



Meeting Date: May 18, 2022

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-32-2022

**Subject: Request to Remove (h-4) Holding Symbol on Wellington Street;
Filed by Steve Saker on behalf of Guy Riopelle and Broden Riopelle**

Recommendation:

THAT report PLA-32-2022 related to the request by Steve Saker on behalf of Guy Riopelle and Broden Riopelle to remove the (h-4) holding symbol from the zoning of the land known legally as Plan 47 PT Part Lot 13 RP 33R19278 Parts 4 8 to 10 be RECEIVED FOR INFORMATION;

AND THAT municipal staff be directed to draft a development agreement with Guy Riopelle and Broden Riopelle to permit limited development for the lands known legally as Plan 47 PT Part Lot 13 RP 33R19278 Parts 4 8 to 10.

Purpose:

The purpose of this report is to provide Council with information regarding a request to remove the (h-4) holding symbol from the zoning of land that is located on the north side of Wellington Street and east of Victoria Street in Delaware.

A location map is included in Attachment 1.

Holding Symbol (h-4) applies to the property and may only be removed when a development agreement be registered against the title of the lands to which the holding symbol applies.

Background:

The land subject to the H-removal is approximately 0.6 ha (1.48 ac) in area, and was created by way of a consent (File: B-18/15). The property was subsequently rezoned to the "Community Residential First Density exception 4 with Hold (CR1-4)(h-4)" zone to permit future residential development.

The owners have applied to remove the Holding Symbol with the intention to build 1 single family home on municipal water service and private septic service in accordance with their conceptual plan (Attachment 2). The land has a single access onto Wellington Street and is adjacent to residential uses on the west, north, and east, vacant land to the south, and an institutional use (Our Lady of Lourdes Catholic Elementary School) to the east.

The land is within Special Policy Area #3 (SPA #3) in the Middlesex Centre Official Plan. SPA #3 applies to lands within the Delaware settlement area where municipal sanitary services do not currently exist. Development in this area on municipal water and private on-site septic systems shall be restricted to lands located on existing road rights-of-way including Wellington Street and should not preclude the efficient use of land should municipal sanitary services become available. An excerpt of the Official Plan containing SPA #3 is attached to this report (Attachment 3).

In 2015, staff recommended that the severance be granted on the basis that the lands would accommodate future infill development (e.g. 5-8 residential dwelling units), a holding symbol be applied, and a development agreement would be entered into with the Municipality to permit the infill development. Following the severance application, the applicant at the time requested to remove the holding symbol. This request was not approved.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding the proposal.

Agency Comments:

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

Planning Staff acknowledge that SPA #3 is intended to ensure orderly development on municipal servicing, and that development is limited to frontage along the public rights-of-way within the identified area. Staff note that the lands were appropriately sized for future infill development. However, the current development proposal for 1 single family home would meet the intent of the SPA #3 since the lot has frontage onto Wellington Street, and the dwelling is proposed to be located in a manner that does not preclude future development. Staff also note that similar development has been permitted on lands subject to SPA #3 such as the existing lots along Harris Road. Planning staff also note that the development of 1 single family home does not generally require a development or site plan agreement. However, a development agreement can be used to control

development on the lands and require municipal servicing connections when available, and ensure the intent of SPA #3 is met.

Middlesex Centre's Public Works and Engineering Department (PWE) has worked with the applicant and planning staff to arrive as a solution to consider the development proposal on the lands. PWE staff acknowledge that a development or site plan agreement is not generally required for the development of 1 single family residence and understand that the lands are suitable for future infill development subject to full municipal servicing.

PWE staff advised that a development agreement can be entered into with the Municipality to address concerns including the following: 1) permit the development of 1 single family home on partial servicing; 2) when municipal sanitary services are available, the owner will be required to connect to municipal sanitary services; 3) additional dwelling units will only be permitted on the land when full municipal servicing is available; and 4) additional dwelling units will be permitted in accordance with the plan identified within the development agreement and will be subject site plan approval.

Analysis:

The condition to remove Holding Symbol (h-4) has not been met by the applicant, as such, staff cannot recommend approval at this time. However, staff recommend an approach to enter into a development agreement with the applicant that would permit limited development and maintain the intent of SPA #3.

The development agreement would allow for the development of a single detached dwelling on private sanitary and municipal water servicing at this time; require municipal sanitary connections to the proposed single detached dwelling when it is made available; and only permit additional residential development on the land when full municipal servicing is available and in compliance with the site plan in the development agreement. Future development would also be subject to site plan approval and, if necessary, other Planning Act applications (e.g. plan of condominium). The development agreement would be registered against the title of the land.

The applicant has provided a conceptual plan which identifies up to seven residential units on a private road could be built on the land when full municipal servicing is available. The applicant has advised that they will provide a detailed site plan for the purposes of the development agreement with the Municipality.

Should Council support staff's proposed recommendation to enter into a development agreement as noted above, staff will continue working with the applicant to draft the agreement and subsequently recommend removal of the Holding Symbol from a portion of the lot to permit the construction of a single dwelling unit and associated septic system.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Conceptual Plan

Attachment 3 – Special Policy Area #3