



Meeting Date: June 24, 2020

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-15-2020

Subject: Applications for Official Plan Amendment (OPA 50) and Zoning By-law Amendment (ZBA-09-2020) for lands on Dausett Drive; Filed by Zelinka Priamo Ltd. (Katelyn Crowley) on behalf of 756949 Ontario Limited

Recommendation:

THAT Zoning By-law Amendment application (ZBA-09-2020) and Official Plan Amendment application (OPA 50), filed by Zelinka Priamo Ltd. on behalf of 756949 Ontario Limited, to redesignate and rezone the land for 54-unit medium density residential development be **RECEIVED FOR INFORMATION**.

Purpose:

This report is to provide information regarding applications for an official plan amendment and zoning by-law amendment on the land located off Dausett Drive. The subject land is located east of Jefferies Drive and south of Glendon Drive. The subject land is legally described as Plan 33M656 BLK 60, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The purpose of the official plan amendment application is requesting to re-designate the lands from “Settlement Commercial” to “Medium Density Residential”. Additionally, the zoning by-law amendment application is requesting to rezone the subject lands from ‘Highway Commercial exception 9 (C2-9)’ to a site-specific ‘Urban Residential Third Density exception x (UR3-x)’ zone.

The irregularly shaped parcel is vacant of buildings and currently contains excess soil. Existing commercial lands containing a building supply outlet and future commercial abut to the west, and existing medium density residential units abut to the east of the subject land. West of Jefferies Drive contains commercial lands in proximity to Glendon Drive. South, south-west, and east of the subject parcel exists a low-density residential community.

The effect of these applications would permit the proposed development townhouses and stacked townhouses on a 1.089 ha (2.691 ac) parcel. The principle design features of the proposed development include the following:

- A single access and driveway will be off Dausett Drive. There will be no vehicular access to Glendon Drive.
- Five (5) townhouse dwellings will back onto the southern perimeter of the property and abut a driveway for an existing residential development to the east.
- Thirteen (13) townhouse dwellings will back onto the western perimeter of the property abutting the existing commercial development. Landscaping and fencing would be provided to buffer units from the commercial lands. The property line is approximately 9.8m from the nearest wall of the building supply store.
- Thirty-six (36) stacked townhouse units (multiple unit dwellings) are located on the north-eastern are of the land and is surrounding by the private road that loops around the development.
- Each townhouse dwelling will contain a single-car driveway and a single-car garage for a total of 2 parking spaces per unit. The driveways will be 'sunken' into the first floor of the home and will not project beyond the front face of the main wall.
- Parking for the stacked townhouses is proposed at a rate of 1.58 spaces per unit. No garages are provided and parking spaces are located immediately in front of the stacked townhouse development and amenity area.
- No visitor parking is proposed.
- No sidewalks are proposed adjacent to the townhouses, but a sidewalk is provided between the parking spaces and entrances to the stacked townhouse units.
- A 1.82 m (5.97 ft) noise wall is proposed at the rear of the units to mitigate traffic noise levels from Glendon Drive.
- All proposed units are to be serviced from an existing storm sewer and watermain located on Dausett Drive.
- The proposed concept plan is preliminary and will be refined through site plan review and condominium applications.

Policy Regulation:

When reviewing these applications, the following planning instruments are applicable to guide development within settlement areas. The Provincial Policy Statement provides planning direction for growth and a variety of uses within settlement areas and contains specific policies to ensure development is appropriate. The property is identified as part of the Kilworth 'Settlement Area' in Middlesex County's Official Plan and designated as 'Settlement Commercial' and identified within 'Community Gateway' within Middlesex Centre's Official Plan. The property is zoned 'Highway Commercial exception 9 (C2-9)' by Middlesex Centre's 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 those that are applicable to the proposed development are noted below.

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 of the PPS 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 1.1.2 requires municipalities to accommodate an appropriate range and mix of land uses to meet projected land needs for a time horizon of up to 25 years. Within settlement areas land is to be made available through intensification and redevelopment.

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, redevelopment, and the efficient use of land. 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 1.3 – Employment directs municipalities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses and opportunities for diversification to meet long-term needs. Facilitating investment is generally completed by municipalities by identifying suitable sites for a variety of employment areas that support communities and that can be supported by current and future infrastructure.

Subsections of 1.3.2 – Employment Areas states that municipalities shall plan for, protect and preserve employment areas for current and future uses, and that necessary infrastructure is provided to support the needs.

Further, at the time of an Official Plan review, municipalities can review employment areas to ensure that the designations are appropriate. Municipalities may permit the conversion of lands within employment areas to non-employment uses, such as residential, through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long-term and that there is a need for the conversion.

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.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land within the Kilworth 'Settlement Area'.

Section 2.3.4 – Growth Management-Economic Development maintains a County goal to support economic activity and opportunities for residents to live and work within the County. The County Plan seeks to ensure there is a sufficient supply of employment land available throughout the County especially in areas where there is access to major arterial roads.

The County Plan also encourages municipalities to provide a balanced mix of housing and employment uses to ensure a sufficient labour force and to reduce the need for commuting.

Section 2.3.8 – Growth Management-Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including commercial, industrial and residential uses. These areas are intended to have the highest concentration and 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 – Growth Management-Housing Policies encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents. Municipalities are responsible to determine and encourage a range of housing types, densities and options through local official plans that meet current and future needs. This can also include intensification and redevelopment in appropriate locations.

Section 3.2 – 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. The County Plan defers to the municipality to provide detailed direction on a variety of areas including addressing land supply and policies for land uses within urban areas including residential and commercial.

With regard to municipal sanitary sewers and water services, 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 systems servicing.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 and designated 'Settlement Commercial'. The land is also within the Community Gateway overlay on Schedule A-2 which provides additional guidance for specific areas within the Komoka-Kilworth area.

Lands designated 'Settlement Commercial' are to provide opportunities for retail, restaurants, recreational uses, personal services and offices within Settlement Areas where they do not undermine the planned function of the established Village Centres of the Municipality. New commercial development within 'Settlement Commercial' areas will be subject to the Municipality's Site Plan Manual and Urban Design Guidelines in order to reflect the traditional character of the settlement area it is in.

The 'Settlement Commercial' designation is not intended to accommodate sensitive land uses, such as residential, or more intense employment areas in order to maintain a sufficient supply of commercial uses that support an appropriate employment base.

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 5.7.5 – Komoka-Kilworth Settlement Commercial Area Policies applies special policies to the Komoka-Kilworth Settlement Area. This section requires appropriate screening between new commercial development and sensitive land uses, and does not permit the open storage of goods, materials, machinery or equipment.

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 5.7.5 – Komoka-Kilworth Settlement Commercial Area Policies also provides direction for the Community Gateway. New development must adhere to site plan criteria such as having parking to the rear or side of the buildings, appropriate landscaping that provide a sense of entry to the community, and high quality design that contribute to the image of Komoka-Kilworth.

The applicant has requested to amend the Official Plan by redesignating the land from 'Settlement Commercial' to 'Medium Density Residential' on Schedule A-2. The following policies will apply to the land.

Section 10.1 - Amendments to this Official Plan provides direction for municipalities when considering applications to amend the Official Plan. The municipality must consider all relevant issues relating to public interest, and notify the general public and agencies in accordance with the *Planning Act*.

At a minimum, the Municipality shall consider the following criteria:

- a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?
- b) Is there a demonstrated need or justification for the proposed change?
- c) Is the amendment in keeping with Provincial and County policy?

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

The Municipality is also directed to undertake a five year review of the Official Plan to revise the plan as necessary.

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.
- 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; and for the development along Glendon Drive, provide building orientation, façade and landscape treatments that create an attractive streetscape. Back-lotting of units will be strongly discouraged along Glendon Drive. Improvements to Glendon Drive may include upgrades to hard infrastructure (e.g. stormwater system, bike lanes, sidewalks) and may be a required as 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.

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.

Middlesex Centre Zoning By-law:

The subject land is currently zoned site-specific ‘Highway Commercial exception 9 (C2-9)’ and permits all uses within the ‘Highway Commercial (C2)’ zone, *open storage as an accessory use to a Building Supply Establishment* and a *clinic*. The ‘Highway Commercial (C2)’ zone permits uses such as, but are not limited to, financial institutions, hotels, offices, restaurants, and retail and convenience stores. Additional site-specific zoning standards apply to the subject land such as maximum lot coverage, minimum front yard setback minimum exterior side yard setback and open storage exceptions.

The requested amendment would rezone the property to a site specific ‘Urban Residential Third Density exception x (UR3-x)’ zone to reflect the proposed 54-unit medium density development that consists of townhouses and stacked townhouses (multiple unit dwelling).

The proposed site-specific zone would address standards such as permitted uses, setbacks, maximum density, and lot coverage. The standards shown below are based on the proposed site plan (Attachment 3) and in some instances meet the current standards of the ‘Urban Residential Third Density’ zone such as Minimum Lot Area, Minimum Rear Yard Setback, Minimum Floor Area, Maximum Height, and Minimum Outdoor Amenity Space.

All proposed standards are shown in the table below and may change based on information and comments received from the public, Council, agencies and staff:

	Proposed UR3-x Zone
Permitted Uses	Accessory Use Apartment Dwelling Townhouse Dwelling Street Townhouse Dwelling Multiple Unit Dwelling
Minimum Lot Area – for Apartment Dwelling, Multiple Unit Dwelling	250.0 m ² (2,691 ft ²) for each of the first four (4) dwelling units and 100.0 m ² (1,076 ft ²) for each additional dwelling thereafter;
Minimum Lot Area – for Street Townhouse Dwelling, Townhouse Dwelling	178.0 m ² per dwelling unit

	Proposed UR3-x Zone
Minimum Lot Frontage – for Apartment Dwelling, Multiple Unit Dwelling	9.8 m (32.15 ft)
Minimum Lot Frontage – for Street Townhouse Dwelling, Townhouse Dwelling	6.0 m (20 ft) per dwelling unit
Minimum Lot Depth – for Apartment Dwelling, Multiple Unit Dwelling	110.2 m (361.5 ft)
Minimum Lot Depth – for Street Townhouses Dwelling, Townhouse Dwelling	25.0 m (82.0 ft) for each dwelling unit
Minimum Front Yard Setback – for Apartment Dwelling, Multiple Unit Dwelling	6.1 m (20.0 ft)
Minimum Front Yard Setback – for Street Townhouse Dwelling, Townhouse Dwelling	6.8 m (22.31 ft) per dwelling unit from an interior road
Minimum Side Yard Setback – for Apartment Dwelling, Multiple Unit Dwelling	10.0 m (32.8 ft)
Minimum Interior Side Yard Setback – for Street Townhouse Dwelling, Townhouse Dwelling	2.1 m (6.89 ft) on an interior end unit 0.0 m (0.0 ft) on an interior inside unit
Minimum Exterior Side Yard Setback – for Street Townhouse Dwelling, Townhouse Dwelling	3.1 m (10.17 ft) on an end unit from an interior road, and 6.0 m (19.68 ft) on an exterior end unit
Minimum Rear Yard Setback – for Apartment Dwelling, Multiple Unit Dwelling	8.0 m (26 ft) and in accordance with Section 4.16 b) of this By-law regarding minimum setbacks from County Roads
Minimum Rear Yard Setback – for Street Townhouses, Townhouse Dwelling	6.0 m (19.69 ft)

	Proposed UR3-x Zone
Maximum Lot Coverage – for Apartment Dwelling, Multiple Unit Dwelling Street Townhouses Townhouse Dwelling	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a) of this By-law.
Minimum Floor Area – for Apartment Dwelling, Multiple Unit Dwelling	40.0 m ² (431 ft ²) per bachelor dwelling unit 55.0 m ² (592 ft ²) per one bedroom dwelling unit 65.0 m ² (700 ft ²) per two bedroom dwelling unit 85.0 m ² (915 ft ²) per three bedroom dwelling unit 85.0 m ² (915 ft ²) plus 9.0 m ² (97 ft ²) per each bedroom in excess of three (3) for dwelling units containing more than three (3) bedrooms
Minimum Floor Area – for Street Townhouse Dwelling, Townhouse Dwelling	65.0 m ² (700 ft ²)
Maximum Density	50 Units Per Hectare
Maximum Height	13.5 m (44.29 ft)
Minimum Outdoor Amenity	72 m ² per dwelling unit
Minimum Parking – for Apartment Dwelling, Multiple Unit Dwelling	1.5 spaces per unit
Minimum Parking – for Street Townhouse Dwelling, Townhouse Dwelling	2 spaces per unit
Visitors Parking	0 parking spaces

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:

At the time of writing the subject report planning staff spoke to some neighbours who provide the following comments:

- There is a mix of residents who prefer the residential development over commercial development, and others who prefer the land remains commercial.

- Provide visitor parking to avoid on-street parking on Dausett Drive or in adjacent residential developments.
- Identify where snow piles will be located
- Recommendation for 2 parking spaces per unit. Not enough parking is provided.
- The entrance is too close to the existing driveway entrance for abutting lands. It may become a hazard especially in the winter. A single access is not enough for this development.
- Provide additional details regarding fencing and landscaping abutting the neighbouring properties.
- Concerns about the height of the stacked townhouses development if the top floor has a private outdoor amenity space. This may reduce privacy for residents in the neighbouring residential development.
- The density for the site is too high.
- The development would have an adverse effect on the farm land within the area and encroach on the sensitive wooded area.
- Concerns with the additional traffic at the Glendon Drive intersection.
- The development is not in keeping with the area.
- Concerns about the lack of sidewalks.
- Confirm if it will be a condominium development.
- Confirm if the units be rentals or sold.
- Confirm if the units will be geared to income housing.

Agency Comments:

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

The Municipality's Chief Building Official reviewed the requested amendments and has no concerns with the development at this time. Additional detailed comments will be provided during review of a detailed site plan.

The Municipality's Public Works and Engineering Department have reviewed the requested amendments and provided the following comments:

- A noise study will be required to review the application due to proximity of the sensitive land uses to Glendon Drive.

- A buffer will be required between the proposed residential use and existing commercial use to the west.
- The entrance to the site is crowded and not ideal given the proposed width (9.8 m/32.1 ft), however, staff can work with the applicant to find an appropriate solution.
- Due to the single entrance to the site, all services should be located outside of the roadway so that if there is future maintenance of the services, emergency services would still be able to access the development.
- The applicant will need to provide a storm water management report and servicing brief.
- Additional detailed comments will be provided during review of the site plan

The Municipality's Director of Emergency Services – Fire Chief reviewed the requested amendments and proposed site plan, and provides the following comments:

- Complex streets must meet the minimum width and turning requirements of the Ontario Building Code for firefighting apparatus
- The applicant should address on-street parking. If on-street parking is allowed additional distances and street widths must be factored in
- The applicant will need to identify the location of the proposed hydrants and how many there are. It is understood that a 250mm water supply will be available.
- Additional detailed comments will be provided during review of the site plan.

The County Engineer reviewed the requested amendments and has no concerns with the proposed uses. However, land dedication for proposed road widening may be necessary as prescribed in the Environmental Assessment for Glendon Drive, and no direct access would be permitted to Glendon Drive. Setbacks for proposed buildings need to comply with County standards as stated within the County Official Plan.

Planning Staff note that the proposed development may require an amendment to an existing site plan on the subject lands for the existing commercial development.

Additionally, staff are concerned with compatibility of the proposed medium density development with the existing commercial lands. The commercial lands planned for and accommodated the existing residential development immediately to the east of the subject land. However, the subject land was intended for smaller-scale, stand alone or multi-unit commercial buildings with uses such as personal service, retail, restaurants or financial institutions. The intention of the existing building supply establishment was to help spur additional commercial development and uses that fulfill the planned function of this site and serve the needs of the community.

Staff is also concerned with the removal of available, 'shovel-ready' commercial lands within Middlesex Centre and Kilworth. The subject land is within the priority gateway area and is optimal for a clustering of commercial uses to support the community. The applicant should provide justification the removal of commercial lands, and present the need for additional residential lands within the municipality in accordance with the Official Plan. Staff also note that the Municipality is currently undertaking a Five Year Review of the Official Plan where land supply for employment and residential uses will be reviewed and revised as appropriate. This review is expected to be completed within the next year.

Staff will additional comments once the public meeting has been held as well as provide more provide detailed comments during the review of the site plan to ensure the development of the site meets the needs of current and future residents of Kilworth.

The Upper Thames River Conservation Authority (UTRCA) has not provided at the time of writing this report.

Next Steps:

The purpose of this meeting is to present the applications and solicit feedback from members of the public, stakeholders and council. Staff will accept and review comments with the applicant to address outstanding information and concerns. At a separate public meeting in the future, a staff recommendation regarding the zoning by-law and official plan amendment applications will be presented to Council.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- 2a. Economic Development: Realizing economic development opportunities.
- 1a. Planning & Positioning: Diversifying future residential development.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Planning Justification Report

Attachment 3 – Proposed Site Plan