



December 19th, 2024

Ken Melanson, BA, RPP, MCIP | Senior Manager
Development & Community Services
Township of Southgate
185667 Grey County Road 9
Dundalk, ON N0C 1B0

Dear Mr. Melanson:

**RE: Flato Glenelg Phase 3 School Block – Consent and Minor Variance Planning
Justification Letter
Part of Lots 225 and 226, Concession 2, Southwest of the Toronto and Sydenham
Road, Geographic Township of Proton, Township of Southgate, County of Grey
OUR FILE 15184AT**

Consent and Minor Variance Application Context

MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) has been retained by Dundalk Village Two Inc. (the “Owner”) to review the planning merits of the proposed consent and minor variance applications for the Glenelg Phase 3 School Block (Block 323) (the “School Site”). The Glenelg Phase 3 Subdivision lands are legally described as Part of Lots 225 and 226, Concession 2, Southwest of the Toronto and Sydenham Road, Geographic Township of Proton, Township of Southgate, County of Grey (the “Subject Lands”).

The proposed consent application seeks to sever the School Site from the draft approved Glenelg Phase 3 lands that will be transferred to the Bluewater District School Board (the “BWDSB”) to expedite and facilitate the necessary approvals for the construction of a new public elementary school. To achieve zoning compliance for the School Site, a minor variance application is also proposed to temporarily exempt the School Site from being required to have frontage on a public road. The Glenelg Phase 3 Subdivision has not been registered yet and therefore, none of the proposed public roads have been constructed/assumed by the Township. As such, the School Site will temporarily not have frontage on a public road; however, as the Glenelg Phase 3 lands proceed through the detailed design process, the public roads and required infrastructure will be constructed and ultimately assumed by the Township. It is understood that a redline application will be required for the draft approved Glenelg Phase 3 Subdivision in order to recognize this change in property fabric and revise certain draft plan conditions to reflect the school block advancing prior to registration of the subdivision.

On behalf of the Owner and BWDSB, MHBC has also submitted a concurrent minor variance application to request a building height increase for the proposed elementary school on the School Site.

The Subject Property is designated as "Primary Settlement Area" in the Grey County Official Plan. Within the Township Official Plan, the School Site is designated as "Neighbourhood Area". Furthermore, the School Site is zoned the "Residential 7 Exception 515 (R7-515) Zone" under the Township's Zoning By-law. The zoning for the School Site was implemented through an approved Minister's Zoning Order in 2022. It is noted that although the School Site is zoned the R7-515 Zone, all permitted uses under the Community Facility (CF) Zone are permitted and the CF Zone provisions apply to those permitted uses. As such, the School Site is treated as if it were zoned the CF Zone.

A Severance Sketch has been prepared and is included as **Appendix A**, which shows the proposed School Site.

Site Description and Surrounding Land Uses

The Subject Lands are located in the community of Dundalk and are approximately 33.277 ha in size. The proposed School Site (lands to be severed) is approximately 3.315 ha in size. Regarding the Subject Lands, the surrounding land uses are as follows:

North: Rural lands

East: Adjacent lands also owned by the Owner that have zoning permissions for future residential, commercial and institutional development, which extend over to Highway 10.

South: Future residential lands within the Dundalk Settlement Area.

West: Residential lands (Glenelg Subdivision Phases 1 & 2)

Approvals History

The Subject Lands were subject to a Minister's Zoning Order (MZO) through Ontario Regulation 165/22 (O. Reg. 165/22), which was approved by the Minister on March 4, 2022. The Subject Lands are also subject to a draft approved plan of subdivision, known as the Glenelg Phase 3 Subdivision, which received draft approval on May 9, 2024. Through the draft plan approval process, a 3.315 ha school block was provided for a future public elementary school.

The Owner is currently proceeding through the detailed design process in order to proceed with registration; however, registration may not occur until late 2025 or early 2026. The construction of the new elementary school cannot proceed until the subdivision has been registered and site plan approval has been obtained, which would delay the opening of the new school. Through discussions with County, Township and Bluewater District School Board staff and given the identified immediate need for additional schools in Dundalk, the proposed consent and minor variance applications have been submitted to sever the school block from the Subject Lands to facilitate and expedite the construction of a new public elementary school. Easements that align with the future roads that will

surround the School Site will be conveyed to the Township in order to provide access from the extension of Corbett Street through lands currently owned by Flato (Glenelg Phase 2 and Glenelg Phase 3) to the School Site. These easements are shown on the Severance Sketch (see **Appendix A**). It is understood that a redline will be required for the draft approved Glenelg Phase 3 Subdivision to address the severance of the School Site prior to registration.

Planning Analysis

This Section provides an assessment of the proposed application relative to the policies and provisions of the following documents:

- Provincial Planning Statement (2024);
- Grey County Official Plan;
- Township of Southgate Official Plan; and,
- Township of Southgate Zoning By-law.

Provincial Planning Statement (2024)

The 2024 Provincial Planning Statement (the “PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. The policies of the PPS prioritize growth within settlement areas and require lands to be developed efficiently and supported by appropriate levels of infrastructure and servicing, while providing protection for the environment, natural resources and adequately accounting for natural and human-made hazards.

Section 2.1.6 of the PPS speaks to the achievement of complete communities. To achieve a complete community, planning authorities should support a mix of land use, including institutional uses such as schools, to meet long-term needs. Additionally, Section 3.1.1 of the PPS 2 states that infrastructure and public service facilities, including schools, shall be provided in an effective manner while accommodating projected needs. Furthermore, Section 6.2.4 states that Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated childcare facilities to meet current and future needs.

Growth is projected to occur on the Subject Lands following registration and the development of the Glenelg Phase 3 Subdivision. To accommodate the projected growth, these applications seek to expedite the approval process to ensure that the development of the School Site can commence prior to the residential development. New roads and servicing infrastructure are also proposed on-site which will be utilized by the school once available. It is noted that occupancy of the new school cannot occur until the servicing infrastructure is in place and the roads have been assumed by the Township.

The proposed consent and minor variance applications are consistent with the Provincial Planning Statement.

Grey County Official Plan

The Grey County Official Plan (the "County OP") is a policy document which guides land use decisions across the County. Any *Planning Act* application is required to "conform" to an Official Plan. In Grey County, the County has an Official Plan that addresses county-type issues.

The Subject Property is designated as "Primary Settlement Area" per Schedule A of the County OP. Section 3.5 of the County OP speaks to Primary Settlement Areas and states that lands within this designation are suitable for high intensification targets and have full municipal services. Primary Settlement Areas will be the focus of the majority of growth within the County.

To accommodate the projected growth on the Subject Lands and the wider Dundalk community, the proposed applications seek to facilitate the early development of the School Site to ensure that the new public elementary school can operate as soon as possible.

Section 8.9 of the County OP speaks to servicing and utilities including services and stormwater management. The County OP states that full municipal water and sewage services are the preferred method of servicing (8.9.1) and support managing stormwater (8.9.2). The proposed development will utilize full municipal services and stormwater management will be addressed as part of the future site plan approval process for the School Site, as well as the detailed design process for the overall Glenelg Phase 3 Subdivision.

The proposed consent and minor variance applications conform to the Grey County Official Plan.

Township of Southgate Official Plan

The Township of Southgate Official Plan (the "Township OP") is the primary policy framework document that directs growth and development within the Township. The Township OP designates the Subject Lands as "Neighbourhood Area" and "Hazard Lands" as per Schedule "A" of this plan. The School Site is specifically designated as "Neighbourhood Area". Institutional uses such as an elementary school are permitted in the "Neighbourhood Area" designation.

Section 7.2.1 2) of the Township OP provides the land division criteria against which plans of subdivision and severances are reviewed. The following is an overview of the proposed consent application against the criteria:

The division of land may be permitted where:

- a) The proposed land division complies with the policies pertaining to the subject property's land use designation and all other relevant policies of this Official Plan. Consideration of an Official Plan Amendment may be given as required to facilitate the lot creation, where such an Amendment represents appropriate land use planning.*

As demonstrated in this Report and as demonstrated through the draft plan approval process for the Glenelg Phase 3 Subdivision, the proposed land division complies with the policies of the Township OP.

- b) The proposed land division complies with the applicable provisions of the Comprehensive Zoning By-law. Consideration of a Zoning By-law Amendment or Minor Variance may be given as required to facilitate the lot creation, where such an Amendment or Minor Variance represents appropriate land use planning.***

A minor variance application has been submitted to address that the School Site will temporarily not have frontage on a public road. Further details regarding the Minor Variance are provided later on in this Report.

- c) The proposed land division results in lots having frontage on a public road that is, or will be, opened and maintained year-round and is of a standard of construction acceptable to the Township, County or Province, where applicable.***

A minor variance application has been submitted to address that the School Site will temporarily not have frontage on a public road. Further details regarding the Minor Variance are provided later on in this Report. The School Site will have frontage on a public road that will be open and maintained year-round once the Glenelg Phase 3 Subdivision has been registered.

- d) Safe and suitable vehicular access is available which meets Municipal, County or Provincial transportation objectives, standards and policies for safety and access. Access may also be restricted and/or prohibited along the Provincial Highway or County Roads if required to ensure safe traffic movement.***

Safe and suitable vehicular access will be available for the School Site. These matters were addressed as part of the draft plan approval process for the Glenelg Phase 3 Subdivision.

- e) It has been established that the site's size, configuration and soil/drainage conditions are suitable for all parcels involved to permit the proper location of a building, driveway and other associated features.***

These matters were addressed as part of the draft plan approval process for the Glenelg Phase 3 Subdivision and will be further addressed through the future site plan approval application for the School Site.

- f) The division of land represents orderly and efficient use of land, and its approval would not hinder future development of the retained lands.***

The proposed consent represents the orderly and efficient use of land, and its approval will not hinder the future development of the retained lands.

Further, Section 7.2.1.2 of the Township OP notes policies regarding lot creation within the Township of Southgate and states that a severance (or consent) application may be considered by the Township. The following is an overview of the proposed consent application against the severance criteria under Section 7.2.1.2 of the Township OP:

- 1) Where the Township, in conjunction with the County, has established that a Plan of Subdivision is not necessary for the proper and orderly development of a parcel of land, a severance (or "consent") application may be considered by the Township.***

The School Site is a part of the larger Glenelg Phase 3 Subdivision, which is draft-approved. Through discussions with County and Township staff, the proposed Consent application has been submitted to facilitate and expedite the development of a new public elementary school.

- 2) Consent applications may also be considered for lot line adjustments, the creation of easements or for other purposes described in Section 50(3) of the Planning Act.***

A lot line adjustment is not proposed as part of the proposed Consent application. Given that the proposed access easements will be conveyed to the Township, approval from the Committee is not required for these easements.

- 3) The Township has been delegated approval authority for Consent applications within the Township.***

Understood.

- 4) The Township will impose conditions of Consent approval, which may include the requirement for the developer to enter into a Subdivision Agreement with the Township. The Agreement may be required to address such specific issues as sewer and municipal water extensions, lot grading and drainage, road access, road widening, and/or road reconstruction. The Agreement shall ensure that the costs associated with the severance are borne by the developer and that the development does not adversely affect the finances of the Town.***

It is understood that should the Committee approve the proposed Consent application, conditions of approval will be imposed to address a variety of matters including, but not limited to revising the existing Glenelg Phase 3 Subdivision draft plan approval and conditions.

- 5) The Township may require the proponent to convey land for park purposes, or alternatively, the Township may choose to accept a cash-in-lieu of parkland***

A 0.196 ha park block is being provided within the Glenelg Phase 3 Subdivision. It is noted that 1.66 ha of parkland is required to meet the 5% parkland dedication requirement under the *Planning Act*; however, through the Glenelg Phase 3 Subdivision draft plan approval process, an agreement with the Township was made for 1.46 ha of parkland from the Glenelg Phase 3 Subdivision to be transferred to the proposed Ida Street Subdivision to accommodate a larger park block for more substantive recreational facilities and programming. The Ida Street

Subdivision is currently subject to the draft plan approval process and the public meeting was held in September 2024.

The proposed consent application conforms to the Township of Southgate Official Plan.

Township of Southgate Zoning By-law (19-2002)

The Township of Southgate Zoning By-law 19-2002 (the "Township ZBL") came into effect in 2002 (consolidated in July 2024) and zones the Subject Lands the "Residential Zone 7 Exception 515 (R7-515) Zone" and "Environmental Protection" (EP) Zone. A Minister's Zoning Order (MZO) through Ontario Regulation (O.Reg) 165/22 was put in place on the Subject Lands on March 4, 2022. Within the context of the School Site and the associated R7-515 Zone, the Community Facility (CF) Zone provisions apply to a school or institutional use. The CF Zone includes schools (private or public) as a permitted use.

Section 5.4(b) of the Township ZBL states that no development shall occur unless the lot has direct access to an improved public street. In order to facilitate the creation of a school block, a variance from Section 5.4(b) is required to temporarily allow the School Site to not have frontage on a public road.

Below is an overview of the proposed variance and four tests evaluation.

Proposed Minor Variance – Four Tests Evaluation

When considering the proposed development as outlined, the Committee of Adjustment needs to be satisfied that the proposal meets the "four tests" of a minor variance, as established in Section 45(1) of the *Planning Act*. The purpose of this section is to provide a review of how the requested Minor Variance satisfy each of the following four tests:

1. The minor variance maintains the general intent and purpose of the Official Plan;
2. The minor variance maintains the general intent and purpose of the Zoning By-law;
3. The minor variance is desirable for the appropriate development or use of the land; and
4. It is minor in nature.

As stated, the variance being requested relates to the School Site and will permit the following:

- The variance proposes relief from Section 5.4(b) to facilitate the development of the School Site, which will temporarily not have frontage on a public road.

Test #1 – Maintains the General Intent of the Official Plan

The School Site is designated as "Neighbourhood Area" on Schedule "A" of the Township of Southgate Official Plan. It is the goal of the Neighbourhood Area to accommodate growth. The proposed minor variance would allow for the temporary exemption from requiring frontage on an improved public street order to facilitate the proposed severance.

It is MHBC's opinion that the requested variance maintains the intent of the Official Plan as schools are a permitted use within this designation under the Township OP and will support intensification on the Subject Property. The School Site will eventually have frontage on a public road once the Glenelg Phase 3 Subdivision has been registered.

The proposed variance is in keeping with the general intent and purpose of the Township's Official Plan.

Test #2 – Maintains the General Intent of the Zoning By-law

The School Site is zoned the "Residential Zone (R7-515) Zone" and is subject to policies applicable to the Community Facility (CF) Zone under the Township ZBL and O. Reg 165/22. A mix of uses are permitted in this zone, including schools.

The intent of Section 5.4(b) is to ensure that no landlocked parcels of land are created. The purpose of the proposed minor variance application is to expedite the approval process for the School Site in order to accommodate growth prior to the construction of surrounding proposed residential uses. The School Site will temporarily not have frontage on a public road. It is noted that the Township will not issue occupancy until the surrounding public streets are constructed and the Glenelg Phase 3 Subdivision has been registered.

The proposed variance is in keeping with the general intent and purpose of the Township of Southgate Zoning By-law.

Text #3 – Is the proposed variance desirable for the appropriate development of the land?

The test of desirability is generally to determine if the proposed minor variance is in the public interest. The School Site is zoned the R7-515 Zone but is technically subject to the provisions of the CF Zone which permits schools.

The proposed minor variance application proposes an interim solution to expedite the development of the School Site to ensure the concurrent Glenelg Phase 3 Subdivision and wider Dundalk community are adequately and efficiently serviced with a new public elementary school. Following the approval and construction of the surrounding public roads and the school, the Township can grant occupancy.

The proposed variance is desirable for the appropriate development of the land.

Test #4 – Is the variance minor in nature?

The proposed relief from Section 4.5(b) of the Township ZBL is a minor change as it is an interim solution to expedite the approval and development of the school block within the draft-approved Glenelg Phase 3 Subdivision.

The requested variance is minor in nature.

Conclusion

The Subject Lands legally described as Part of Lots 225 and 226, Concession 2, Southwest of the Toronto and Sydenham Road, Geographic Township of Proton, Township of Southgate, County of Grey is designated "Primary Settlement Area" in the Grey County Official Plan, designated "Neighbourhood Area" and "Hazard Lands" in the Township of Southgate Official Plan and are zoned the "R7-515 Zone" and "EP Zone" in the Township of Southgate Zoning By-law. Based on a review of all relevant and applicable provincial and local planning documents, it is concluded that the proposed severance and minor variance applications meet the policies of the Provincial Planning Statement, Grey County Official Plan, Township of Southgate Official Plan and Township of Southgate Zoning By-law. The proposed consent application requested to sever the School Site from the draft approved Glenelg Phase 3 Subdivision. A minor variance application is required to seek temporary relief from provisions requiring lot frontage on an improved public street.

Overall, both the proposed severance and minor variance represent good planning, and:

- Are consistent with the Provincial Planning Statement;
- Conform to the Grey County Official Plan;
- Conform to the Township of Southgate Official Plan; and,
- Comply with the Township of Southgate Zoning By-law.

Yours truly,

MHBC



Kory Chisholm, BES, MSc, MCIP, RPP
Partner



Shayne Connors, BAH, MSc, MCIP, RPP
Senior Planner

A



Appendix A: Severance Sketch




Severance Sketch

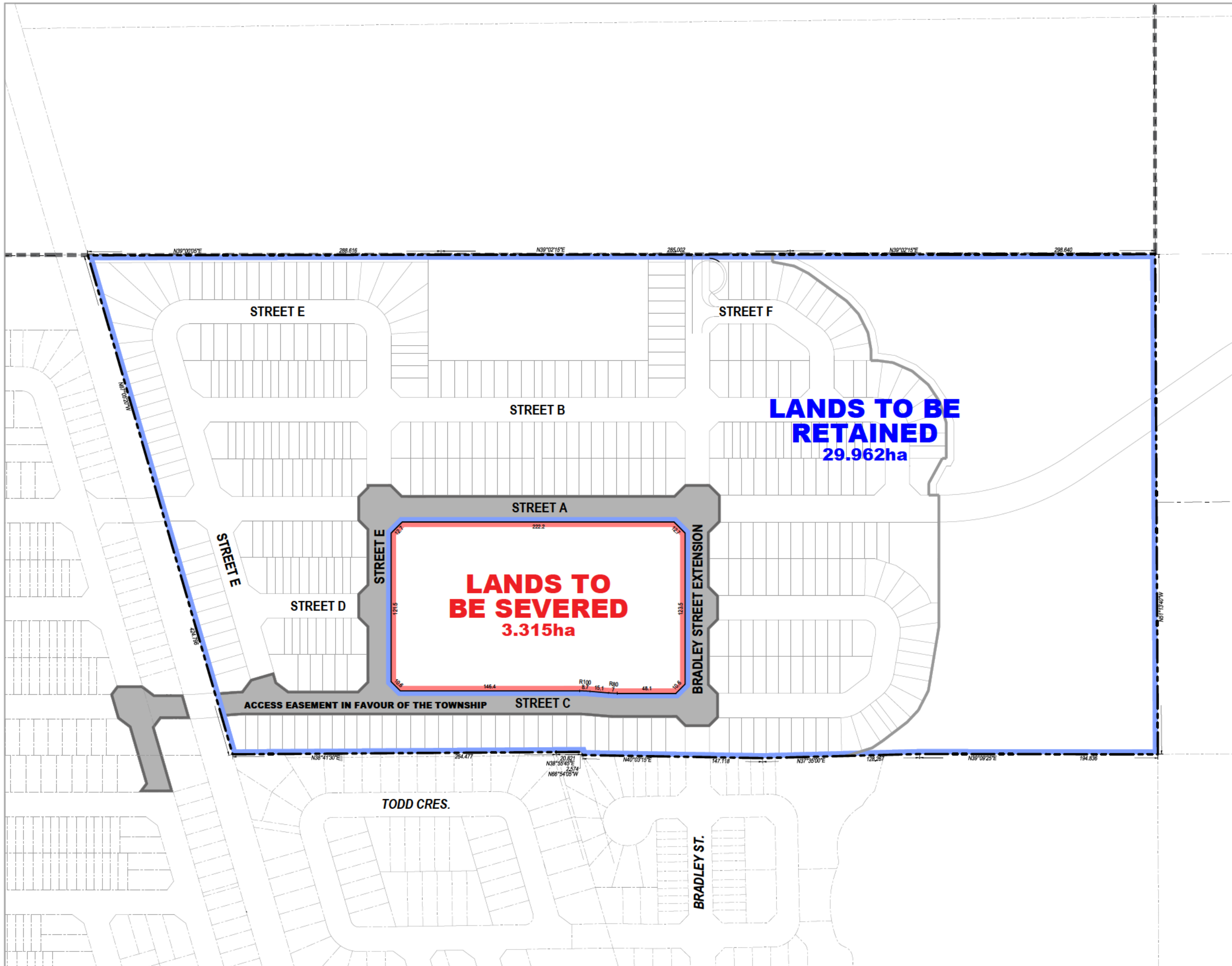
School Block

Glenelg Phase 3

Part of Lots 225, and 226
Concession 2, SWTSR
Township of Southgate
County of Grey

Legend

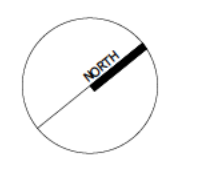
-  Lands to be Severed
-  Lands to be Retained
-  Access Easement in Favour of the Township



DATE Dec. 12, 2024

SOURCES
MHBC - Draft Plan of Subdivision - 2024-05-21

SCALE
0 15 30 45 60 75
Metres



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