



**Meeting Date:** December 15, 2021

**Submitted by:** Marion-Frances Cabral, Planner

**Report No:** PLA-103-2021

**Subject:** Applications for Official Plan Amendment (OPA 46) and Zoning By-law Amendment (ZBA 20 2019); Filed by Ric Knuston, on behalf of 1571145 Ontario Limited c/o Todd and Cole Powell; 22447 Komoka Road.

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**Recommendation:**

THAT Official Plan Amendment (OPA 46), as amended, for lands known legally as Concession 1 N Part Lot 4 RP 33R16300 Part 1 (former Township of Lobo), and known municipally as 22447 Komoka Road, Municipality of Middlesex Centre, be ADOPTED and forwarded to the County of Middlesex for consideration of approval;

AND THAT the Zoning By-law Amendment application ZBA-20-2019, as amended, filed by Ric Knuston, on behalf of 1571145 Ontario Limited, to rezone the subject property from the 'Restricted Agricultural (A2)' zone to the site-specific 'Urban Residential Third Density exception 18 (UR3-18)' zone for the property legally described as Concession 1 N Part Lot 4 RP 33R16300 Part 1 (former Township of Lobo), and known municipally as 22447 Komoka Road, Municipality of Middlesex Centre, be APPROVED.

**Purpose:**

The purpose of this report is to provide Council with information regarding an Official Plan Amendment and Zoning By-law Amendment for a property located on the west side of Komoka Road (County Road 16) and south of Glendon Drive (County Road 14) in Komoka

A location map is included as Attachment 1.

**Background:**

The property is approximately 5.9 ha (14.6 ac) in area and has a frontage of 301.8 m (990 ft) along Komoka Road. The lands are located on the southwest corner of Komoka Road and Glendon Drive within the Komoka Urban Settlement Area and are vacant of any development but contain a pond on the southern portion. Residential uses (single detached and townhouse dwelling units) exist immediately to the west, commercial uses

immediately to the north, and ponds and agricultural lands to the south and east. Commercial and residential uses exist on the north side of Glendon Drive.

The purpose of the Official Plan Amendment application is to amend the land use designation from 'Parks and Recreation' to 'Medium Density Residential'. The purpose of the Zoning By-law Amendment application is to re-zone the subject property from the 'Restricted Agricultural (A2)' zone to the 'Urban Residential Third Density (UR3)' zone.

As applied for, the effect of both these applications would be to facilitate the development of two 5-storey apartment buildings with a total height of 17 m (55.8 ft) containing 152 units. The applicant provided a conceptual plan which is subject to change. The conceptual plan and supporting reports indicate that the units are for seniors and are proposed to be 1 and 2 bedroom suites. Approximately 166 surface parking spaces are proposed to be provided for future residents, and 5 parking spaces for visitors. The development would have an internal driveway and access to Komoka Road. No development is proposed on the pond. The western building that sides onto abutting residential uses is proposed to be located approximately 10 m (32.8 ft) from the property line and is proposed to have some landscaping along the property line to increase privacy and separation. All proposed setbacks are subject to change and will be confirmed through site plan approval.

The applicant advises that the proposed density for the development is approximately 26 units per (gross) hectare and will have a maximum lot coverage of 5%. The lot coverage only considered the building footprint and does not consider the hard-surface parking or internal roads.

The applicant proposes that the development will access full municipal services. Detailed matters such as stormwater management, garbage collection, and on-site amenity areas would be further detailed by the applicant during the site plan approval process.

A concept plan is included as Attachment 2.

The subject lands are designated 'Parks and Recreation' in Middlesex Centre's Official Plan and zoned 'Restricted Agricultural (A2)' in Middlesex Centre's Comprehensive Zoning By-law. A portion of the subject lands are regulated by the Upper Thames River Conservation Authority.

A pre-consultation meeting was held on March 26, 2019. A formal submission was made, with the application deemed complete on July 17th, 2019. Consequently, staff circulated the proposed application to area residents, and various agencies.

A public meeting of Council was held on August 14, 2019 for the purpose of presenting the proposal and soliciting feedback from members of the public. A summary of the comments received by staff are provided below.

The applicant provided a subsequent submission in March 2021 and the following reports were provided:

- Planning Justification Report (Attachment 3)
- Geotechnical Investigation, March 2021 (Attachment 4)
- Geotechnical Design Brief, May 2019 (Attachment 5)

A subsequent meeting of Council was held on September 22, 2021 since some time had passed between the meeting in 2019 and new information was provided. At this meeting, the public was presented with the proposal noted above for two 5-storey buildings with a total of 152 units.

### **Policy Regulation:**

The Middlesex County Official Plan identifies Komoka as a settlement area and defers to municipal official plans to delineate the boundaries of the settlement area. The land is designated as 'Parks and Recreation' within the Komoka-Kilworth Urban Settlement Area and Secondary Plan in Middlesex Centre's Official Plan. Further, the land is currently zoned 'Restricted Agricultural (A2)' and contains regulated area within Middlesex Centre's Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the lands.

### **Provincial Policy Statement, 2020:**

The *Planning Act* states that all decisions made by planning authorities "shall be consistent with the policy statements issued" under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and those that are applicable to the proposed development are noted below:

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety.

Section 1.0 – Building Strong Healthy Communities establishes policies that support long-term prosperity, environmental health and social well-being within communities.

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Section 1.1.3 – Settlement Areas establishes that settlement areas can vary in size, population, and diversity and intensity of land uses. The PPS directs growth and development to settlement areas where new development varies in densities and land uses, and there are opportunities for intensification and redevelopment. New

development patterns are based on the efficient use of land that minimize negative impacts to the environment, support active transportation and are appropriate for the infrastructure and public service facilities.

Sections 1.1.3.4 and 1.1.3.6 promote intensification, compact development, varying uses and densities where it avoids or mitigates risks to public health and safety and is adjacent to the existing built-up area. Section 1.1.3.5 also allows municipalities to establish a minimum target for intensification within built-up areas subject to local conditions.

Section 1.4 – Housing speaks to the provision of housing within a municipality. The PPS promotes an appropriate range and mix of housing types and densities and directs development of new housing towards areas where there is an appropriate level of infrastructure. Municipalities are to provide opportunities for all forms of housing and intensification to meet the social, health and well-being needs of the current and future community.

Sections 1.6 – Infrastructure and Public Service Facilities directs that infrastructure and be provided in an efficient manner that also prepares for the impacts of a changing climate. Section 1.6.2 directs municipalities to promote green infrastructure to complement existing infrastructure such as permeable surfaces, green roofs, and street trees.

Section 1.6.6 – Sewage, Water and Stormwater directs future growth and development to efficiently use and optimize existing services such as municipal sewage and water services, when available, and promote water conservation and water use efficiency. Servicing and land use considerations shall be integrated at all stages of the planning process. Further, municipal sewage and water services are the preferred form of servicing for settlement areas.

Section 1.6.6.7 promotes planning for stormwater management that is integrated with planning for sewage and water services and ensures that systems are optimized, feasible and financially viable over the long term; minimizes or prevents an increase in negative impacts on the environment and water system; does not increase risks to human health and safety and property damage; maximizes the extend and function of vegetative and pervious surfaces; and promotes stormwater management best practices such as low impact development, water conservation and stormwater attenuation.

Section 3.1 – Natural Hazards generally directs development to areas outside of hazardous lands which are impacts by flooding hazards, erosion hazards and/or dynamic beach hazards.

Section 3.2 – Human-Made Hazards states that development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. Planning authorities should

support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

### **Middlesex County's Official Plan:**

The County of Middlesex Official Plan (County Plan) identifies Komoka as a settlement area.

Section 2.2.4.5 – Hazard Policies states that development on, abutting or adjacent to lands affected by former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known hazards are underway or have been completed.

Section 2.3.8 – Policy Framework-Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including residential uses. These areas are intended to have a wide range of land uses and full municipal servicing in conjunction with 2.4.5 of the County Plan. Additionally, section 2.3.7 encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents.

Section 2.3.11 – Natural Hazards states that no buildings or structures, nor the placing or removal of fill of any kind whether originating on the site or elsewhere, nor grading shall be permitted in an area subject to the Conservation Authorities Fill, Construction and Alteration to Waterways Regulations, except where such buildings, structures or fill are intended for floor or erosion control or maintenance and management of the natural environment, recreational purposes or non-residential accessory farm buildings; and are approved by the County and the Conservation Authority.

Section 2.4.5 – Sanitary Sewers and Water of the County Plan promotes efficient and environmentally responsible development that can be supported by full municipal sanitary sewers and water services.

Section 2.3.7.2 – Number, Range and Mix of Housing Units directs local municipalities to encourage a range of housing types, housing densities and housing options to meet the needs of their share of current and future County Residents.

Section 3.2 – Detailed Land Use Policies-Settlement Areas provides additional development policies for lands within Settlement Areas. The County Plan further supports that Settlement Areas are developed in a manner that is phased and compact, and preserves the historic character of Settlement Areas and complements the positive elements of the existing built-form.

### **Middlesex Centre's Official Plan:**

The Middlesex Centre Official Plan (Official Plan) shows the land located along the southern boundary of the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 and designated 'Parks and Recreation'.

Section 3.6 – Floodplain Areas details policies for the floodplain system, and requirements when development is proposed in the area. Applicants are required to provide a Development Assessment Report that demonstrates no increased risk to life and property and no impact on the flood conveyance, upstream or downstream levels or aggravation of existing natural hazard processes such as slope stability.

Section 5.7.1 – Komoka-Kilworth Secondary Plan Goals establish the need to find a balance between a mix of land uses that serve key functions of a complete and vibrant community. Land uses include housing with different densities, local businesses, employment, institutions and recreation.

Section 5.7.4 – Komoka-Kilworth Residential Area Policies summarized below apply to lands designated ‘Medium Density Residential’.

- The ‘Medium Density Residential’ designation has a housing mix target of 40% which refers to the intended balance between low density and medium density residential development in Komoka-Kilworth. Medium density development is intended to have a net density of 20 to 50 units per hectare.
- Multiple dwellings shall also be permitted in the ‘Residential’ designation in accordance with Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas.
- Development proposals shall provide for a diverse mix of multi-unit housing forms and choices of accommodate the needs and lifestyles of people at different stages throughout their life; provide building orientation, façade and landscape treatments that create an attractive streetscape.
- Development proposals along Glendon Drive must provide for building orientation, façade and landscape treatments that create an attractive streetscape. Back-lotting onto Glendon Drive is highly discouraged. Improvements to the Glendon Drive streetscape such as improved urban design, underground utilities and the provision of bike lanes may be a condition of development.
- All new development must ensure appropriate orientation and massing of residential buildings to provide adequate private and public open spaces, and to facilitate the penetration of sunlight to these spaces.
- In addition to compliance with the urban design guidelines, private garages for residential development shall not project into the front yard than the habitable portion of the building or porch on the main floor in order to limit visual and streetscape impacts of garages.
- Entrance features to new residential neighbourhood development shall be encouraged where features are landscape related and require minimal maintenance.

- One potential future school site shall be reserved within the residential area south of Glendon Drive for future school facilities.

Section 5.7.7 – Komoka-Kilworth Parks and Recreation area Policies and Section 8.0 – General Parks and Recreation Areas seek to enhance connectivity with passive and active transportation modes, and provide recreational facilities for all residents. Land designated within the Parks and Recreation Areas immediately surrounded and adjacent to the existing aggregate ponds as shown on Schedule A-2 shall be planned and designed for compatible forms of public or private outdoor recreation including the consideration for both land- and water-based recreation. The dedication of land for Multi-Use trails in these areas shall be required as a condition of development, and additional lands within these areas may be considered as part of the mandatory parkland dedication subject to the policies of Section 8 and/or Section 9.4.6 of this Plan as the case may be.

Section 5.7.8 – Komoka-Kilworth Community Gateway Policies for Komoka-Kilworth are intended to promote a strong visual and signal of entry into the community. As such, these areas are intended to have landmark features such as signage and special landscape treatments that have visual prominence, and be considered when there are proposals for new development.

Section 5.7.11 – Komoka-Kilworth Servicing Policies identify that all land use and development proposals require full municipal services. This includes sanitary sewage collection and treatment, stormwater management and water distribution.

Section 6.3 – Design Policies-Site Plans and Infill Developments provide additional direction to guide infill development to ensure there is compatibility with existing residences and neighbourhoods. High quality site design and architectural design is encouraged for new medium density residential development. Setbacks, massing, location of parking, architecture and other design elements will be carefully reviewed to ensure new development is in keeping with the character of the neighbourhood.

Sections 5.7.12 – Komoka-Kilworth Transportation Policies and Section 9.4 – Municipal Transportation Structure establishes policies for the road network within the Municipality. Komoka Road (County Road 16) is an arterial road with a planned function to serve high volumes of local and regional traffic at medium and high speeds. Access will generally be limited to public road intersections to preserve through-traffic movement. Additionally, policies within this section address appropriate setbacks and location of driveway accesses to minimum visual traffic hazards and provide opportunities for roadway widening of rights-of-way extensions.

### **Middlesex Centre's Comprehensive Zoning By-law:**

The subject lands are currently zoned 'Restricted Agricultural (A2)' which permits all agricultural uses except the keeping of livestock and storage of manure due to proximity to the urban settlement area.

The zoning by-law amendment seeks to rezone the lands to the general 'Urban Residential Third Density (UR3)' zone. The proposed zoning standards are shown in the table below. Where information is not provided and represented by a "-" means the zoning standard is not applicable to an 'Apartment Dwelling' (the proposed use) and removed to increase legibility of the zoning standards in this report:

<b>Zone Regulations</b>	<b>Proposed UR3 Zone</b>
<b>Permitted Uses</b>	<p>Accessory Use</p> <p>Apartment Dwelling</p> <p>Multiple Unit Dwelling</p> <p>Street Townhouse Dwelling</p> <p>Townhouse Dwelling</p>
<b>Minimum Lot Area</b>	<p>(a) -</p> <p>(b) 250 m<sup>2</sup> (2, 691 ft<sup>2</sup>) for each of the first four (4) dwelling units and 100 m<sup>2</sup> (1, 076 ft<sup>2</sup>) for each additional dwelling thereafter</p>
<b>Maximum Lot Frontage</b>	<p>(a) 30.0 m (98 ft) for townhouse, apartment or multiple unit dwelling</p> <p>(b) -</p>
<b>Minimum Lot Depth</b>	35.0 m (115 ft)
<b>Minimum Front Yard Setback</b>	<p>(a) In accordance with 4.18 of this by-law</p> <p>(b) 6.0 m (20 ft) for all other roads</p>
<b>Minimum Side Yard Setback</b>	<p>(a) -</p> <p>(b) 10.0 (33 ft) for apartment or multiple unit dwelling</p>
<b>Minimum Rear Yard Setback</b>	8.0 m (26 ft)
<b>Minimum Floor Area</b>	(a) -

<b>Zone Regulations</b>	<b>Proposed UR3 Zone</b>
	(b) 40.0 m <sup>2</sup> (431 ft <sup>2</sup> ) per bachelor dwelling unit; 55.0 m <sup>2</sup> (592 ft <sup>2</sup> ) per one bedroom dwelling unit; 65.0 m <sup>2</sup> (700 ft <sup>2</sup> ) per two bedroom dwelling unit; 85.0 m <sup>2</sup> (915 ft <sup>2</sup> ) per three bedroom dwelling unit; 85.0 m <sup>2</sup> (915 ft <sup>2</sup> ) plus 9.0 m <sup>2</sup> (97 ft <sup>2</sup> ) per each bedroom in excess of three (3) dwelling units containing more than three (3) bedrooms for apartment, multiple unit dwelling
<b>Maximum Height</b>	20.0 m (66 ft)
<b>Maximum Density</b>	30 units per hectare
<b>Minimum Outdoor Amenity Area</b>	45.0 m <sup>2</sup> (484 ft <sup>2</sup> ) per dwelling unit
<b>Maximum Lot Coverage</b>	(i) main building – 35% (ii) all buildings, including accessory buildings and structures subject to Section 4.1 a) – 38%
<b>Parking</b>	1.5 spaces per unit

**Consultation:**

Notice of the application was posted on the property and circulated to agencies, and property owners in accordance with the Planning Act and Ontario Regulation 545/06.

**Public Comments:**

Prior to the public meeting in August 2019 staff received the following written and verbal comments from area residents, and they are summarized below:

- Reduced green space and parkland; the lands should remain for Parks and Recreation
- Additional congestion on the street and in businesses
- Wildlife habitat destruction
- Loss of privacy

- Result in a cookie-cutter feel to the community
- Additional senior housing is not needed
- Impacts on stormwater drainage and management
- Too much density
- Questions about fire suppression capacity
- Questions about site plan details such as garbage disposal and setback to the pond
- Lack of on-site and off-site amenities for seniors
- Preference to see buildings capped at 3 storeys or less
- Proposal should be supported as it does not take away from active farmland
- Suites can potentially provide housing for individuals with disabilities
- Provides options close to local businesses
- Poor water quality of the pond
- Loss of parkland
- Incompatible uses between a 5-storey building and high water table
- Retirement communities should be located near amenities and hospitals
- Komoka should not be an area for medium density development due to lack of transportation options and proximity to existing low-density development
- Location is appropriate
- Proposed units are great for those downsizing
- The lands should remain for Parks and Recreation
- Proposal does not reflect small town atmosphere
- Proposal provides options for long-time residents to stay within the community

Prior to and at the Council meeting in October 2021 staff received additional verbal and written comments from area residents, and they are summarized below:

- A petition opposing the development was submitted to the Municipality from neighbouring home owners citing, among other matters, that the development plan differs from the rural village environment and that it would set a precedent for filling in gravel pits for residential uses.
- The development will negatively impact the environment, underground and surface water.
- The 5 storey building is not positive development, and there are no examples of similar developments in the Municipality.
- The Municipality should retain the lands for parkland and open space for the public.
- The development plan shows an access or connection to commercial lands to the north – this should be removed unless consented by the abutting property owners

- There is an easement to drain stormwater from abutting property owners over the subject lands
- The development plan would add 112 cars onto Komoka Road and Glendon Drive with no sidewalks or public transportation. There is fire safety issues, environmental impacts to the pond, the proposal will have negative effects on property values and quality of life.
- The proposed development will increase noise, light pollution, and crime and insecurity
- The focus of development should be near the Wellness Centre hub. This development is needed but not at this location. It should be within proximity to a grocery store and other amenities
- Council should put more value on green space and parks. The proposed development will change the landscape of Komoka
- There are a number of issues with the proposal and the Official Plan Amendment undermines the planned urban structure of the Komoka-Kilworth community and secondary plan. The subject lands have been planned for park and recreation around a regional stormwater management pond, yet the application will establish the highest permission of residential intensity within Middlesex Centre
- The YMCA/Wellness Centre location is to provide a vibrant/robust village centre, and this development is better suited there. This is a major departure from the vision for the community
- The recently released land needs assessment determined that there is no need for additional residential lands to support the need for the community
- The Official Plan Amendment should not change the fundamental structure of the community
- Development should not occur until stormwater management discharge issues from other properties are dealt with
- The density is too significant and there are no amenities, jobs or commercial areas. It is an example of density creep. The land should remain for park and recreation
- It is not good planning to create another satellite node away from the YMCA/Wellness Centre. This application is an ad-hoc development and the hub of Komoka should not be a Tim Hortons
- The PPS states that there should be no negative impact on the environment and consider the long-term health, social wellbeing of residents
- This application will set a precedent for the removal of other lands designated Parks and Recreation
- The proponent, Municipality or County should hire someone to determine the stability of the lands given the high aquifer
- There should be a guarantee that the units will be used by seniors. There is a lot of need for apartments by all age levels and demographics

- 2 cars per unit should be provided given the current nature of Middlesex Centre. Additional visitor parking is needed.

### **Agency Comments:**

At the time of writing the subject report the following comments had been received:

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject applications in 2019 and provided the following comments.

- Portions of the subject property are affected by the Authority's Regulation Limit which is comprised of the riverine flooding hazard due to the existing pond on site (former aggregate operation). Ontario regulation 157/06 requires the landowner to obtain written approval from the UTRCA prior to undertaking any works including filling, grading, construction and/or alteration to a watercourse in the regulated area.
- The following policy sections from the UTRCA Environmental Planning Policy Manual is applicable to the subject property: General Natural Hazard Policies (3.2.2), Riverine Flooding Hazard Policies (3.2.3) and Riverine Erosion Hazard Policies (3.2.4).
- Given that the pond located on the subject property is not being interfered with (save and except for an anticipated dock structure in the future); and no filling of the pond is being proposed, the Authority can advise that a 15m setback from the existing top-of-bank will sufficiently address our concerns as they relate to any associated floodplain and/or erosion hazard associated with the pond, while also protecting any potential fish and aquatic habitat. Any proposed trails located outside of the pond will need to be located a minimum of 6m from the stable top of bank, and a Section 28 permit will be required for same.
- The UTRCA provided site servicing brief comments related to runoff quality and quantity, water quality, groundwater fluctuation, and the drainage outlet for some sites west of Komoka Road.
- The UTRCA can advise that in general, we have no objection to the proposed applications for Official Plan Amendment and Zoning By-law Amendment. We would ask that a response to our comments regarding the Site Servicing Strategy be addressed, and that a drawing confirming the minimum 15m setback between the pond and the proposed development will be achieved.

No additional comments have been provided by the UTRCA at the time of writing this report.

The Municipality's Chief Building Official reviewed the applications and does not have comments at this time. Additional comments will be provided at the time of site plan review for any proposed development.

The Municipality's Public Works and Engineering Department reviewed the applications and has no concerns with the proposal. Detailed comments on engineering matters including stormwater management and management of the existing pond will be provided through the detailed design review of any development on site.

The Municipality's Fire Chief provided general comment related to apartment building proposals within the Municipality. Generally a few low to mid-rise apartments will not impact the Fire Department's ability to suppress fire or hazards with existing equipment. Per the Ontario Building Code, the types of taller buildings are built with internal and structural fire safety features and considerations are made to the design of the building including type, building materials, and height.

The Middlesex County Engineer reviewed the applications and does not have comments at this time. Additional comments will be provided at the time of site plan review for any proposed development.

### **Analysis:**

To consider the appropriateness of the requested Official Plan Amendment and Zoning By-law amendment it must be consistent with the Provincial Policy Statement, 2020, and conform and maintain the intent of the policies of the County Official Plan and Middlesex Centre Official Plan.

The intent of the amendments are to establish a policy framework for development on the subject lands. As such, detailed or site-specific matters may not necessarily be completely addressed at this stage of the planning process and would be addressed through Site Plan Control prior to approval of any development on the lands.

### Official Plan Amendment

The primary consideration is the appropriateness to re-designate the lands from 'Parks and Recreation' to 'Medium Density Residential'.

The Komoka-Kilworth Secondary Plan considers the subject land to be part of a greater network of 'Parks and Recreation' uses to the east and west of Komoka Road, and identifies that a multi-use trail may be considered to cross these lands to support that connectivity. When considering the intent of these Parks and Recreation policies and Secondary Plan, staff also reviewed the supporting information to determine the long-term vision of these lands. The lands do not contain significant natural heritage features such as woodland or wetlands, and do not contain buffer areas for those features. Additionally, the lands do not appear to be part of the Municipality's long-term vision for the provision of public or community parks or recreational space.

The multi-use trail does not appear to be practical in this location as the lands to the west contain a private residential condominium development and lands to the south contain a private pond. Both lands do not provide access to a general area where a multi-use trail could be established. Further, the residential development backs onto the private pond where there is little to no space available to support a multi-use trail on the existing

shoreline. Schedule A-2 also shows that the multi-use trail to connect to lands to east. However, there is no existing or planned connection across Komoka Road or within the existing right-of-way parallel to the constructed road.

Staff reviewed the supporting documents for Official Plan 28, Komoka-Kilworth Secondary Plan in 2012. The Comprehensive Review (GSP Group, AECOM, October 2011) notes that “(s)outh of Glendon Drive, east and west of Komoka Road, there is an opportunity for unique residential neighbourhoods around the ponds which could become significant public amenities and community design features in conjunction with the development of this area. Much of this area has already been extracted and the properties are isolated from the broader contiguous agricultural lands further south and west. The designation of this area for residential development would not adversely affect existing livestock operations.” The 2011 Comprehensive Review then goes onto to recommend adding “land to the south of the settlement area, located south of Glendon Drive, east and west of Komoka Road including the redesignation of 129 gross hectares of land from Agriculture to: Residential (35.8 ha), Parks and Recreation (3.1 ha), Natural Environment (18.5 ha) and Hazard Land (71.6 ha) to reflect the existing ponds in this area;”.

It appears that the subject lands were considered to be within the Parks and Recreation designation as they are remnants of the existing ponds but not necessarily to promote the use of recreation or open space for Municipal / public use. Additionally, the 2011 Comprehensive Review states areas within the Komoka and Kilworth area where lands are not likely to develop for residential or other urban purposes and identify that these naturalized areas are more suitable for an appropriate environmental/open space designation. This includes the lands north of Glendon Drive and west of Komoka Road that surround an existing pond and accessed by homeowners in the area.

Furthermore, the subject lands are used currently by neighbouring properties to the north and west as part of their drainage plans as shown in the existing easements that outlet to the existing pond. The Parks and Recreation designation is appropriate to apply to the pond where it is used as a stormwater facility.

As a result of the aforementioned, staff consider that the subject lands will not provide or act as a key linkage between municipal parks and open space areas within Komoka and Kilworth, and were not intended to become a Municipal park during the planning horizon of the Official Plan. While privately owned Parks and Recreation lands can be used for recreational uses such as golf courses and campgrounds, it is not the intention of the landowner to develop them as such given the size and location. Additionally, the use of the existing pond may be considered by the Municipality for stormwater management and can be appropriately designated for such uses. Staff are of the opinion that the balance of the subject lands can appropriately be redesignated to other urban uses as needed.

Staff acknowledge that the Secondary Plan for Komoka-Kilworth plans for the development of a new mixed-use Village Centre surrounding the Wellness and Recreation Centre along Glendon Drive. The Secondary Plan places emphasis on this area to develop as a traditional village main street with street-oriented, mixed use buildings and is situated to be a central point for both Komoka and Kilworth. This area is

considered the primary recreational destination and hub for multi-transportation modes including pedestrian walkways and cycling trails. All development surrounding the Wellness and Recreation Centre shall be complementary to its planned function and this is supported by the Village Centre designation surrounding these lands on both the north and south sides of Glendon Drive, and residential areas beyond these areas. The 2011 Comprehensive Review also conclude that the Wellness and Recreation Centre is centrally located and provides an opportunity to create a new Village Centre and complementary mixed density residential areas. Staff are of the opinion that the central focus of the plan does not preclude development occurring in other areas of the Komoka and Kilworth community, or other areas of Middlesex Centre. The planned function along Glendon Drive will continue to be retained and the vision for the Wellness and Recreation Centre would be unchanged by this proposed official plan amendment.

To consider an appropriate use of the land, staff have also reviewed the draft Growth Management Study (Watson & Associates, October 2021) which was prepared to support the Municipality's Official Plan review. The draft Growth Management Study is a comprehensive review that "examines future population, housing and employment growth potential at a municipal-wide level as well as by settlement area, and corresponding urban land needs over a long-term planning horizon". The Study acknowledges that Komoka-Kilworth will absorb a majority of the Municipality's growth based upon development already underway and lands designated for employment and commercial uses.

Given the proximity to existing commercial uses and major intersection of two County Roads, staff considered other potential land uses for the subject lands. With regard to employment lands, the size and location of the subject lands do not lend themselves to such a use. Further, the Growth Management Study concludes that other lands in the Municipality are more suitable for employment growth including those that have highway exposure and are connected as part of a larger employment hub.

With regard to commercial lands, the Growth Study concluded that there is a small short-fall of land supply throughout the Municipality. However, the Komoka-Kilworth area had a sufficient supply and that new commercial lands should be contemplated in other areas like Ilderton.

The Growth Management Study determined that Urban Settlement areas, like Komoka, have sufficient short-term housing supply but demand exceeds the supply in the long-term. The Growth Management Study also determined that the residential supply can be accommodated for 21 years by utilizing the existing vacant residential lands and opportunities for residential intensification. Across the Municipality there is a projected shortfall of approximately 89 gross hectares over the 2021 to 2046 planning horizon. The Study does not contemplate an expansion for the Komoka-Kilworth area.

As such, the Growth Management Study appears to support residential growth within Komoka-Kilworth to support a long-term supply of urban residential uses. Staff would consider medium to high density residential uses appropriate for this site due to the location of the lands along major transportation corridors, the provision of alternative forms of housing types and tenures, and proximity to large areas of open space.

Additionally, it is a policy of the Municipality to support opportunities to increase the supply of housing through intensification while considering issues of municipal service capacity, transportation issues, and potential environmental considerations. Specifically, the Municipality should require that 15% of all development occur by way of intensification and the Growth Management Study determined that a significant majority of existing residential development is low density forms of housing.

As a result of the above, staff are satisfied that the requested amendment to redesignate the lands from 'Parks and Recreation' to 'Medium Density Residential' can be supported for the developable area only (northern portion of the subject lands) based upon all current information available. Further, the redesignation can satisfy the criteria established in Section 10.1 of the Official Plan. The criteria are as follows:

**a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?**

The Amendment upholds residential intensification policies of the Official Plan and Secondary Plan for Komoka-Kilworth, and supports the planned function of nearby commercial and Village Centre areas.

**b) Is there a demonstrated need or justification for the proposed change?**

The draft Growth Management Study prepared by Watson and Associates has provided information to determine that residential uses are needed to meet the long-term demand of housing and rental housing options. There is sufficient commercial lands within Komoka-Kilworth, and employment lands are more suitable in other areas of the Municipality.

**c) Is the amendment in keeping with Provincial and County policy?**

The amendment is in keeping with the County Official Plan and is consistent with the Provincial Policy Statement, 2020 including subsections 1.1 related to healthy, liveable and safe communities; 1.1.3 related to compact growth directed towards settlement areas; 1.4 related to an appropriate range and mix of housing options and densities; 1.5 related to public spaces and recreation areas; 1.6.6 related to the efficient use of sewage, water and stormwater facilities; and 1.6.7 related to the efficient movement of people and goods along transportation system.

To be consistent with subsection 3.1 of the Provincial Policy Statement related to natural hazards, staff do not support the entirety of the lands to be designated to Medium Density Residential, however, staff would support the existing Parks and Recreation to remain on the southern portion of the lands to prevent the risk of natural hazards and direct development and site alteration away from this area. This will allow the existing pond to continue being used as a stormwater management outlet and passive recreational area for future residents of the site.

**d) What are the effects of the proposed change on the demand for Municipal services, infrastructure and facilities?**

Proposed development on the subject lands will be required to be on full services available within the area. Stormwater management and drainage will be reviewed at

a detailed level by the Municipality to ensure that the development does not negatively impact existing infrastructure or facilities.

**e) Can the lands affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?**

Public Works and Engineering has not identified servicing constraints with the proposal. However, the applicant will need to provide supporting studies to confirm the servicing required for proposed development to the satisfaction of the Municipality prior to any development occurring on the subject lands.

**f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?**

Staff anticipate that the proposed development will differ from the existing built character as a result of the number of units proposed and that the proposed mid-rise building will be a new form of development within the Municipality. Staff will consider mitigation methods including high quality urban design and building materials in keeping with the Urban Design Guidelines; building massing, orientation and appropriate setbacks from low-density land uses; and landscaping treatment and buffers.

The traffic generated from the proposed development will see an increase along Komoka Road and Glendon Drive, however, County Roads are planned to accommodate higher levels of traffic and promote the efficient movement of vehicles through Komoka and Kilworth and between surrounding urban areas like Strathroy, Mount Brydges and London.

### Zoning By-law Amendment

In light of the recommendation above to designate the northern portion of the lands to 'Medium Density Residential', staff find the zoning by-law amendment, as recommended by staff, suitable to accommodate the proposed development.

To ensure conformity with the Official Plan, Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas provides additional direction when considering medium density development, and are addressed below.

The subject lands are located within proximity to the Village Centre, Settlement Commercial Areas and within proximity to provincial and municipal parks. Additionally, the subject lands are within proximity to the Wellness and Recreational Centre and other community services found within Komoka and Kilworth. The subject lands are located on a County Road suitable for carrying higher than average volumes of traffic.

As determined above, the proposed densities will be higher than the surrounding areas. However, mitigation methods including lower maximum height and increased setbacks are recommended by staff.

Staff recommend that a maximum building height of 4 storeys up to 15 metres is considered on the subject lands due to proximity to existing low-density residential uses to the west and to limit the building profile. The recommended building height is also to address neighbor concerns related to privacy and better complements the maximum building height of the abutting low-density residential areas where the maximum height of the existing units are 1 to 2 storeys.

Staff acknowledge the existence of easements along the western portion of the lands to accommodate stormwater outlets from neighbouring properties. Additionally, to address privacy concerns, staff recommend an increased setback from the western property line (rear lot line). The conceptual site plan shows a setback of 10 metres from the western property line which staff do not consider appropriate in this context. Instead, staff recommend a minimum setback of 15 metres which considers the maximum height of the proposed buildings. Specifically, staff considered the usage of a 45 degree angular plane to determine the setback. The angular plane can be used to establish the maximum height of buildings according to its distance from the nearest property line of a low-rise residential lot. In this case, a 45 degree angular plane represents a ratio of 1:1 where the maximum height of 15 metres is also the recommended setback for the building. Municipalities may consider different ratios/angles depending on the context. However, for the purposes of the proposal and within the context of Middlesex Centre, staff considered the ratio appropriate for the use of the lands and in consideration of abutting low-density residential uses.

The applicant has noted the maximum density of 26 units per hectare based upon the number of units across the entirety of the lands. Staff recommend the zoning by-law amendment only apply to the developable area of the lands which is approximately half of the subject lands. As such, in order to realize a development of the proposed scale it would be necessary to increase the maximum density. To conform to the Secondary Plan and Medium Density Areas policies of the Official Plan, staff recommend a maximum density of 50 units per hectare.

Staff acknowledge that the provision of visitor parking is not regulated by the zoning by-law and on-street parking will not be available on Komoka Road or in areas on-site that obstruct access to emergency response vehicles. Due to the location and lack of transit options within Komoka, it is expected that travel to the community will largely be done in a private vehicle. As such, staff recommend that a minimum on-site visitor parking rate be included within the site-specific zone for the subject lands. The proposed rate is a minimum of 0.1 space per unit and would be applicable to all permitted uses within the site-specific zone. This visitor parking standard is similar to the standards in the other municipalities including the City of London.

In accordance with the Site Plan Control By-law, the development of residential units other than single detached dwellings, semi-detached dwellings and duplexes are subject to the site plan approval process where the Municipality will review a number of matters including the overall site design, the impact of the proposal on surrounding land uses, siting of buildings, easements, access, parking, grading and site drainage, landscaping and buffers, fencing, lighting, and appearance and scale of the buildings.

Additionally, through the site plan approval process the proponent will need to address the Community Gateway policies within the Secondary Plan where development proposals shall address building orientation to the street corner, parking areas located to the rear or side of the building; landscaping, and a high quality of design character that contributes to the identify of Komoka-Kilworth. The proposed development will have regard to the site plan manual and urban design guidelines.

Site plan approval also requires the proponent to provide the appropriate studies and reports to support their application including stormwater, servicing, and geotechnical plans. During this stage, requirements of the Conservation Authority to ensure the development can be supported on the lands and will not impact or be impacted by any natural hazards including flooding will have to be addressed.

To complement the Site Plan Control by-law, staff recommend the following holding symbols to be placed on the subject lands. The holding symbols provide conditions in which the applicant must fulfill prior to approving any development on the lands. The recommended holding symbols include:

- (h-2) The precondition for the removal of the “(h-2)” holding symbol shall be that a site plan agreement, including but not necessarily limited to the requirement for the development to be connected to a public water supply system and a public sanitary sewer system, has been entered into with the Corporation for the affected lands.
- (h-6) The precondition for the removal of the “(h-6)” holding symbol shall be the undertaking of a public site plan review process, addressing the issues outlined under Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended.
- (h-7) The precondition for the removal of the (h-7) holding symbol shall be that an urban design brief be prepared by a qualified professional in association with the site plan approval process for any proposed development on the lot to which the holding symbol applies and that the urban design brief shall require the approval of the Municipality.

Staff considered feedback from the public meetings, and those who wrote in before or after the public meeting. Staff is of the opinion that the recommended zoning standards placed on the property will assist in mitigating impacts on the surrounding residential uses and address many noted concerns. Staff will continue to work with the applicant and the public to address site plan matters, such as landscaping, parking, drainage, site servicing, and other issues raised by both staff and the public.

Given the above, staff recommend adoption of the Official Plan Amendment, as amended by staff, and that it be forwarded to the County of Middlesex for consideration. Staff recommend that the re-designation to 'Medium Density Residential' only apply to the northern portion of the lands

Further, staff recommend approval of the zoning by-law amendment, as amended by staff, to rezone the northern portion of the lands from 'Restricted Agricultural (A2)' to a new site-specific 'Urban Residential Third Density exception 18 with Hold (UR3-18)(h-2)(h-6)(h-7)' accommodate the proposed development. The following site-specific zone standards would apply:

- Minimum Rear Yard Setback (for apartment dwelling and multiple unit dwellings) 15 m (49.2 ft)
- Maximum Height Four storeys to a maximum of 15 m (49.2 ft)
- Maximum Density 50 units per hectare
- Visitor Parking A minimum of 0.1 parking spaces per 1 dwelling unit.  
  
Driveways, garages or parking spaces required for each unit shall not be considered as visitor parking spaces.
- Holding Symbol (h-2) requirement for site plan agreement
- Holding Symbol (h-6) requirement for public site plan review
- Holding Symbol (h-7) requirement for urban design brief

Planning staff determined that the amended Official Plan Amendment and Zoning By-law amendment is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan, Middlesex Centre's Official Plan, and Middlesex Centre's Zoning By-law.

This opinion is provided in consideration of comments received from area residents, agencies and staff. Should new information arise regarding this proposal, Council is advised to take such information into account when considering the application.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Concept Plan

Attachment 3 – Planning Justification Report

Attachment 4 - Geotechnical Investigation, March 2021

Attachment 5 - Geotechnical Design Brief, May 2019