



Meeting Date: May 18, 2022

Submitted by: Tim Williams, Senior Planner

Report No: PLA-31-2022

Subject: Application for Zoning By-law Amendment (ZBA-14-2020), filed by Caroline Baker of Baker Planning Group on behalf of Kilworth Heights West Ltd.; Block 231 of 33M-371 at the southeast corner of Glendon Drive and Crestview Drive

Recommendation:

THAT Report PLA-31-2022 for the purposes of Zoning By-law Amendment application (ZBA-14-2020), filed by Kilworth Heights West Ltd., to amend the site-specific 'Village Commercial exception 15 with Hold (C1-15)(h-7)' zone for the lands described as Block 231 of Registered Plan of Subdivision 33M-761 in the Municipality of Middlesex Centre, be RECEIVED FOR INFORMATION.

Purpose:

The purpose of this report is provide Council with new information regarding a rezoning to permit commercial and residential uses on the property, and address other zoning standards included building setbacks, parking rates, and building coverage along Glendon Drive. The Block is located on the southeast corner of Glendon Drive (County Road 14) and Crestview Drive. The lands are legally described as Block 231 33M-761, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The purpose of this report is provide Council with new information regarding a rezoning to permit commercial and residential uses on the property, and address other zoning standards included building setbacks, parking rates, and building coverage along Glendon Drive. The Block is located on the southeast corner of Glendon Drive (County Road 14) and Crestview Drive. The lands are legally described as Block 231 33M-761, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The proponent revised the Zoning By-law Amendment application and conceptual plan by removing the commercial uses along Doan Drive and replacing them with a residential townhouse condominium with 32 units. As such, the purpose of the Zoning By-law Amendment application is to:

- 1) Add 'townhouse dwelling' and 'street townhouse dwelling' as permitted uses in addition to other commercial uses currently permitted within the 'Village Commercial (C1-15)(h-7)' zone.
- 2) Remove 'store, convenience', 'store, retail', 'studio', and 'tavern' from the list of permitted uses
- 3) Identify that a vacant land condominium unit on a registered vacant land condominium plan is not a lot.
- 4) Allow a minimum of 65% of the lot frontage along Glendon Drive to include buildings
- 5) Reduced minimum yard setback of 2.9 m (9.5 ft) from Doan Drive
- 6) Relief from building setbacks, planting strip, residential parking requirements, dwelling unit density and outdoor amenity area

The revised conceptual plan is included as Attachment 2.

The subject land is approximately 1.68 ha (4.16 ac) in area with frontage on Glendon Drive, Crestview Drive, and Doan Street. The property is currently vacant. On the north side of Glendon Drive there are a variety of uses including agricultural uses, residential uses and a place of worship. Residential uses (townhomes and townhome condominium) are under occupied and under construction to the south across Doan Drive. To the east, residential uses are under construction in a townhouse condominium. A vacant commercial block is located to the west of the site on the southwest corner of Glendon Drive and Crestview Drive.

The subject land is currently zoned a site-specific 'Village Commercial exception 15 with Hold (C1-15)(h-7)' zone. The lands were subject to a rezoning in July 2017, which involved an Ontario Municipal Board (now Ontario Land Tribunal) hearing and Minutes of Settlement.

The subject lands are currently vacant and part of a larger subdivision 33M-761 that was registered in April 2019. The block is one of two blocks that flank Crestview Drive and act as the entrance to the subdivision to the south.

The application was first presented at a public meeting in November 2020. The initial application requested site-specific provisions to permit drive-thru facilities to the site-specific 'Village Commercial exception 15 (C1-15)' zone, reduce the driveway access and reduce the commercial parking rate for the entire property. The proposal included seven one-storey buildings circling the perimeter of the site with approximately 4, 634 m² (49, 880 ft²) of commercial floor area. No residential uses were proposed at this time.

Planning staff recognized that while commercial uses were generally permitted, drive-thru facilities were not permitted through the site-specific zoning and the Village Centre designation that advocated for a strong pedestrian oriented commercial environment. Technical considerations were also raised by local staff including the noise from drive-thru speakers, impacts of queuing lines, and stormwater management.

The proponent revised their application and concept plan and is proposing four commercial buildings along the Glendon Drive frontage and one building along Crestview Drive. The commercial buildings have a combined gross floor area of 2, 420 m² (26, 049 ft²) and is supported by 134 parking spaces plus 6 accessible parking spaces. A mid-block access onto Crestview Drive is proposed between the commercial and residential units. A secondary access onto Doan Drive is proposed along the eastern property limit adjacent to the residential units.

Given the preliminary nature of the concept plan, the specific uses within the commercial buildings have not been proposed at this time. However, they would be limited to the permitted uses within the site-specific 'Village Commercial exception 15 (C1-15)' zone. The full list of uses is outlined below in this report.

The concept plan also proposes medium density residential uses within the southern portion of the property along the Doan Drive and Crestview Drive frontages, and facing the commercial parking lot located immediately to the north. Thirty-two three-storey, condominium townhome units are proposed within eight townhome blocks. The condominium development proposes 8 visitor parking spaces and two common amenity areas totalling 640 m² (6, 889 ft²). A private roadway is proposed down the centre the of the condominium development and intersects with the commercial driveway along the eastern property limit.

Policy Regulation:

The subject lands are identified as part of the Komoka-Kilworth 'Settlement Area' in Middlesex County's Official Plan and designation as 'Village Centre' within Middlesex Centre's Official Plan. The subject lands represent the easterly extent of the 'Village Centre'. The property is within the site specific 'Village Commercial exception 15 with Hold (C1-15)(h-7)' zone pursuant to the Middlesex Centre Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the land.

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 summary of those that are applicable to the proposed development are noted below.

The PPS generally encourages a mix of land uses within settlement areas including residential, commercial and industrial uses. Specifically, section 1.1.3 provides direction to direct growth and development to settlement areas where it can efficiently use land and resources, and is appropriate for existing or planned infrastructure. Further, settlement areas should include opportunities for intensification and redevelopment.

The PPS promotes economic development and supports the provision for opportunities of employment. Section 1.3.1 directs that municipalities provide an appropriate mix and range of employment uses to meet long-term needs and provide opportunities for a diversified economic base. This includes maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and take into account the needs of existing and future businesses.

Middlesex County Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject property as within the Komoka-Kilworth ‘Settlement Area’.

Sections 2.3.8 and 3.2 – Settlement Areas of the County Plan will be the focus for future growth including commercial development. Settlement Areas are intended to have a wide range of land uses and full municipal servicing in conjunction with Section 2.4.5 – Sanitary Sewers and Water of the County Plan. Local official plans should provide additional details for development within urban areas and should provide a variety of uses including a broad range of commercial uses.

Section 2.4.2 – Transportation Network is a system of roads, highways and railways that provide inter-municipal services to move people and goods. There is an identified need to plan the transportation network and the County Road system to protect the rights-of-way for future improvements. County roads, like Glendon Drive, function as arterial or collector roads and provide for the efficient movement of traffic between provincial freeways and collector roads. As a result, the County shall discourage development that would inhibit traffic movement along the County road system. Agricultural, industrial, commercial and open space land uses are considered appropriate land uses adjacent to arterial County roads. The County shall limit direct access to County Roads and review transportation studies if development proposals are likely to generate significant traffic. Further, in this section the County’s OP directs development to provide safe, convenient and visually appealing pedestrian facilities in Settlement Areas.

Section 2.3.4 – Economic Development of the County Plan identifies economic development as an important component of the growth management strategy. Many of the goals and objectives in the County plan are dependent on economic activity and opportunities for residents to live and work in the County. The County Plan supports a

diverse economic base and that a sufficient supply of employment land in accessible locations is available throughout the County.

Middlesex Centre Official Plan:

The Middlesex Centre Official Plan (Official Plan) designates the subject land as 'Village Centre' within the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2.

Section 5.3.1 – Settlement Village Centre Goals include being the gathering place for the settlement and agricultural residents, maintaining unique identities and characteristics of the Village Centre, encouraging and facilitating strategic improvements to the Village Centre that are compatible with adjacent residential, encouraging access through multiple travel options, including pedestrian and cycling traffic and lastly establishing or strengthening linkages between Village Centres, and the tourism industry within the Municipality.

Section 5.3.2 – Settlement Village Centre Policies are include:

- a) Village Centres should be established and maintained in Urban and Community Settlement Areas as the centres of retail and services, community gathering, and community identity in the Municipality.
- b) Village Centres are planned to function as traditional village main streets that provide for daily and weekly convenience and general retail and service needs for the settlement area and the surrounding agricultural community. Such centres will also represent the commercial and social focal points for the settlement area and its surrounding farm communities.
- c) Infilling within Village Centres is encouraged. The physical form of such infilling should be compatible with existing development and the character of the individual Village Centre. Wherever possible, infilling should enhance the existing pattern of buildings, sidewalks and streets.
- d) Mixed use buildings are encouraged within Village Centre areas.
- e) Village Centre areas should remain as compact as possible. Consistency in terms of building massing, scale and setback are encouraged. Building designs that allow for separate access to second and third stories along the street are strongly encouraged.
- f) In the context of new development, the preservation and reuse of buildings with architectural or historical merit is strongly encouraged.
- g) Parking within Village Centres will be provided in the context of new development. Cash in- lieu of parking may be collected by the municipality to facilitate the establishment of appropriately located municipal parking. All parking will be

designed and landscaped to de-emphasize its effect on the physical appearance of the Village Centre.

- h) Development shall be subject to the policies in Section 6.0 and in Section 10.5 of this Plan and shall have regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

Section 5.3.3 – Settlement Village Centre Permitted Uses include the following:

- a) Commercial uses, including general and convenience retail, personal services, and office uses.
- b) Restaurants, hotels, compatibly scaled entertainment / recreational facilities, and open space or parkland.
- c) Residential uses, so long as they do not negatively disrupt the compact nature, and commercial and service use focus, of Village Centres. Residential uses above ground floor commercial uses are encouraged.
- d) Institutional and civic uses such as municipal offices and functions, post offices, schools and libraries.

Section 5.7.1 – Komoka-Kilworth Secondary Plan Goals that are applied to the area that range for intensification and mix of uses to defining and protecting for employment.

Section 5.7.3 – Komoka-Kilworth Village Centre Policies provide additional details on the planned function as the central location with connections to the Wellness and Recreation Centre as well as provide direction for future development. Additionally, there are policies for development implementation of a traditional main street with a multi-modal street cross section for Glendon Drive (one of the frontages for the property). Finally the built form within the Village Centre area shall provide for consistent building massing, scale, height and setbacks to promote a pedestrian-friendly streetscape with active and engaging building facades at grade level, and residential above, with regular breaks in the street wall to facilitate pedestrian access and connectivity.

Sections 5.7.12 – Komoka-Kilworth Transportation Policies and 9.4 – Transportation and Utilities Policies are intended to facilitate a transportation network for the efficient movement of people and goods to and from the Municipality, and within the Municipality. "Within the planning period of the Official Plan, it is envisaged that Glendon Drive may be upgraded to a four lane urban arterial road standard with underground stormwater systems and utilities, street lighting, and consideration of sidewalks and landscaped boulevards and street trees. To achieve this, the Municipality will work with the County of Middlesex to determine the feasibility of implementing such improvements and related requirements as a condition of development and/or through the recovery of the land on either side of Glendon Drive."

Section 6.1 – Settlement Area Design Goals establishes goals that range from maintaining and improving physical design characteristics of the Municipality’s settlement area to encouraging tree retention as well as have, regard for the Urban Design Guidelines.

Section 6.3 – Design Policies – Site Plans and Infill Developments provides guidance when considering the design policies for infill developments. Since the subdivision has been laid out and registered, it is appropriate to review this under the design policies for site plans and infill developments. Which provides direction on compatibility of scale and enhancing the traditional character and economic viability of such centres. High quality of site design and architectural design is encouraged for new commercial. With new buildings and development generally being oriented to streets or parks, they should be designed and situated in harmony and in a compatible manner with adjacent structures and surrounding neighbourhood character. The development should also have regard for the Municipality’s Urban Design Guidelines.

Middlesex Centre’s Urban Design Guidelines:

The Urban Design Guidelines (Guidelines) speak to successfully designing development such that it positively contributes to the quality, vitality and image of the settlement area, and enhances existing streetscapes by providing visual variety and opportunities to enhance and reinforce the attractive qualities of commercial streetscapes. It is also complementary to, and compatible with, adjacent residential neighbourhoods and main streets. Section 6 focuses on design for settlement commercial.

The Guidelines address vehicles in section 6.1 c) Provide both efficient vehicular circulation as well as a safe and attractive pedestrian environment that supports safe alternatives other than the car in settlement areas.

The Guidelines further speaks to buildings that are to address the street and intersections. Massing and design that is compatible and complementary with the adjacent residential uses. The design of front elevations should place emphasis on the design of pedestrian entrances.

It is noted in the Guidelines that poorly planned and designed development has the potential to severely impact the desirability of neighbouring properties and to act as a destabilizing element in an established settlement area.

Section 6.4 – Fenestration - In general, all building elevations facing onto public streets shall provide fenestration to promote a safe, visually interesting pedestrian environment. For the subject property, this would not just include Glendon Drive but also Crestview Drive and Doan Drive as well. Window placement should also consider the provision of views into isolated outdoor areas to allow for passive observation.

Section 6.5 – Pedestrian and Vehicular Circulation – notes a number of important policy directions, including clearly marked pedestrian walkways leading from the public realm to the principal building entrance, and encourages, the design of a safe and attractive pedestrian environments.

Section 6.6 – Loading and Servicing Areas - the section outlines policies to ensure that loading and service areas shall not be visible from the adjacent residential areas or public streets; that loading areas are screened from view through a combination of building orientation and massing, landscaping and architecturally integrated visual barriers; and that all garbage storage areas shall be architecturally integrated into the designs of buildings. Isolated, open, exterior garbage storage areas are to be discouraged.

Section 6.7 – Landscaping - In general, landscaping design shall unify and enhance all other elements of the development including building design, signage and pedestrian circulation and contribute to the general appearance and quality of the streetscape; and landscaping and privacy fencing shall be used as needed to buffer parking and servicing areas from adjacent residential properties.

Section 6.8 – Signage - In general, the design of signage shall have regard for the presence of the visually adjacent residential architecture; and it is preferred that signage should be architecturally integrated into the designs of buildings.

Middlesex Centre Zoning By-law:

The subject property is zoned 'Village Commercial exception 15 with Hold (C1-15)(h-7)'. The Village Commercial zone is generally applied to commercial development located in villages and hamlets. The site's specific zoning exemption includes a list of uses, which are as follows:

accessory use to a permitted use as follows;	office, general or professional;
animal clinic;	personal service establishment;
clinic;	place of entertainment;
club;	private restaurant;
day nursery;	service shop;
dwelling units above the first storey;	store, convenience;
financial institution;	store, retail;
hotel, motel or tavern;	studio;
laboratory;	tavern.

The site-specific zone also specifically prohibits drive-thru facilities. The site-specific zoning requires that no parking or driveways be located between Glendon Drive and the north facades of the buildings on the property. The zone also includes development standards that implement the urban design guidelines and focus on creating a positive streetscape along Glendon Drive and a pedestrian friendly environment.

The Holding Symbol '(h-7)' is placed on the property to prevent premature development. No lands subject to a Holding Symbol shall be used and no buildings or structures shall be erected or altered until the Holding Symbol is removed. 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.

A summary of the requested changes to the 'Village Commercial exception 15 (C1-15)' zone are shown in the table below:

	Required	Proposed
Permitted Uses	<i>As noted above</i>	<p>Add the following uses: 'townhouse dwelling'; 'street townhouse dwelling';</p> <p>Remove the following uses: 'store, convenience'; 'store, retail'; 'studio'; 'tavern';</p>
Glendon Drive (County Road 14) Frontage (15.3.15 d)	Percentage of lot frontage to include buildings: 65%	Minimum percentage of lot frontage to include buildings: 65%
Minimum Side Yard Setback for commercial uses (15.3.15 g)	0 m	<p>Minimum yard setback from Crestview Drive: 0 m</p> <p>Minimum yard setback except from Glendon Drive, Crestview Drive and Doan Drive: 3 m (9.8 ft)</p>
Minimum Side Yard Setback for residential uses	N/A	<p>Minimum side yard setback from Crestview Drive: 2.7 m (9 ft)</p> <p>Minimum building setback from a lot line not abutting Glendon Drive, Crestview Drive or Doan Drive when there is no private amenity area between building and said lot line: 2.5 m (8.2 ft)</p> <p>Minimum building setback from a lot line not abutting Glendon Drive, Crestview Drive or Doan Drive when there is a private amenity area between building and said lot line: 7 m (23 ft)</p>

Setback from Glendon Drive for residential uses	N/A	No townhouse dwellings or street townhouse dwellings are permitted within 50 m (164 ft) of Glendon Drive.
Minimum Rear Yard Setback when the yard is adjacent or across from a Residential Zone (15.3.15 h))	6 m (19. 7 ft)	Minimum yard setback from Doan Drive: 2.9 m (9.5 ft)
Maximum Density	N/A	47 units per hectare
Minimum Floor Area	N/A	65 m ² per dwelling unit
Minimum Outdoor Amenity Area	N/A	40 m ² per dwelling unit; Outdoor amenity area shall include common amenity areas and private amenity areas
Definition - Lot (2.101)	LOT means a parcel or tract of land which: e) is a vacant land condominium unit on a registered vacant land condominium plan;	Notwithstanding Section 2.101 of the Zoning By-law 2005-005, for the purpose of this By-law, a vacant land condominium unit on a registered vacant land condominium plan is not a lot.
Planting Strips (4.11 b))	i) where the lot line of a lot containing a non-residential use and located in any Commercial or Industrial zone abuts a lot in any Residential Zone, or abuts a street on the opposite side of which is located a lot in any Residential Zone, then that part of the lot containing such non-residential use or directly adjoining the said lot line shall be used for no purpose other than a planting strip having a minimum width of 1.5 metres (4.9 ft), measured	Notwithstanding section 4.11 (b) (i) of the Zoning By-Law 2005-005, no planting strip is required along the lot line abutting Doan Drive provided no non-residential uses adjoin the said lot line. Notwithstanding section 4.11 (b) (ii) of the Zoning By-Law 2005-005, no planting strip is required.

	<p>perpendicularly to the said lot line;</p> <p>ii) planting strips shall be provided on lands upon which a residential use is being newly established where such lands abut an existing non-residential use, which is not maintaining a planting strip in accordance with the above;</p>	
Parking Spaces (4.24 b))	Minimum parking space requirement: 1.5 spaces per townhouse or street townhouse dwelling unit	Minimum parking space requirement: 1.25 spaces per townhouse or street townhouse dwelling unit
Loading Spaces (4.24 m) i))	Number of loading spaces required for > 2,000 m ² and ≤ 4,000 m ² of gross floor area: 2	Notwithstanding section 4.24 (m) of the Zoning By-Law 2005-005, no loading spaces are required for 3,000 m ² gross floor area or less of commercial building(s) or structure(s).
Residential Uses in Mixed-Use Buildings	N/A	<p>Dwelling units in a mixed-use building are permitted subject to the relevant provisions of section 15.3.15 and the provisions of Section 15.2.2 of the Zoning By-Law 2005-005.</p> <p>For the purpose of this By-law, a “mixed-use building” means a building with residential uses above the ground floor and non-residential uses that are permitted under section 15.3.15 (b) of Zoning By-Law 2005-005 on the ground floor.</p>

Consultation:

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

Public Comments:

At the time of writing the subject report planning staff did not receive comments from the public regarding the proposed rezoning application.

At the time of the previous Public Meeting and with reference to the initial concept plan and rezoning request, an area resident identified concerns with the cat and truck entrance being added across from their house on Doan Drive. They were also concerned about the added commercial in the area when there were currently commercial vacancies in the area. Additionally, the resident also noted that some lots were not built or occupied at the time of the last public meeting. Staff have confirmed that a majority of the units immediately south of the subject lands are built and occupy, and would have received the revised notice of the application in accordance with the Planning Act regulations.

Agency Comments:

The following comments were received at the time of writing this report:

The Municipality's Department of Public Works and Engineering reviewed the initial and revised applications and identified the following:

The proposal for the site shows a large majority that is hard surfaced and it would appear that the runoff coefficient may be higher than what was accounted for in the SWM report/pond for the greater subdivision. PWE will request that the applicant verify the runoff coefficient and, and they may be required to provide some temporary on-site storage and/or review the impact to the function of the SWM pond.

After reviewing the initial application, PWE staff paid attention to the location of the buildings that front onto Glendon Drive as it relates to garbage storage. A buffer should be considered or reconsideration of the location. This detail can be considered at during Site Plan review but it is being noted now in consideration of the application proposal for a minimum of 65% of the frontage along Glendon Drive.

Appropriate on-site parking for the residential uses should be provided where it does not incur visibility issues within the condominium development and near the intersection with the commercial driveway on the eastern property limit.

Based on the drawings and verbiage for Glendon Drive EA this section of Glendon Drive is intended to be a 5 lane cross-section. Since a centre left turn lane is to be included the intent is that the outside 2 travel lanes can be used for parking during non-peak hours. Consideration will be identified through the detailed design.

If both residential and commercial uses are planned for the site, consideration will be need to determine site servicing and ownership.

Further comments will be provided through site plan review.

The Municipality's Building Department and Chief Building Official reviewed the revised application and provided technical comments related to the conceptual plan provided by the applicant. Comments related to ensuring the submitted plans are stamped by an

architect for Building Code compliance; provide additional barrier free paths of travel to commercial buildings; confirm the fire routes and turning radius; providing appropriate parking for the residential proposal; ensuring compliance with the zoning by-law; identify elements like snow storage locations and signage.

Further comments will be provided through site plan review.

The Municipality's Fire Chief reviewed the application and provided technical comments related to the conceptual plan provided by the applicant. Comments related to identifying fire routes, no parking signage, and fire hydrant locations throughout the commercial and residential development; and revising the private driveway to allow for the turnaround of emergency response vehicles.

The Middlesex County Engineer reviewed the initial and revised applications. No specific comments regarding the proposed rezoning were identified. However, there are concerns with the proposed layout of the site such as the distance from the Crestview Drive access to the Crestview Drive and Glendon Drive intersection. Access to and from the site should be limited to Doan Drive.

Further comments will be provided through site plan review.

Planning Staff reviewed the revised application and note the history of this property and direction for commercial uses to serve the adjacent subdivision and local area. Planning staff acknowledge that the Village Centre designation is intended to be a centre of commerce and services, community gathering and identity. Further, permitted uses include a variety of commercial uses and limited residential uses that do not disrupt the compact nature or commercial focus of the designation. Where possible, residential uses should be located above the ground floor to promote a mixed-use development and support for the commercial uses. With this, planning staff have concerns with the requested zoning and conceptual plan as presented. Planning staff support a mixed-use development and have presented a variety of options and variations that could be undertaken to maintain the commercial focus of the Village Centre designation while providing residential units on the same site. The revised application as presented would effectively remove available commercial lands from the current supply and further reduce the planned function of the Village Centre.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth
- Vibrant Local Economy

Attachments:

Attachment 1 – Location Map

Attachment 2 – Conceptual Plan

Attachment 3 – Planning Justification Report