Central Lake Ontario Conservations Authority has no objections to the approval of the zoning by-law amendment. The applicant must, through the detailed design phase, ensure stormwater management measures are implemented to the conservation authorities' requirements and standards.

### Other Agencies

- 10.3 Metrolinx, Enbridge, Bell Canada, Canada Post and HydroOne indicated they had no objections to the proposed applications.

## 11. Departmental Comments

- 11.1 The applications were circulated to internal departments for review and comments. Comments were received from Public Works Department, Building Division, Fire and Emergency Services Department and the Accessibility Committee.

### Public Works Department

- 11.2 The Clarington Public Works Department has no objections to the proposed rezoning application. Any outstanding concerns would be addressed through the ongoing Site Plan application process.

### Building Division

- 11.3 The Clarington Building Division has no objection to the proposed rezoning application.

### Fire and Emergency Services

- 11.4 The Clarington Emergency and Fire Services Department have no objections to the proposed rezoning application.

## Accessibility Committee

- 11.5 The Clarington Accessibility Committee has no objection to the proposed rezoning application.

## 12. Discussion

- 12.1 As detailed in Sections 5 and 6 of this report, the subject proposal conforms with all applicable Provincial and Regional Policy. The PPS, Growth Plan, Durham Regional Official Plan and the Clarington Official Plan all include policies that encourage transit-supportive, mixed use and compact urban form in Priority Intensification Areas (MTSA).

### Priorities for Development Applications in Secondary Plan Areas

#### Affordable Housing

- 12.2 Council, through Official Plan policy, supports the provision of a variety of housing types, tenure and costs for people of all ages, abilities and income groups. From the recommended policies in Clarington's Affordable Housing Toolkit, Staff are implementing various strategies including the requirement that landowners provide either land or a contribution of funds to the Municipality for the development of affordable housing. The Owners have agreed to provide \$400 per unit towards affordable housing.

#### Excellence in Urban Design

- 12.3 The recommended by-law and the future Site Plan process will create an active streetscape by considering the urban design elements listed below:
- Incorporating pedestrian design elements as required within Urban Centres, and more specifically within the Street-Related Commercial designation;
  - Creating an active streetscape, by locating retail businesses on the ground floor;
  - Buildings will be sited near the street with direct access to public sidewalks; and
  - Attractive and functional streets, with full height windows and canopies.

#### Sustainability and Climate Change

- 12.4 The proposal addresses the criteria developed for lands within Secondary Plan Areas in Clarington Green Development program and is guided by the Priority Green Development Framework. Council added emphasis to this priority through the declaration of a Climate Change Emergency on March 23, 2020.
- 12.5 To ensure appropriate landscaped area on the property, the proposed Zoning By-law Amendment requires a minimum amount of grade-level outdoor amenity space based

on lot size and a number of residential units being proposed. This would ensure the site is designed with appropriate outdoor amenity areas for the residents of the buildings.

- 12.6 Further, the proposed Site Plan includes the removal of a number of trees. In a higher density development, tree loss is inevitable. To address this, the proposed Site Plan includes significant landscaping. The conditions of Site Plan approval would also require a compensation requirement for tree loss which would include off-site compensation if it cannot be accommodated on site.

### **Community Engagement**

- 12.7 As detailed in Section 8 of this report, the preparation of this Zoning By-law amendment has been supported by a thorough public engagement strategy, including a range of public consultation initiatives. These efforts have been in addition to all statutory meetings requirements.

### **Coordination of Initiatives**

#### **Bowmanville West Urban Centre and MTSA Secondary Plan (BWUC)**

- 12.8 The BWUC Secondary Plan is currently underway. The applicants have been engaged and have worked with staff to ensure the current application can integrate with and achieve the goals of the future secondary plan.

#### **Major Transit Station Area**

- 12.9 As discussed in Section 5.6, the proposed development is located within the Bowmanville MTSA as it is within 545 metres of a proposed GO Station site. The Growth Plan for the Greater Golden Horseshoe includes a minimum density target of 150 residents and jobs combined per hectare for lands within an MTSA.
- 12.10 As discussed in Section 6.6, the proposed development is located within an Urban Centre. The Clarington Official Plan encourages intensification within Urban Centres with a minimum density of 120 jobs and residents per hectare.
- 12.11 MTSA's and Urban Centres are intended to be developed as high density, mixed-used, transit supportive neighbourhoods. The proposed development aligns with this intention and promotes good planning practice.
- 12.12 The proposal represents a form of development encouraged by Provincial, Regional, and Municipal policies. It will add nearly 400 square metres of commercial floor space in Bowmanville, increasing job opportunities for the community while promoting an active streetscape.

12.13 The proposal would add 228 residential units in Bowmanville, increasing the housing supply for the projected population increase. These residential units are compact and high density, consistent with Provincial, Regional and Municipal policies for urban centres and transit corridors.

### Zoning Change

12.14 The proposed Zoning By-law would place the subject lands in a site-specific Urban Centre Mixed-Use Exception (MU3) Zone. The zoning change would allow for the proposed development, while also being open enough for the zone to potentially be used elsewhere in Clarington for other similar higher density mixed-use developments.

12.15 There are several changes to the typical regulations of the MU3 zone being proposed as part of this amendment. These changes are considered minor in nature and reflective of the proposal while also being open enough to allow future properties to potentially employ this zone when they apply through a rezoning process. The “MU3-3” zone proposes the following:

**Table 1: Proposed “MU3-3” Regulations**

	“MU3” Zone	“MU3-3” Zone
<b>Minimum Sight Triangle Setback</b>	N/A	6 Metres
<b>Maximum Height</b>	As shown on zoning Map Schedule.	40 metres
<b>Number of Storeys</b>	N/A	Minimum: 6 storeys Maximum: 12 storeys
<b>Location of Residential Entrance(s)</b>	Within a street façade; or along the side of the building but no more than half the width of the building from a street façade	No Requirement

	“MU3” Zone	“MU3-3” Zone
<b>Location of non-residential Entrance(s)</b>	At least one public entrance for each business located on the first floor shall be located within a street façade.	Non-residential entrances may be located along the street façade as well as the side yards of the building.
<b>Minimum Planting Strip abutting an Urban Residential Zone</b>	3 metres	7.5 metres
<b>Angular Plane</b>	N/A	7.5 Metres from the property line plus a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line
<b>Minimum Shared Outdoor Amenity Area, Located at Grade</b>	N/A	3 square metres per dwelling unit

- 12.16 The MU3-3 zone provides a specific setback requirement for the sight-triangle at the north-east corner of the property. In doing so, this ensures that no building will encroach into the plaza space, nor adversely affect visibility at the corner of Green Road and Highway 2.
- 12.17 In keeping with the core principles of the ongoing Bowmanville West Urban Centre and MTSA Secondary Plan as well as the policies of the Clarington Official Plan, the MU3-3 zone proposes a minimum of 6 storeys and a maximum of 12 storeys for the lands. The maximum height is offset by appropriate transition regulations built into the zone as described in sections 12.19 and 12.20 of this report. Staff acknowledges that storey heights can significantly vary depending on the nature of the proposal. Therefore, the MU3-3 zone is proposing a maximum height of 40 metres, in keeping with the average height of a 12-storey mixed-use development.
- 12.18 As described in **Table 1**, the MU3 zoning would restrict the location of both residential and non-residential entrances. Given the design of the proposed buildings with townhouses making up the majority of the podium, the residential entrances are located

on the façade of the buildings and also the rear. Therefore, the proposed MU3-3 zone does not restrict the location of the residential entrances. The proposed zone would also permit non-residential entrances to be located along the side of the building as well. This would allow non-residential uses to front onto the commercial plaza at the north-east corner of the site.

- 12.19 The MU3-3 zone proposes a maximum 45-degree angular plane, measured 7.5 metres from the property line from a height of 10.5 metres above the 7.5 metre setback line. This is common practice in measuring angular planes in high density developments.
- 12.20 Finally, the proposed zone would ensure an appropriate transition, massing, as well as sufficient amenity area on the site. The introduction of a 7.5 metres planting strip abutting an urban residential zone and a minimum 3 square metres per dwelling unit would ensure that the property has sufficient landscaping, transition to the south and amenity space on the ground level for residents and patrons.
- 12.21 Staff are of the opinion that it is appropriate to proceed with recommending approval of the rezoning application, subject to a ('H') Holding Provision, as the proposed use is consistent and conforms with provincial and local policy. It is Staff's opinion that the proposed site-specific zone standards are appropriate and represent minor reductions from current zoning standards and therefore would result in minimum impacts on neighbouring properties. It should be noted that the proposed Holding Provision would only be lifted once the Applicant provides satisfactory evidence which addresses all concerns listed in this report, as well as enters into the appropriate development agreement (e.g. Site Plan) with the Municipality of Clarington to address the final technical details related to the proposal.
- 12.22 The applicant has been notified of comments from agencies and departments that would need to be addressed as part of the Site Plan process. Staff continue to work with the applicant through the Site Plan review process to address detailed urban and sustainable design, final site and building design, transition and landscaping.

## **13. Concurrence**

- 13.1 Not Applicable.

## **14. Conclusion**

- 14.1 In consideration of all agency, staff and public comments, it is respectfully recommended that the application to amend Zoning By-law 84-63 to permit this mixed-use development be approved.

14.2 It is respectfully recommended that in consideration of all agency, staff and resident comments that the application for Zoning By-law amendments to permit two 11 storey mixed-use buildings at the south-west corner of Green Road and Highway 2 in Bowmanville be approved as contained in **Attachment 1** of this report.

---

Staff Contact: Amanda Tapp, Principal Planner, 905-623-3379 ext. 2427 or [atapp@clarington.net](mailto:atapp@clarington.net) or Carlos Salazar, Manager, 905-623-3379 ext. 2409 or [csalazar@clarington.net](mailto:csalazar@clarington.net)

Attachments:

Attachment 1 – Zoning By-law Amendment

Attachment 2 – Public Comments Summary Table (up to and including November 19, 2021)

Interested Parties:

List of Interested Parties available from Department.

Corporation of the Municipality of Clarington

By-law Number 2021-\_\_\_\_\_

being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 84-63, as amended, of the Corporation of the Municipality of Clarington for ZBA2021-0002;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Notwithstanding the respective provisions of Section 16A.4, those lands zoned MU3-3 on the Schedules to this By-law, shall be subject to the following:
  1. Regulations
    - i. Rear yard Setback (minimum)
      - a) 7.5 Metres from the property line plus a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line
    - ii. Sight Triangle Setback (minimum)
      - a) 6 Metres
    - iii. Height (maximum)
      - a) 40 metres
    - iv. Number of Storeys
      - a) Minimum: 6 Storeys
      - b) Maximum: 12 Storeys
    - v. Location of residential entrance(s) No requirement
    - vi. Non-residential entrance(s) may be located in the front or side yard of a building.
    - vii. Minimum Planting Strip abutting an Urban Residential Zone

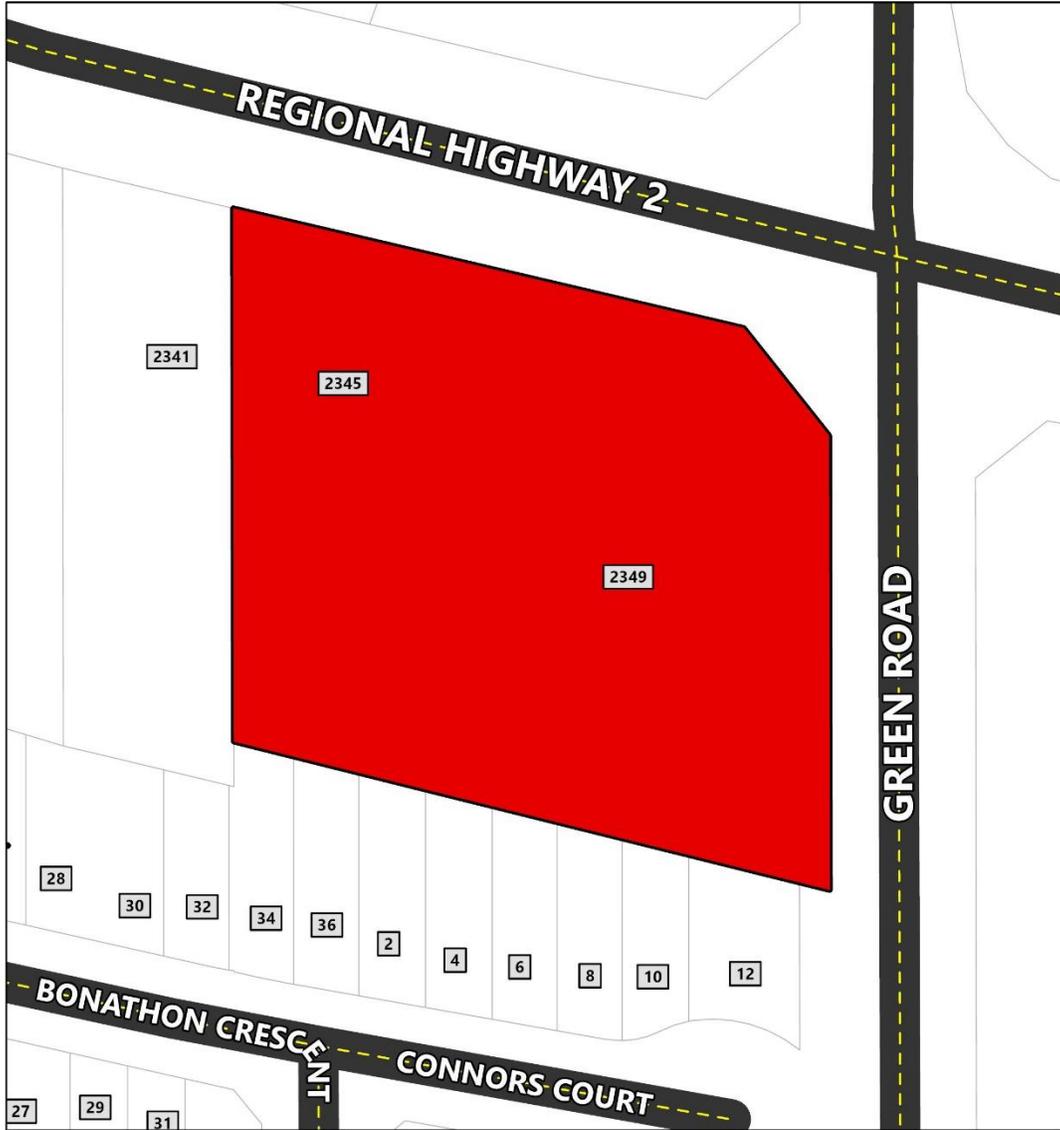
- a) 7.5 metres
- viii. Shared Outdoor Amenity Area, Located at Grade (minimum)
  - a) Minimum 3 square metres per dwelling unit
- 2. Schedule '3' to By-law 84-63, as amended, is hereby further amended by changing the zone designation from "Agricultural (A) Zone" and "Holding – Urban Residential Exception ((H) R4-29" to "Holding – Urban Centre Mixed Use Exception (MU3-3)" Zone" as illustrated on the attached Schedule 'A' hereto.
- 3. Schedule 'A' attached hereto shall form a part of this By-law.
- 4. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 34 and 36 of the *Planning Act*.

By-Law passed in open session this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

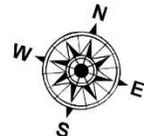
\_\_\_\_\_  
Adrian Foster, Mayor

\_\_\_\_\_  
June Gallagher, Municipal Clerk

This is Schedule "A" to By-law 2021- , passed this day of , 2021 A.D.



 Zoning Change From 'A/(H)R4-29' to '(H) MU-3'



## ZBA2021-0002 - Public Comments to Date (November 19, 2021)

#	Name Date Format	Comment Summary
1	Melissa Jones March 15, 2021 Email	Inquired about what the development plans were. Concerned about the heights of the buildings overlooking the backyard. Unhappy with the height of 11 stories, thought this location could have no more than 3 stories and that it would be a retirement home.
2	Glen Cain March 8, 2021 March 17, 2021 May 13, 2021 Email	Inquired about what the development plans were. Concerned with how it will impact the value of their property. Listed other concerns including loss of privacy, construction noise, dirt, light pollution, tenant noise, and snowplowing. Drastic change from previous proposals.  Further e-mail received o May 13, 2021 where Mr. Cain requested to be removed from the list of Interested Parties on the project.
3	Ryan Fleming March 22, 2021 Email	Disappointed that the structure is going to be so high. Stated that it is a drastic change from previous proposals. Concerned with privacy. Inquired about the role of planners and setbacks.
4	Ken Pasricha April 14, 2021 Phone Call	General questions related to the proposal. Requested to be added to the IP list.
5	Christine Cox May 13, 2021 Email	General questions related to the proposal. Requested to be added to the IP list.

#	Name Date Format	Comment Summary
6	Richard Oldfield May 19, 2021 Phone	General support of the proposal and encourages the incorporation of Active Transportation infrastructure on and surrounding the site.
7	Richard Domes June 4, 2021 Email	General Questions related to the proposal. Requested to be added to the IP list.
8	Hillary Clifford June 6, 2021 Email	Disappointed with the 11 storey height, finds 6 storeys more suitable to the town as the building is tall but not towering. Concerned with loss of privacy, light pollution, and loss of trees.
9	Ryan Boland June 7, 2021 Public Meeting Delegation	Expressed his concerns regarding the height of the development. He stated that it directly impacts the neighboring backyards to the south and believes there could have been a better selected area. Mr. Bolan concluded by stating the development will affect the value of his home.
10	Josie Pascoe June 17, 2021 July 5, 2021 Email	Surprised by the two 11 storey buildings considering the Bowmanville West Secondary Plan public meeting where 4-6 stories were discussed. Has concerns with the proposal. Feels that "big business rules and neighborhoods don't really matter".
11	Doug Waterhouse July 16, 2021 Email	General questions related to the proposal. Requested to be added to the IP list.
12	Chris Rennie August 26, 2021 Email	General questions related to the proposal. Did not request to be added to the IP list.