



Meeting Date: September 21, 2022

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-66-2022

Subject: Applications for Official Plan Amendment (OPA 57) and Zoning By-law Amendment (ZBA-16-2021) for lands known as 6, 10, and 14 Elmhurst Street (Kilworth); Filed by LDS Consultants Inc. (Anthony Gubbels) on behalf of Sweid Holdings Inc.

Recommendation:

THAT report PLA-66-2022 regarding Zoning By-law Amendment application (ZBA-16-2021) and Official Plan Amendment application (OPA 57) filed by LDS Consultants Inc. on behalf of Sweid Holdings Inc., for lands known as 6, 10, and 14 Elmhurst Street in Kilworth be RECEIVED FOR INFORMATION.

Purpose:

This report is to provide information regarding applications for an official plan amendment and zoning by-law amendment for the land located on the west side of Elmhurst Street and south of Glendon Drive (County Road 14) in Kilworth. The subject lands are legally described as Concession 1 S Part Lot 10 and Concession 1 Part Lot 10 RP 33R12238 Part 1, Municipality of Middlesex Centre (geographic Township of Lobo), Middlesex County.

A location map is included as Attachment 1.

Background:

The purpose of the official plan amendment application is to redesignate the lands to 'Medium Density Residential' to permit the proposed condominium development and permit development within and in proximity to lands designated 'Natural Environment' and lands that contain Significant Woodland.

The purpose of the zoning by-law amendment application is to rezone the lands from 'Urban Residential First Density exception 3 (UR1-3)' to a new site-specific 'Urban Residential Third Density (UR3-x)' zone to support the development of single detached and townhouse dwelling units within a condominium.

The applicant has also applied for site plan approval (File: SP05-2021) and plan of condominium (File: 39T-MC-CDM2101) concurrently with the above noted applications.

Staff met with the applicant and agent on for preconsultation on January 31, 2020 and October 27, 2020. Applications were received for site plan approval, zoning by-law amendment, and official plan amendment in August 2021 and deemed complete on August 26, 2021. The plan of condominium application was received by the County and deemed complete on September 21, 2021.

The subject lands are made up of three parcels at 6, 10 and 14 Elmhurst Street. Combined, the parcels are approximately 2.03 ha (5.03 ac) and have a frontage of 109.5 m (359.2 ft) along Elmhurst Street. The depth of the combined parcels is approximately 186 m (610.2 ft). Each parcel currently contains a single detached dwelling. The dwellings will be removed to accommodate the proposed development. As mentioned, the effect of these applications would permit the proposed development of single detached and townhouse dwelling units on the 2.03 ha (5.03 ac) parcel.

Existing low-density residential lands are located to the north, east, south and west of the lands. An existing commercial plaza on Glendon Drive is within proximity to the north-west. The subject lands also contain some and abut Significant Woodland and natural heritage features that are located to the north.

A public meeting was held on October 27, 2021 to discuss the Plan of Condominium, Official Plan Amendment and Zoning By-law Amendment applications. The initial design features of the proposed development included the following:

- Two accesses and driveways off Elmhurst Street
- A total of 56 dwelling units
- 28 single detached dwelling units located along the south, west and north property lines. The single detached dwelling unit lots range in size from 411.5 m² (4, 434 ft²) to 948 m² (10, 204 ft²). The single detached dwellings would be 1 storey in height
- 2 blocks with back-to-back townhouse units (Units 1-14 and 15-28). The townhouse units would be 2 storeys in height
- Each dwelling unit is proposed to have 2 parking spaces – 1 located in the driveway and the other within the garage
- All lots and units will front onto an internal private road
- The overall gross density for the development is 28 units per hectare (UPH)
- 1 block to be an amenity area located between the townhouse blocks in the centre of the development. This area will also contain a centralized mailbox and snow storage

- 20 visitor parking spaces are proposed to be located to the north and south of the amenity area. No on-street parking is proposed on the internal private road since it is a fire route
- The proposed development would be serviced by municipal water and municipal sanitary services that will be extended to the subject lands along Parklands Place and Elmhurst Street
- Stormwater runoff will be directed to catchbasins proposed throughout the development. The stormwater management system is a combination of surface ponding, a perforated/oversized storm sewer network and an infiltration gallery underneath the private internal road

No outlet is proposed for the subject lands. As such, all flow will be contained within the site boundaries to avoid adverse effects to the surrounding environment. Runoff from the backyards of the single detached dwellings will flow to open bottom catchbasins located in the rear yards. Runoff from the fronts of houses and townhouses will flow to the private internal road and catchbasins

- The landscaping plan proposed trees to be planted on both sides of the internal road in front of the dwelling units. Additionally, trees will be planted along the frontage of Elmhurst Street
- Lighting along the internal private road is proposed
- A 1.2 m high wrought iron decorative fence along the frontage of Elmhurst Street. A 1.8 m high privacy fence along the southern, western and northern perimeter of the subject lands
- No sidewalks are proposed within the development

Staff received feedback from area residents, agencies and Council at the October 2021 Public Meeting and are noted in detail below. To summarize, concerns are primarily related to: incompatible density proposed for the site; increased traffic generated by all future residents of the development; exacerbating traffic flow issues at Elmhurst St and Glendon Dr and rest of neighbourhood; lack of connectivity; privacy concerns; removal of trees and woodland from property; incompatibility with existing character of community; impact on private servicing; no desire for existing residences to connect to public servicing; and stormwater runoff.

Following the Public Meeting, staff identified concerns related to the overall development and technical matters through the site plan application. Staff requested that the applicant revise the application and present a density more appropriate for the site and identified concerns with the proposed servicing plan.

In June 2022, the applicant submitted the following reports and plans in support of the Official Plan Amendment and Zoning By-law Amendment applications:

- Proposed Site Plan, unstamped (Attachment 2)
- Revised Planning Justification Report (Attachment 3)
- Revised Geotechnical Report (Attachment 4)

At the time of writing this staff report, the Municipality and County have not received revised detailed drawings related to the Plan of Condominium and Site Plan applications, and it is intended that the revised plan supports the Official Plan Amendment and Zoning By-law Amendment applications.

The design features of the revised plan include:

- 1 access off Elmhurst Street. The revised plan shows different layout (“E” shape pattern) of the roads where there are 4 dead-end areas at the end of the private road.
- A total of 55 dwelling units
- 15 single detached dwellings along the south and west property line. The single detached dwelling unit lots are a minimum 525.6 m² (5, 657 ft²). Unit 15 is larger due to the woodland area to be preserved
- 10 blocks with 4 townhouse units. Each townhouse unit would have amenity space to the rear and connected to others by an internal sidewalk
- Each dwelling unit is proposed to have 2 parking spaces – 1 located in the driveway and the other within the garage
- All lots and units will front onto an internal private road. Townhouse Units 1-8 have vehicular access from the internal private road and pedestrian access off Elmhurst Street
- The overall gross density for the development is approximately 27 units per hectare (UPH)
- No amenity area is proposed. However, there is space allocated for a centralized mailbox and snow storage
- 14 visitor parking spaces are proposed to be located along the internal private road in a lay-by. No on-street parking is proposed on the internal private road since it is a fire route

- The proponent has not provided revised details related to proposed servicing. However, it is expected that the revised development plan would be serviced by municipal water and municipal sanitary services that will be extended to the subject lands along Parklands Place and Elmhurst Street
- The proponent has not provided revised details related to stormwater management, landscaping, and lighting
- A 1.2 m high wrought iron decorative fence along the frontage of Elmhurst Street. A 1.8 m high privacy fence along the southern, western and northern perimeter of the subject lands
- A sidewalk is not proposed along the frontage of the single detached dwelling units. However, they are proposed between the townhouse dwelling units

On September 7, 2022 a developer-initiated town hall meeting was held to discuss the revised plan. At this meeting, newer iteration of the plan was shown to area residents and discussed. This plan showed a reduction to 45 units – 15 single detached dwellings and 30 townhouse dwelling units. In this plan 10 townhouse dwelling units were removed to provide amenity space and a dedicated visitor parking area with 19 spaces in total. The 5 townhouse blocks consist of 6 units. The proponent submitted the site plan to the Municipality on September 8, 2022, however, a revised planning justification report and other supporting material was not provided for staff to consider it as a formal revision to the application.

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 ‘Residential’ and ‘Natural Environment’ within Middlesex Centre’s Official Plan. The property is zoned ‘Urban Residential First Density exception 3 (UR1-3)’ 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 1.4 – 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 2.1 – Natural Heritage does not permit development and site alteration in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features of their ecological functions.

Middlesex County's Official Plan:

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

Section 2.3.8 – 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 2.3.10 – Natural Heritage Features in concurrence with Schedule C identifies lands that have natural environment functions and significance which should be considered when development proposals are reviewed. When an application for development within a Natural Heritage Feature, including Significant Woodland, or within the adjacent lands, the applicant is required to submit a development assessment report in accordance with policies of section 2.2.1.2.

Section 2.4.2 – Transportation Network in concurrence with Schedule B identifies Glendon Drive, a County road, within proximity to the subject lands. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic movement along the County road system. The County shall ensure that development proposals that are likely to generate significant traffic are accompanied by a transportation study addressing the potential impact on the transportation network and surrounding land uses.

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.

County Council adopted Amendment No. 3 to the County official plan on July 19, 2022. The purpose of the Amendment was to update the official plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Policy Statement (PPS), and reflect changing community needs for the next 25-years. While the policies implemented through Amendment No. 3 are not in force and effect until Ministry approval, the updated policies are included in this report for informative purposes indicating the intent of County Council, but are not determinative for the purposes of this planning application.

Adopted Section 2.3.10 – Natural Heritage Features states that development and site alteration shall not be permitted within Significant Woodlands and other Significant Natural Heritage System features unless it has been demonstrated that there will be no negative impacts on the Natural Heritage System features or their ecological functions. Development and site alteration may be permitted on lands adjacent, within 120 metres, to the Natural Heritage System if it does not result in any of the following: a) a loss of ecological functions; b) subsequent demand for future development which will negatively impact existing ecological functions of the Natural Heritage System; conflict with existing site specific Natural Heritage System management practices; or negatively impact ecological linkage functions which exist within adjacent lands. Further, within Settlement Areas, protection of Natural Heritage System features and ecological functions shall include a vegetation protection zone.

Where new development is proposed on a site part of which is identified as Natural Heritage Feature in the County Official Plan, then such Feature shall not necessarily be acceptable as part of the dedication for park purposes required under the Planning Act.

Adopted Section 2.4.2.1 – Transportation Hierarchy identifies private roads that are wholly located on private property for the benefit of providing access to a single user or multiple users. Such private roads remain subject to the design, construction and maintenance standards, policies and regulations of the local municipality.

As a first priority, development shall be located with frontage along a public road. Development that will result in the construction, maintenance or use of a private road may be considered based on an evaluation of the proposal based on the following: site characteristics, including sizing, configuration and topography; feasibility of alternative access solutions; potential impact on traffic; potential impact on road network; servicing by local emergency services; and compatibility with surrounding areas.

Further, Adopted Section 2.4.2.2 – General Policies states that the layout of all new residential developments shall provide a minimum of two access points to the existing road network. Exceptions to this policy shall be considered if the proposed street pattern

is approved by the local Municipality, emergency service provider(s) and the County Engineer, where applicable.

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 'Residential' and 'Natural Environment'.

Section 3.3 - Natural Environment Areas Designation states that all development or site alteration shall be prohibited, save and except those permitted in Section 3.5 of the Official Plan. Features within the designation contain boundaries which may be more precisely defined through environmental evaluations such as a development assessment report prepared to the satisfaction of the Municipality and appropriate agencies.

Development may be permitted in adjacent lands subject to the completion and findings of a development assessment report acceptable to the Municipality. Such developments must not result in a negative impact on the natural areas and functions or ecological processes of the feature in question.

Section 5.2 – Residential Areas states that municipalities shall encourage a wide variety of housing types, sizes and tenures to meet the demographic and market requirements for current and future residents. The Municipality should encourage alternative forms of housing and support at least a three-year supply of draft approved and registered plan of subdivision lots within the Municipality.

The Municipality shall 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 shall require that 15 percent of all development occur by way of intensification.

Residential development including intensification should reflect a high quality of residential and neighbourhood design, in keeping with the design policies included in Section 6.0 of this Plan and having regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas permits townhouses, low and medium rise apartments and other forms of multiple dwellings subject to 6 criteria including location and proximity to parks and schools, compatible densities, proximity to major roadways, avoidance of clustering, proximity to village centres, and requirement for site plan approval.

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 5.7.9 - Komoka-Kilworth Natural Environment, Natural Heritage Enhancement and Natural Hazard Area Policies require that development assessment reports are prepared for development proposals on adjacent lands to Natural Environment Areas in accordance with sections 3.8 and 10.2.3 of the Official Plan. The development assessment report shall include an Environmental Management and Monitoring Plan identifying the necessary steps to be followed in order to protect the natural features and ecological functions from adverse effects of developing the adjacent lands.

Section 9.3.1 – Settlement Area Municipal Services and Section 5.7.11 – Komoka-Kilworth Servicing Policies both require full municipal services for all land use and development proposals within the urban settlement area. Services and utilities shall be provided in an orderly and coordinated manner.

The applicant has requested to amend the Official Plan by re-designating the land from 'Residential' and 'Natural Environment' 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 Council adopted Amendment No. 59 on May 18, 2022. While the policies implemented through Amendment No. 59 are not in force and effect until County approval, the updated policies are included in this report for informative purposes indicating the intent of County Council, but are not determinative for the purposes of this planning application.

Adopted Section 5.3.1 – General Residential Policy was revised to ensure the Municipality has at least a fifteen year supply of designated land available at all times to meet projected new housing needs of the Municipality, and that 20% of development in Urban Settlement Areas like Kilworth occur by way of intensification.

The Municipality shall encourage that 20% of new housing is accessible to lower and moderate income households in accordance with the County Official Plan. In the case of ownership, the least expensive housing is where the purchase price is at least 10% below the average purchase price of a comparable resale unit in the regional market area for the previous year.

Adopted Section 5.8.4 – Komoka-Kilworth Residential Area Policies was revised to state the targeted housing mix within the Medium Density Residential designation has a Gross Density (units per hectare) of 20 to 50.

Adopted Section 6. 2 – Design Policies Plan of Subdivision states that this section shall apply to subdivisions, condominiums and site plan applications or cluster development. New development shall include sidewalks, other active transportation infrastructure and traffic calming measures as deemed appropriate by the municipality. Rear-lotting or reverse lotting on Municipal roads is discouraged. Wherever possible, new residences will be oriented towards street or parks. Developments shall be required to comply with the Municipality’s current infrastructure design standards as may be amended from time to time.

Adopted Section 6. 4 – Design Policies – Streetscapes and Public or Semi-Public Realm provides direction of streetscaping to complement the existing built form of the neighbourhood. Accessible sidewalks and low impact development standards should be incorporated to minimize the impacts of climate change and reduce stormwater management costs. Surface parking shall be located behind buildings and away from the street to provide a continuous streetscape. Appropriate design treatments and buffering is encouraged to screen parking areas from the public realm.

Middlesex Centre Zoning By-law:

The subject lands are currently zoned site-specific ‘Urban Residential First Density exception 3 (UR1-3)’ and permits a single detached dwelling, home occupation and accessory uses. Additional site-specific zoning standards apply such as minimum lot area, minimum lot frontage, minimum front yard setback, and minimum side yard setbacks.

The requested amendment would rezone the property to a site specific ‘Urban Residential Third Density exception x (UR3-x)’ zone to reflect the revised 55-unit development proposal (June 2022) consisting of single detached dwelling units and townhouse dwelling units.

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

	Current UR1-3 Zone	Proposed Development and site-specific UR3 zone
Permitted Uses	Accessory Use Home Occupation Single Detached Dwelling	Accessory Use Home Occupation Single Detached Dwelling Townhouse Dwelling
Minimum Lot Area	930.0 m ² (0.23 ac)	(i) Single Detached Dwelling 525.6 m ² (5, 657 ft ²) (ii) Townhouse Dwelling 173.2 m ² (1, 864 ft ²) per dwelling unit
Minimum Lot Frontage	24.0m (79 ft)	(i) Single Detached Dwelling 15.2 (49.9 ft) (ii) Townhouse Dwelling 6.73 m (22.1 ft)
Minimum Front Yard Setback	8.0 m (26 ft)	(i) Single Detached Dwelling 6.0 m (19.7 ft) (ii) Townhouse Dwelling 6.0 m (19.7 ft)
Minimum Side Yard Setback	(i) interior lot 3.0 m (10 ft) (ii) corner lot 8.0 m (26 ft) on the side abutting the road and 3.0 m (10 ft) on the other side	(i) Single Detached Dwelling (a) interior lot 1.5 m (4.9 ft) (b) corner lot 4.5 m (14.8 ft) on the side abutting a public road and 1.5 m (4.9 ft) on the other side. (ii) Townhouse Dwelling (a) interior lot 0.0 m side yard setback between the common wall dividing units; 2.0 m (6.6 ft) from a unit property line

	Current UR1-3 Zone	Proposed Development and site-specific UR3 zone
		(b) exterior lot 4.5 m (14.8 ft) on the side abutting a public or private road
Minimum Rear Yard Setback	8.0 m (26 ft)	(i) Single Detached Dwelling 14.0 m (45.9 ft) (ii) Townhouse Dwelling 6.0 m (19.6 ft); 7.7 m (25.3 ft) for units on Elmhurst Street
Maximum Lot Coverage	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%	(i) Single Detached Dwelling (a) Main Building 35% (b) All buildings include accessory buildings subject to Section 4.1 a) 38% (ii) Townhouse Dwelling (a) Main Building 49.7%
Minimum Floor Area	90.0 m ² (969 ft ²)	(i) Single Detached Dwelling 186.5 m ² (2,007.5 ft ²) (ii) Townhouse Dwelling 86.05 m ² (926.2 ft ²)
Maximum Height	12.0 m (39.4 ft)	(i) Single Detached Dwelling 1 storey approximately 4.5 m (14.8 ft) (ii) Townhouse Dwelling 2 storeys approximately 9.0 m (29.6 ft)
Maximum Number of Dwellings per Lot	One single detached dwelling	One dwelling unit per lot

	Current UR1-3 Zone	Proposed Development and site-specific UR3 zone
Maximum Density	-	27.1 Units Per Hectare for entire site
Parking Spaces	2 spaces per unit	2 spaces per unit
Visitor Parking	-	14 visitor spaces
Amenity Area	-	Not calculated on plan*

The revised plan submitted by the proponent on September 8, 2021 may make modifications to the above data table. However, it is not expected to significantly change some of the general provisions such as setbacks, floor area, or lot coverage since the proponent has removed some units from the plan. However, it is expected that the site’s lot coverage and density would decrease, and visitor parking spaces will increase.

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:

Written and oral comments were received at the Public Meeting held in October 2021. The comments are as follows:

- I am curious as to what processes and procedures will be put in place to mitigate traffic congestion on the bridge as this will be just prior to the bridge and the single exit right turn only lane.

This is of concern as it’s similar to the exit off of old river road which I have witnessed multiple occurrences of people whooshing up traffic to turn left while heading east bound even though there is no less than 5 signs within a 100 foot range.

- Please use this email as formal notice of our opposition for rezoning for the development of 6, 10, 14 Elmhurst Street. We oppose changing the zoning from Urban Residential First Density exception 3 (UR1-3) to a new site-specific ‘Urban Residential Third Density (UR3-x) zone.

The community streets cannot handle this much development within the existing neighbourhood. It will cause concerns of increased traffic, access/exit points, traffic safety within the neighbourhood, and increased school populations that would go to parkview elementary.

- We understand the focus on in-fill & affordable housing, but changing from 3 homes to 56 is unacceptable; there seems to be no or little readiness for the process & consequences of this kind of build.

A great deal of caution is needed here so we don't all say later 'we should not have allowed this'

Referring to the vision for Middlesex Centre

"A thriving, progressive and welcoming community that honours our rural roots and embraces our natural space."
This proposal is in direct contrast; This kind of build is not who we are or who we want to be!

This feels like a cash grab for the developer & for Middlesex with increase in tax base, and I am very concerned that the community feel of Old Kilworth community will disappear if this is approved even at half of what the developer is requesting.

This type of high density residential build should happen in a new area where those moving in are aware and would welcome this high density section ; not in a well established area with large lots to accommodate septic requirements, and where residents have had no inkling or desire for such an influx

Why not something more beneficial such as a Seniors residence, which we know is an increasingly urgent need?

There must be consideration of the wildlife & natural habitat of that acreage in a time of climate change & biodiversity concerns; will there be a transparent study on the plant & tree life on this land? and potential native artefacts underground (numerous arrowheads & other such artefacts were found when our home at 42 Elmhurst was being built)

Negative impact on water systems as this area is still on well & septic; serious concern with run off & impact during and after build; will there be a transparent study done on this?

Significant & negative increase in traffic both in Old Kilworth, on Glendon and the upper section of Kilworth Park Drive; our roads in this block (Elmhurst & Beechnut) are much narrower than the norm; extra traffic brings great concern for public safety; this is a serious safety issue for our families; young children & less able bodied adults will be at risk walking in this area due to the traffic

This block (Elmhurst & Beechnut, starting at Parkland) has minimal services from Middlesex Centre - no sidewalks, no sewer or municipal water, no street lights, all which fit well with our living here - and we would not like this to change. I am concerned that with at least 100 new residents in this condo community, this would all change.

Sadly, it is my understanding that the developer mis-represented his intentions to one of the sellers, and that person now regrets selling their home to him. This does not bode well for a transparent process, and perhaps I am naive about how this all works.

I sincerely hope that Middlesex Centre will not approve this zoning change for Old Kilworth and that should it proceed to the Ontario Tribunal, that they be made aware of all of our concerns. Should you wish clarification of any of my concerns, please contact me.

- Does the planning department have any traffic concerns with Elmhurst having no left turn allowed from Glendon Rd.

Diverting traffic to this development from Kilworth Park Dr. is not safe nor appropriate throughfare for this scale of proposed development. Access in and out of proposed development should be direct and self servicing from elmhurst without creating an endless loop around Glendon, kilworth park, elmhurst and parkland.

- I am writing to express my strong opposition to the plan of condominium application, the official plan amendment application and the zoning by-law amendment application at Elmhurst St and Glendon Dr.

I am asking the Municipality to retain the existing zoning and not to approve the application to change the zoning to higher density.

Old Kilworth is a small and unique area. It has a special rural feeling and a really strong sense of community that the typical subdivision does not have. Many of our residents are nature enthusiasts, birders and hikers who take great pride in their neighbourhood.

A zoning change to higher density and much smaller lot sizes would impact the neighborhood negatively and most importantly set a dangerous precedent for others wishing to capitalize on splitting lots in the neighbourhood for development purposes.

This proposed development will be detrimental to the area. Higher density residential housing will cause traffic and safety problems, increased noise, destroy local wildlife habitat, and potentially lower the property values in the existing community.

If we assume the existing zoning was put in place to protect the integrity of our neighbourhood, it would not make sense to abandon this concept in favour of higher density development. Because there is sufficient land elsewhere for higher density residential use, there is no need to rezone this neighbourhood.

I would recommend that Council consider alternatives to higher density residential housing such a public park, garden, family picnic area, children's play/recreational area, etc. Perhaps there are provincial and/or federal grants available for this kind of development.

I urge you to oppose the proposed rezoning. I know my opinions are shared by many who have not managed to attend a meeting or write letters and emails.

- We are longtime home owners in old Kilworth Heights and are strongly opposed to the proposed zoning change and also the proposed condominium development. This is a quiet semi rural street of older homes on large lots with mature trees and an abundance of natural flora and fauna. In our view, this proposed higher density housing (replacing 3 single family homes with 56 condominiums!) would have a detrimental effect on our neighbourhood.

The increase in population alone would put an increased strain on our local environment and destroy the ambience of Old Kilworth which is currently a hidden gem for both older and younger generations.

There is already traffic congestion on that corner. So, adding more than one hundred vehicles (1-2 vehicles per household plus visitor spaces) to the problem is also a concern.

There are other disturbing facts about this proposal. Although LSD Consultants has a local office, Sweid Holdings is based in Dubai. Do they have our best interests at heart? Is Sweid Holdings also the purchaser of the properties on the northeast section of Elmhurst Street where houses have been bought or are listed "for sale". Is this just the beginning of a more expansive future project/rezoning request?

Please listen to your constituents. As our council you have the opportunity to stop this now. We prefer the current zoning designation that discourages the aforementioned developments that would, in our view, significantly and negatively alter our unique community.

- 1. Please identify the proposed water and sewage routing supporting the Condominium Plan.
- 2. Please identify the proposed drainage plan for area. A number of existing residences are currently lower than the proposed site.
- 3. Please identify the type of perimeter barrier proposed for this site. Will it be the lowest costing 4' chainlink fencing, 6' framed vertical steel fencing, or a wall?

4. Please consider closing the existing direct Elmhurst to Glendon intersection. As a stoplight at Glendon and Kilworth Park Drive has already been approved; using that should greatly minimize the potential for accidents. Even if a No Left Turn sign is erected (from Elmhurst); a high percentage of drivers will ignore it, potentially duplicating the accident prone bridge a few metres East. Any access (in, or out) at this intersection will create accidents as Eastbound traffic suddenly appear at speed over the hill (between Kilworth Park Drive and Elmhurst).

5. As our schools are currently at full capacity; what's the plan for the additional children?

6. As Kilworth currently does not have adequate Fire Department support; with this new development, plus the currently developing 1,000 (or so) homes West of Kilworth: when will this urgent priority be addressed?

7. If any development is scheduled for this site; the wildlife that use every square foot of the proposed site throughout the year should be given priority as many deer, raccoons, etc. traverse Glendon Drive at dawn and dusk to utilize both sides. Baltimore Orioles nest in the mature trees and feed among the sumacs during the summer and fall: which will be removed during the site development phase.

- In addition I would like to submit the following comments **against** the proposed re-zoning.

I am opposed to the re-zoning at 6, 10, and 14 Elmhurst St. 56 Condos are way too many. I believe zoning should remain the same for the following reasons:

1) **Middlesex infrastructure can barely keep up with the existing development**, and we don't know the full extent of the impact as approved development is still in progress. Therefore, it would be foolish to proceed to add more development before even knowing that infrastructure can handle the existing developments. The impacts on the following infrastructures need to be carefully considered before allowing any new development:

- **Power grid.** As you know our local power grid needs repair and has resulted in several blackouts over the last year. Adding strain on it will not help.
- **sewer and water facilities** to my understanding are at ore nearing capacity. Will you be upgrading that first?
- **Schools are overflowing** and have very little capacity and will cause more division as Parkview is at capacity and Delaware has so little space (As you will recall it was a messy and heated process that we don't want a repeat of).

2) Dangerous traffic conditions:

- the proximity of the 52 condos to the bridge poses many threats to public safety with increased traffic so close to this historically dangerous intersection.
- the proposed left hand turn lane on Glendon will add dangerous traffic at an already dangerous intersection. It will also increase traffic on Elmhurst street which has many children (including a deaf child, if the sign placed on my yard is accurate)
- Turning onto Glendon from Elmhurst is dangerous. Left hand turns take quite some time during busy times of the day, and drivers are already forced to make quick and sometimes dangerous turns. The existing hill and forest make it difficult to see, making even right hand turns challenging. (I understand those trees represent a significant wildlife area and cannot/should not be cut down). IF development is allowed there, that intersection likely needs to be closed for safety.

3) Environmentally significant area and reducing green space along a green corridor

- we need more, not less green space. Keeping these large properties intact helps preserve habitats for the deer, coyotes, foxes, and birds, as well as endangered plant life that thrive in these spaces, even in our yards, that are near the river.
- Developers should first redevelop spaces that are already covered in cement and/or are run down, not virgin land.

4) **The community as a whole is extremely opposed to this development** and will do everything in our power to fight it, including legal action. After discussion with many neighbours, we are primarily concerned about the following two items:

- we **do not** want increased municipal services:
 - we don't want or need water or septic services. Our own are fantastic.
 - we don't want street lights. They increase light pollution and there is no need for them here.
 - we don't want sidewalks and the burden of increased cost and time for upkeep
 - some of our retired residents on fixed incomes (and likely others) could not afford the forced and unjust cost of adding them.
- we do not want increased traffic that will change our neighbourhood and the safe place it is for kids right now.

And finally, changing the zoning paves the way for other development, and as I've made clear, we do not want that. The houses proposed, if I understand correctly, are not what I would consider affordable housing, so the argument for that falls flat.

- I realize this proposal is financially attractive for the municipality but the monetary influx is not worth the damage to the fabric and environmental significance of our community.
- it has come to my attention that there could be condos built behind our home. I cannot be at the up coming meeting as I work out of town . I do not want condos up on the hill looking down at my family in the pool or back yard or being able to look into my bedroom windows at the back of my property . We bought our home twenty years ago for the lot and that backs onto a nature setting and we don't want to loose the look as we have spent a considerable amount of time and money on our property.
- I can see that the plan is not in my back yard as of yet . However I do see the land behind me is now up for sale and was wondering if this project has or will be extended to the lot behind my property .

I just want to clarify to you the only issue I have is my property has a hill at the back rather steep one and any building plan would have new residents looking into my yard and we are against that unless the hill is lowered to a level where no one is looking down into our house.

- I am responding to you regarding the above stated proposed zoning by-law amendment for location: 6, 10, 14 Elmhurst Street, Komoka.

I write to advise you that I object to the proposed official plan amendment and the associated proposed re-zoning.

The basis for my objection Include the following:

1) WATER WELLS: Lack of study on disruption or contamination of existing water wells in the neighbourhood and liability to parties that engage in an activity that would cause such disruption or contamination.

2) TRAFFIC: Increased vehicular traffic cannot be handled safely by either the current road design or roadway system that facilitate ingress and egress to the sub-division adjacent to and near the above mentioned properties. The additional of 100 plus motor vehicles using the existing road system, that would service the proposed homes, will be a disrupting force that will challenge the safe road use for all users. Simply entering onto a roadway should not be a fear producing activity for a driver, cyclist, or pedestrian. I am concerned about the development of a road safety issue. Currently a healthy relationship exists between the users of the local residential streets.

3) **SETBACK FROM PROPERTY LINE OF EXISTING RESIDENTS:** Concern with elevation and setback of a proposed residential unit and site lines from that unit onto and into an existing owners home.

4) **CONFLICT IN PROPOSED LAND USE - REZONING DENSITY:** An official plans exists. This prescribes the allowable land uses to the above mentioned location. Had medium density housing been part of the original plan then the existing subdivision adjacent to the above mention location would have be developed in a manner to accommodate a different type of zoning. The lands of 6, 10, and 14 Elmhurst Street can be redeveloped the same way any property on the adjacent streets can be redeveloped. The applicant, seeking rezoning, in this case, is far too ambitious. This proposed intensified development does not have appropriate infrastructure support. The manner in which the proposed development sits on the lot is a source of conflict.

- We are concerned about how the municipality plans on making the traffic flow safe. Its already very unsafe leaving the neighbourhood with the increased traffic flow created from other large developments. Traffic lights, proper road widths ... curbs and sidewalks are all necessities.

The plan is also very unclear as to where the other 30 units are going or how configured. The 26 appear clearly on the proposal.

Also is the designated greenspace to remain as greenspace?

At the time of writing this staff report, the Municipality received the following comments:

- I watched and participated in yesterday's zoom meeting (Sept 7 '22) regarding the proposed Elmhurst development. I wish to bring to your attention concerns I have through the lens of Crime Prevention Through Environmental Design (CPTED).

Basically CPTED premise is that the proper design, and effective use of the built environment can lead to a reduction in the incidence and fear of crime and an improvement in the quality of life.

Key CPTED concepts include:

- Natural Access control
- Natural Surveillance
- Territoriality
- Maintenance

Other elements that are considered when conducting a CPTED examination of a space include: Designation, Definition, and Design.

All human space - has some Designated purpose

- has social, cultural, legal, and physical Definitions that prescribe desirable and acceptable behaviour
- is Designed to support and control those desired behaviours

The CPTED practitioner considers many elements when examining an environment and associated spacial behaviour. Police services and private consultants offer CPTED analysis.

During the above noted September 8, 2022, meeting I reviewed the revised Proposed Elmhurst development site drawing. The drawing shows the development of detached homes and townhouses in an urban pod isolated from the bordering build up community. My concern was the lack of connectivity to the rest of the community. The only access point is a driveway at the east edge of the proposed development. I spoke at the meeting about the distance a resident would have to walk from the interior of the proposed development to connect with an adjacent street - approximately 200 m. It is at this point that the resident, the user of the space, see the road that leads to where they wish to go and the shorter distance through an adjoining property. Typically humans choose the path of least distance. The physical environment of this development then turns normal users into abnormal users. The lots of unoccupied homes become pathways. Unfenced or poorly fenced areas are not a challenge to the trespasser. I also mentioned at the meeting that the business/commercial area, at Kilworth Park Dr and Glendon will be a type of attraction and a relatively short walk through private property from the north west corner of the proposed development by way of Glendon Dr. Pedestrian use of the shoulder of Glendon Dr is a risky activity. A remedy to my concerns would be purpose built pedestrian/cycle paths that connect the proposed development to Parkland Pl and Kilworth Park Dr.

I borrow the following from the CPTED Canada website:

“Connectivity - Communities do not exist in a vacuum. Connectivity addresses the ability of communities to create relationships with external support networks, ultimately strengthening the options available to solve local problems and influence municipal planning and development-related decisions. It can also include physical infrastructure such as access to community spaces, walking and bike pathways, transit and green spaces.”

Such pathways already exist in our Kilworth community. They should be included in this proposed development. The way we move and relate with one another and as an interlinked community is dependent on connectors. I do not think such connectors are just a “nice to have element” they are a “must have

element". They are elements of a healthy full-spectrum community.

Consider having the O.P.P. conduct a CPTED review of the proposed development. I believe that CPTED reviews should be part of all municipal development. A CPTED review asks questions that are not typically brought forward.

I have not turned focus on automobile driver behaviour yet, however, current road surfaces are not designed to handle increased traffic and construction traffic. This I mention as to day on Parkland PI I had to drive off the road and onto a neighbours lawn to allow a truck, from the opposite direction, towing a construction trailer pass by me. As a driver and a dog walker this is not the first time I've found myself in such a situation on Parkland PI and area streets.

Agency Comments:

The Municipality's Chief Building Official did not provide comments prior to the public meeting. However, comments were made during the preconsultation and requested that the applicant review the size of the buildings, turnarounds and fire routes to meet OBC standards, amenity spaces, improvements to Glendon Drive, parking summary, garbage collection and on-site amenities, and the height of the buildings that were originally proposed. Additional detailed comments will be provided during review of the site plan application.

The Municipality's Public Works and Engineering Department reviewed the initial application and will provide detailed comments during review of site plan application. Initial comments related to the servicing of the site and extension of services from the areas west of the subject lands. Staff continue to review the reports and plans provided by the applicant.

In March 2022, PWE provided brief comments to the proponent regarding sanitary, stormwater and water provisions.

- Sanitary: The construction of a forcemain within the right-of-way is not desirable to the Municipality. While LDS has identified in an email dated January 11, 2022 that a gravity sewer system is a viable alternative it has yet to be demonstrated to the Municipality. The feasibility of the gravity connection will need to include not only consideration of the design of the new sewer but also demonstrate that the existing downstream sewers have sufficient excess capacity to accept the proposed flows. The Municipality may require a gravity sewer design to have consideration for future connections to existing lots.

While a gravity sewer has the potential of benefitting some existing lots, the sewer extension would not be proposed if it was not for the proposed development so it is the position of Public Works and Engineering Department that the cost of the sewer extension should be borne solely by the development. If the Municipality

requires the developer to install a larger sewer or deeper sewer than would be otherwise required for the development then the Municipality will consider a cost sharing arrangement for the oversizing cost.

- Storm: While we agree with LDS that infiltration rates should be checked after cut/fill activities I believe that the current rates should be verified as the existing infiltration rates are likely a best case scenario. It is unlikely that rates will improve after the cut/fill has been completed on the site. Despite noting that the infiltration rates are “conservative”, based on post development infiltration issues with other similar sites and the fact that infiltration will be the only outlet for the site, the Municipality will require actual measured infiltration rates on-site to verify the theoretical values. The factor of safety used should be consistent with the CVC Low Impact Development manual. The SWM analysis will need to control the 100 year 24 hour storm event and confirm the impact of the 250 year event.

Water quality is a very important factor given all of the drinking water wells in the area and as such should be addressed before approval of such density. The potential impact to the areas wells should be reviewed.

Groundwater monitoring is to be undertaken for a minimum of one year to ensure that the high groundwater elevation and infiltration design is based upon a more extensive record.

- Water: If the watermain extension was private then existing lots would not be able to connect to the system and so there would be no cost sharing. Similar to sanitary, the Municipality is not in favour of having a private main within the right-of-way and is not obligated to extend servicing. As with a sanitary extension, the watermain extension would not be required if not for the proposed development and as such the cost of the extension should be fully borne by the developer. The Municipality would cover the cost of new hydrants within the ROW and any oversizing desired by the Municipality.

LDS will be required to provide an analysis/watermain modelling to confirm that the proposed connection to the existing watermain will have the capacity to service this development as well as any existing adjacent properties.

In response to the revised plan, the PWE department does not have any further comments that differ from the initial review.

The Municipality’s Director of Emergency Services – Fire Chief did not provide comments prior to the public meeting. However, comments were made during the preconsultation and requested that the applicant review hydrant locations, turnarounds for fire trucks, road width and street parking and review the density of the site.

The County Engineer did not provide comments prior to the public meeting. However, comments were made during the preconsultation related to the intersection of Elmhurst and Glendon Drive. The intersection was reviewed as part of the Glendon Drive Environmental Assessment, and the developer would be required to construct the road improvements as shown to the proponent. Detailed design should include a right-turn lane or tape and to consider the cycling route along the paved shoulder.

County Planning Staff note concern with compatibility of the proposed development and the surrounding low density community. While infill and medium density development is encouraged, where appropriate, the number of units and lot fabric proposed may be incompatible with the existing community, road network, amenities and public services within the immediate area.

Staff will provide additional comments during review of the site plan application to ensure the development of the site meets the needs of current and future residents of Kilworth.

In March 2022, Planning staff provided brief comments to the proponent regarding the proposal.

- The fundamental concern from planning is the density compatibility with the surrounding community. While staff do support intensification and infill development where appropriate, the proposed development contrasts with the surrounding development patterns and does not complement it. Staff would support a lower unit count that is more in-line with the existing community. A quick look at the density south of the subject lands is roughly 4 – 5 UPH, whereas the proposed development is approximately 50 UPH. We do not expect that the same low-density development pattern continues, however, we expect that the density (or other metric used such as FSI, population, etc) does not significantly alter or negatively impact the existing community. Planning staff would not be able to support the plan as currently proposed.
- Further, given the density of the site and lack of accessible public and private open space, the proposed townhouse form does not provide ample outdoor space which is concerning to the wellbeing of future residents. Further consideration should be given to the housing form and the function (inter and intra) of the overall development.
- Finally, staff have attached comments on the PJR and Plan of Condominium. We expect that these are addressed in a revised proposal.
- Comments that were provided by Council and members of the public should be addressed in your justification for any proposed development.

In response to the revised plan, Planning staff continue to present the same concerns and have identified new concerns such as the development layout (e.g. single access, multiple dead-ends) which is not supported.

It is identified that the lot for Unit 15 (single detached dwelling) will be enlarged to incorporate the woodland area. Further details will need to be provided to ensure development does not encroach or impact the woodland, and that any future property owners or tenants are made aware of its protection and that it is not a private amenity area.

A considerable amount of trees will be removed as a result of the proposed development. The Municipality will seek to have the trees replaced on site and it should be identified on the landscaping plan.

The proponent will need to identify sidewalks for safe access from all units to Elmhurst Street.

Snow-storage locations need to be reviewed in detail to ensure snow melt and runoff does not negatively impact abutting property owners and their potable water supply.

Private amenity area or communal amenity area was not identified or provided on the revised plan. It is not that on the September 2022 iteration of the plan some communal amenity area is shown, however, details of what this area is intended to look like (e.g. landscaping treatment, playground features, gazebos, etc.) was not provided. Further comments will be provided to the proponent when the September 22 plan is accepted by the Municipality.

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

Next Steps:

Staff will continue to receive comments from the public following this meeting in light of the information presented and discussion. Staff will await for the revised submission from the proponent and consider comments and feedback related to the official plan, zoning by-law, site plan, and plan of condominium applications.

Comments will be provided to the proponent for review and consideration. At a later date, which is yet to be determined, staff will return to Council with a recommendation for the applications.

Financial Implications:

None

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Revised Site Plan, June 2022

Attachment 3 – Revised, Planning Justification Report, June 2022

Attachment 4 – Revised Geotechnical Report, June 2022

Attachment 5 - Scoped Development Assessment Report