

Planning Justification Report

108 St. Clair Avenue

Komoka, ON



March 25, 2021



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INTRODUCTION AND SUMMARY

Mike Thyssen has submitted an application to amend The Municipality of Middlesex Centre Zoning By-law No. 2005-005 for lands known municipally as 108 St. Clair Avenue (the “subject lands”). The intent of this application is to re-zone the subject lands to permit a 3-unit “Apartment Building” on the subject lands.

The purpose of the following Planning Justification Report is to evaluate the proposed Zoning By-Law Amendment within the context of existing land use policies and regulations, including:

- The 2020 Provincial Policy Statement (PPS);
- The County of Middlesex Official Plan;
- The Municipality of Middlesex Centre Official Plan; and,
- The Municipality of Middlesex Centre Zoning By-law 2005-005.

This report concludes that the proposed Zoning By-Law Amendment (ZBA) is appropriate and desirable for the following reasons:

- The proposed ZBA is generally consistent with the policies of the 2020 PPS, the County of Middlesex Official Plan, and the Municipality of Middlesex Centre Official Plan;
- The proposed ZBA will permit an appropriate use within an existing residential area that is well suited to support the proposed use;
- The proposed use will not have any undue adverse impacts on adjacent uses.

SUBJECT LANDS

The subject lands consist of a single, irregularly-shaped, corner-lot parcel of land located at the southwest corner of St. Clair Avenue and Delaware Street North in Komoka, ON (see Figure 1). The subject lands have a lot frontage of approximately 24m (79ft) on St. Clair Avenue, a depth of approximately 36.7m (120.5 ft) and a total lot area of approximately 1,183.6m² (0.3ac). The subject lands are generally flat in topography (see Figure 2 and 3). Two vehicular driveways are provided, one along each street frontage. The subject lands were formerly used for a Church / Place of Worship, but that use has now ceased and the building is currently vacant.

Figure 1 – The Subject Lands



Location and boundaries are approximate

Figure 2 – Google Street View of Subject Lands (looking south west from Delaware St. N.)



Figure 3 – Google Street View of Subject Lands (looking south east from St. Clair Ave.)



The subject lands are Located within the Komoka-Kilworth “*Settlement Areas*” according to “Schedule ‘A’ – Land Use” in the County of Middlesex Official Plan; are designated “*Residential*” according to ‘Schedule A-2’ – Komoka – Kilworth Urban Settlement Area and Secondary Plan’ in the Municipality of Middlesex Centre Official Plan; and are located within the “*Institutional (I) Zone*” in the Municipality of Middlesex Centre Zoning By-law No. 2005-005, as amended.

Both the County and Municipality Official Plan contemplate residential uses and development within their respective land use designations.

SPATIAL ANALYSIS

Land uses surrounding the subject lands consist of a range of low-rise residential uses in all directions (see Figure 4). Notably, a railway corridor is located adjacent to the north of the subject lands. A sidewalk is provided along St. Clair Avenue, but not Delaware Street.

Figure 4 – Subject Lands and proximate land uses



Location and boundaries are approximate

The neighbouring lands adjacent to the subject lands to the southwest and southeast are comprised of low-rise residential, single-family dwellings (Figure 5 and 6). The subject lands are separated from the abutting lands with trees and associated landscaping. Generally, building setbacks in the area are generous, and significantly larger than newer, contemporary residential subdivisions.

Figure 5 – 122 Delaware St. N. (abutting the subject lands to the south-east, looking northwest)



Figure 6 – 106 St. Clair Ave. (abutting the subject lands to the south-west, looking south-west)



THE PROPOSAL

As the existing building on the subject lands is now vacant, it is proposed to be re-purposed for a 3-unit “Apartment Building” (see Figure 7). While some exterior modification work to the building may be required, the majority of work is interior to the building to convert the space to residential dwelling units. The existing parking area is to be formalized to provide six parking spaces (two per unit), as well as closure of the St. Clair Avenue driveway.

Figure 7 – Subject Lands Proposed Site Plan



PROPOSED ZONING BY-LAW AMENDMENT

A Zoning By-Law Amendment is proposed to re-zone the subject lands from 'Institutional (I) Zone' to a site-specific "Urban Residential Third Density (UR3-(_)) Zone". Special regulations to recognize the location and characteristics of the existing building are noted below:

- Minimum lot frontage of 24 m;
- Minimum Front Yard Setback of 4m;
- Minimum Side Yard Setback of 2.9m; and,
- Minimum Rear Yard Setback of 8m.

As the proposal for the subject lands is for three units, the building would not fall under the definition of "Multiple Unit Dwelling", but rather an "Apartment Building" under Zoning By-law 2005-005. For reference, an "Apartment Dwelling" is defined under the By-law as a "dwelling unit contained within an apartment building, or a dwelling unit contained within a building which may have one or more permitted uses other than residential on the first floor."

PLANNING POLICY ANALYSIS

The following section of this Planning Justification Report provides analysis evaluating the proposed Zoning By-Law Amendment through applicable land use policies and regulations, including the following:

- The 2020 Provincial Policy Statement (PPS);
- The County of Middlesex Official Plan;
- The Municipality of Middlesex Centre Official Plan;
- The Municipality of Middlesex Centre Zoning By-law No. 2005-005, as amended.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act "provides policy direction on matters of provincial interest related to land use planning" in order to ensure efficient development and the protection of resources. All planning applications, including Zoning By-law Amendment applications, are required to be consistent with these policies. The proposed development is consistent with the 2020 PPS as follows:

- The subject lands are located within the Komoka-Kilworth Settlement Area, a defined settlement area which would efficiently use land, services and resources of the municipality (Policy 1.1.3.2);
- The proposal is appropriate for, and efficiently uses the infrastructure and services facilities available and the increased residential density efficiently uses the existing infrastructure and service facilities (Policy 1.1.3.2);

- The proposal will assist in providing an appropriate range and mix of housing options and densities in the area and will help meet the current and future needs of the province (Policy 1.4.1); and
- The proposal will help increase the appropriate range of housing options to help meet the future needs of the County and Municipality (Policy 1.4.3).

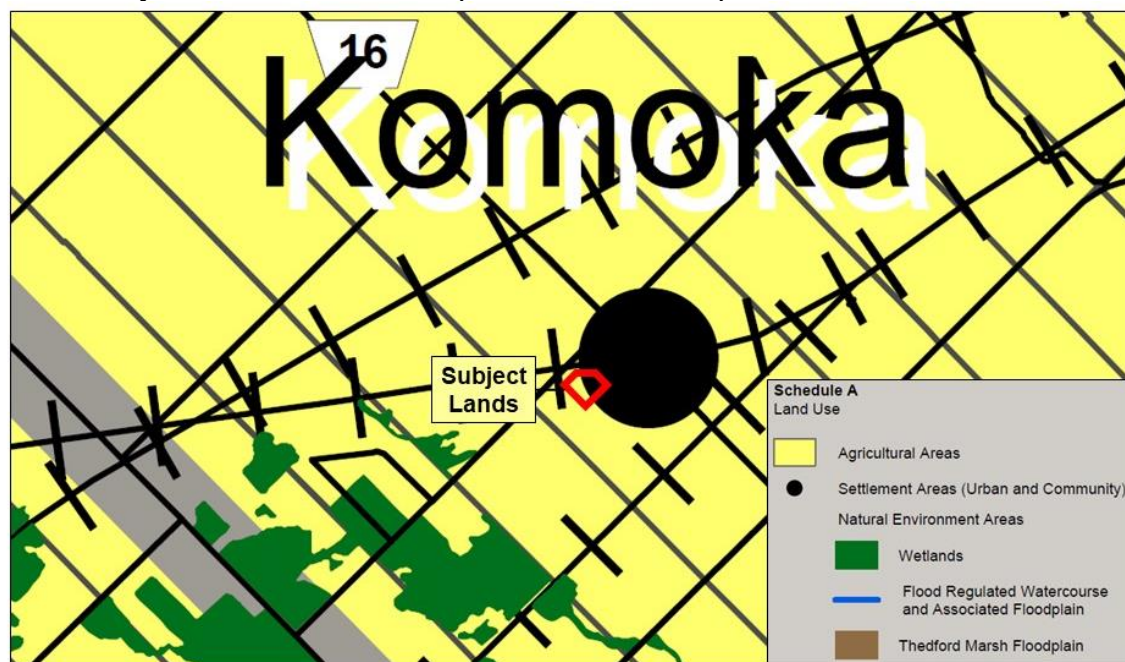
Based on the above analysis, the proposed Zoning By-Law Amendment is generally consistent with the policies of the 2020 Provincial Policy Statement.

County of Middlesex Official Plan

The County of Middlesex Official Plan directs and guides the County in land use policy and physical planning on a broad basis. The Plan is intended to establish an upper tier policy framework that provides guidance to the local municipalities in the preparation of local Official Plans and Zoning By-laws.

The subject lands are located within the “Settlement Area” according to “Schedule A – Land Use” in The County Official Plan (Figure 8).

Figure 8 – County of Middlesex Official Plan (Schedule A: Land Use)



Location and boundaries are exaggerated

Generally, the County Official Plan permits a variety of urban and suburban land uses on full municipal services within Settlement Areas. Furthermore, the County Official Plan defers more detailed land use policies to the lower tier municipal Official Plan, being the Middlesex Centre Official Plan.

As the County Official Plan generally permits a wide range of urban and suburban land uses, including residential uses in Settlement Areas, the proposed Zoning By-Law Amendment is consistent with the policies and intent of the County Official Plan.

Municipality of Middlesex Centre Official Plan

The Municipality of Middlesex Centre Official Plan, being the lower tier Official Plan, is intended to provide policies for the orderly growth and development of the Municipality, and provide land use planning guidance. The Plan includes goals and policies relating to land use, agricultural and settlement areas, the classification of a Municipal natural areas system, economic, social and servicing matters. Importantly, this plan provides much more detailed land use policies than the County Official Plan.

The subject lands are identified within the “Residential” land use designation according to “Schedule A-2 – Komoka-Kilworth Urban Settlement Area & Secondary Plan” in the Municipality of Middlesex Centre Official Plan (Figure 9).

Figure 9 – Municipality of Middlesex Centre Official Plan (Schedule A-2 – Komoka-Kilworth Urban Settlement Area & Secondary Plan - excerpt)



Location and boundaries are approximate

Residential Areas (Policy 5.2)

The “Residential Areas” land use designation is where a range of residential land-uses are permitted. The proposed Zoning By-law amendment would permit an Apartment Dwelling in a

Residential area, keeping with the general intent of the vision for the “*Residential Areas*” land use designation.

Permitted Uses (Policy 5.2.2)

A broad range of residential uses are permitted within the “*Residential Areas*” land use designation, including low/medium rise apartments. Given that there is no meaningful or significant change to the existing building, and that only three dwelling units are proposed, the proposed conversion fits within the range of uses contemplated within the “*Residential Area*” land use designation, and no undue adverse impacts to surrounding land uses are anticipated. Furthermore, a three-unit apartment building is consistent with the planned function of the “*Residential*” land use designation to provide a variety of compatible housing types for Komoka-Kilworth.

Komoka-Kilworth Residential Area Policies (Policy 5.7.4)

As the subject lands fall within the Komoka-Kilworth Secondary Plan area, additional policies apply. Section 5.7.4. provides that multiple dwellings, which generally include a 3-unit converted dwelling such as the one proposed, are permitted.

As demonstrated above the proposal is generally consistent with the land use policies of the Municipal Official Plan, and is appropriate for the subject lands.

Municipality of Middlesex Centre Zoning By-law

The subject lands are zoned “*Institutional Zone (I)*” in Municipality of Middlesex Zoning By-Law No. 2005-005, as amended (see Figure 10)

Figure 10 – Middlesex County Interactive Maps – Middlesex Centre Zoning By-law No. 2005-005, as amended



Location and boundaries are approximate

The *Institutional* zones permit a wide range of institutional related land uses, including nursing homes, funeral homes, retirement homes, schools, day nurseries, and private clubs. However, the proposed “Apartment Building” is not a permitted use within the Institutional zone and therefore requires a Zoning By-Law Amendment.

It is proposed that the subject lands be re-zoned to a site-specific “*Urban Third Density (UR3-(_)) Zone*”, which permits apartment buildings, with special regulations to recognize and permit the existing building, as follows:

- Minimum lot frontage of 24 m;
- Minimum Front Yard Setback of 4m;
- Minimum Side Yard Setback of 2.9m; and,
- Minimum Rear Yard Setback of 8m.

Additional special regulations may be identified through the consultation and application process.

Table 1 below, provides a complete zoning data table for reference as to how the site plan relates to the standard regulations of the UR3 zone.

Table 1:

Use Regulations	UR3 Zone Requirements	Proposed
Permitted Uses	Apartment Dwelling	Apartment Building with 3 Apartment Dwellings
Minimum Lot Area	250 m ² for each of first 4 dwelling units & 100 m ² for each additional dwelling (750 m ²)	1,183.60 m ²
Minimum Lot Frontage	30.0 m	24.01 m
Minimum Lot Depth	35 m	36.74 m
Minimum Front Yard Setback	6 m	4.17 m
Minimum Side Yard Setback	10 m	2.99 m
Minimum Rear Yard Setback	8 m	5.71 m
Minimum Floor Area	40 m ² per bachelor dwelling unit/ 55 m ² per 1 bed unit / 65m ² per 2-bedroom unit	95.07 m ² per unit
Maximum Height	20 m	> 20 m
Maximum Density	30 units per Ha	25 units per Ha
Minimum Outdoor Amenity Area	45 m ² per dwelling unit	48 m per dwelling unit
Maximum lot coverage	35%	24.10%
Minimum Parking	1.5 per unit (4.5)	6

Each requested special provision is reflective of an existing condition are appropriate for the re-use of the building for a 3-unit Apartment Building.

Given that the proposed zoning regulations would permit the existing building to be converted to three (3) residential dwelling units, and that such a conversion is consistent with applicable policy documents, proposed site-specific UR3-(_) zone is appropriate.

OTHER CONSIDERATIONS

Railway Noise

A Noise Study has been prepared by HGC Engineering to evaluate noise impacts on the subject lands. The report concludes that noise from the railway exceeds MOE criteria, however, specific recommendations can be implemented to limit noise levels, such as masonry exterior walls and upgraded glazing, as well as warning clauses registered on title. It is noted that a significant number of dwellings in Komoka are similarly affected by this railway line.

CONCLUSION

The existing, vacant building on the subject lands is proposed to be re-purposed for three (3) dwelling units. The proposed Zoning By-Law Amendment seeks to add an Apartment Dwelling to the list of permitted uses on the subject lands in order to permit the proposed residential conversion. The proposed use is appropriate for the subject lands; is a contemplated use in the County of Middlesex and Municipality of Central Middlesex Official Plans; is compatible with adjacent uses; is a desirable use for the areas planned function of the “Residential” land-use designation as the lands are located within a settlement area; and, are unlikely to create any undue adverse impacts on surrounding uses. Given the above, the proposed Zoning By-Law Amendment is appropriate for the subject lands and represents good land use planning practice.