



**Meeting Date: February 15, 2023**

**Submitted by: Marion-Frances Cabral, Planner**

**Report No: PLA-10-2023**

**Subject: Applications for Plan of Condominium (39T-MC-CDM2101), 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 Ric Knutson (Knutson Development Consultants Inc.) on b**

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**Recommendation:**

**THAT** report PLA-10-2023 regarding Official Plan Amendment application (File: OPA 57), filed by Knutson Development Consultants Inc. on behalf of Sweid Holdings Inc., for lands known as 6, 10, and 14 Elmhurst Street be **REFUSED**.

**AND THAT** the reasons for refusing Official Plan Amendment application (File: OPA 57) include:

- The request is not consistent with the Provincial Policy Statement, 2020;
- The request does not conform to the Middlesex County Official Plan; and,
- The request does not conform to the Middlesex Centre Official Plan.

**AND THAT** report PLA-10-2023 regarding Zoning By-law Amendment application (File: ZBA-16-2021), filed by Knutson Development Consultants Inc. on behalf of Sweid Holdings Inc., for lands known as 6, 10, and 14 Elmhurst Street be **REFUSED**.

**AND THAT** the reasons for refusing Zoning By-law Amendment application (File: ZBA-16-2021) include:

- The request is not consistent with the Provincial Policy Statement, 2020;
- The request does not conform to the Middlesex County Official Plan; and,
- The request does not conform to the Middlesex Centre Official Plan.

**AND THAT** the County of Middlesex be advised that Middlesex Centre recommends **REFUSAL** of Plan of Condominium application (File: 39T-MC-CDM2101), filed by Knutson Development Consultants Inc. on behalf of Sweid Holdings Inc., for the lands known as 6, 10, and 14 Elmhurst Street.

**AND FURTHER THAT** the reasons for refusing Plan of Condominium application (File: 39T-MC-CDM2101) include:

- The request is not consistent with the Provincial Policy Statement, 2020;
- The request does not conform to the Middlesex County Official Plan; and,
- The request does not conform to the Middlesex Centre Official Plan.

**Purpose:**

This report is to provide a recommendation regarding the resubmission of applications for a Plan of Condominium, 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.

The purpose of the Plan of Condominium application is to create forty-five (45) dwelling units within a vacant land condominium. Fifteen (15) units will be for the development of single detached dwellings, and thirty (30) units will be for the development of townhouse dwelling units.

The purpose of the Official Plan Amendment application is to redelineate the Natural Environment designation to permit development on the lands. The proposed amendment is intended to reflect the results of the Development Assessment Report completed by the proponent.

The purpose of the Zoning By-law Amendment application is to rezone the lands from 'Urban Residential First Density exception 3 (UR1-3)' to 2 new site-specific zones to facilitate development – 'Urban Residential First Density (UR1-x)' zone to permit single detached dwellings, and 'Urban Residential Third Density (UR3-x)' zone to permit townhouse dwellings.

**Background:**

Staff met with the applicant and agent on for preconsultation on January 31, 2020 and October 27, 2020. Applications were received by the Municipality for a 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 applicant has also applied for site plan approval (File: SP05-2021) concurrently with the above noted applications.

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 proposed 56 dwelling units (28 single detached dwellings, and 28 back-to-back townhouse units) in a condominium with a single private road that had 2 accesses/driveways off Elmhurst Street.

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: density proposed for the site; 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; compatibility 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 reports and plans in support of the Official Plan Amendment and Zoning By-law Amendment applications. However, the County and Municipality did not receive revised detailed drawings to support the Plan of Condominium and Site Plan applications.

On September 7, 2022 a developer-initiated town hall meeting was held to discuss a revised plan with area residents. At this meeting, a 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 resubmission to the application.

The submission from June 2022 to support the Official Plan and Zoning By-law Amendment applications was heard by Council on September 21, 2022. However, Council was made aware of the revised plan for the site and requested that the proponent resubmit a complete development proposal that would support the new 45 unit plan.

In December 2022, the County and Municipality received a comprehensive revised submission which includes the following:

- Site Plan (Attachment 2)
- Plan of Condominium (Attachment 3)
- Planning Justification Report (Attachment 4)
- Site Plan Data (Attachment 5)
- Servicing Plan (Attachment 6)
- Grading Plan (Attachment 7)
- General Notes (Attachment 8)
- External Servicing (Kilworth Park Dr. and Elmhurst St.) (Attachment 9)
- External Servicing (Parkland Pl.) (Attachment 10)
- Stormwater Servicing Brief (Attachment 11)
- Watermain Distribution Report (Attachment 12)
- Geotechnical and Hydrogeological Report (Attachment 13)
- Lighting Plan (Attachment 14)
- Landscape Plan (Attachment 15)
- Scoped DAR (Attachment 16)
- Traffic Impact Assessment (Attachment 17)
- Traffic Impact Assessment Appendices (Attachment 18)

The design features of the revised proposal:

- 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 45 dwelling units are proposed.
- 15 single detached dwellings along the south and west property line. The single detached dwelling unit lots are a minimum 525.6 m<sup>2</sup> (5, 657 ft<sup>2</sup>). Unit 15 is larger due to the woodland area to be preserved.
- 30 townhouse dwelling units are proposed in 10 blocks with 3 townhouse units each. Each townhouse unit would have private amenity space to the rear and accessed through the proposed internal roadway.
- Each dwelling unit is proposed to have 2 parking spaces – 1 located in the driveway and the other within the garage.
- 39 units will front onto an internal private road and 6 townhouse dwelling units (Units 40 – 45 on the Site Plan) will have vehicular access from the internal private road and pedestrian access off Elmhurst Street.
- The overall gross density for the development is approximately 22.2 units per hectare (UPH).

- Common amenity area is proposed in the center of the development adjustment to Units 21, 22, 33, 34 and 45. There is space allocated for a centralized mailbox near Unit 45.
- 18 visitor parking spaces are proposed to be located along the internal private road in dedicated spaces near the townhouse dwelling units and abutting common areas. No on-street parking is proposed on the internal private road since it is a fire route.
- Snow storage is provided at the end of the roadways, and at edge of the visitor parking spaces and common areas.
- A 1.8 m board-on-board fence is proposed along the north, west, and south property boundary. A 1.2 m high wrought iron decorative fence along the eastern property limit along Elmhurst Street.
- The development is proposed on full municipal sanitary and water services by extending servicing from Kilworth Park Drive to the subject lands via Parkland Place and Elmhurst Street.
- Stormwater is proposed to be stored on-site and infiltrated into ground water.
- One (1) tree on each single detached lot is proposed along the private roadway. Additional trees are proposed along the southern perimeter of the property abutting properties along Parkland Place. Additional trees are proposed between townhouse dwelling blocks, near visitor parking spaces, and along the Elmhurst Street frontage.
- Twelve (12) light standards are proposed along the private roadway, and are directed away from existing development.
- No sidewalks are proposed throughout the development.

### **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.

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 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.

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:

- a) Locations should be proximate to adequate open space or park areas, schools, or Village Centre areas where possible.
- b) Densities proposed should be generally compatible with adjacent densities when proposed adjacent to or within existing residential areas.
- c) For apartment dwellings, locations should be in close proximity to a major roadway, or roadway suitable for carrying higher than average volumes of traffic.
- d) The excessive clustering of multiple dwellings shall be avoided, and a general integration and distribution of such uses at appropriate locations within neighbourhoods or settlements is encouraged.
- e) Notwithstanding Subsection (d) above, the siting of multiple dwellings adjacent to or in close proximity to Village Centres, is encouraged.
- f) Townhouses and apartments shall be subject to the site plan approval requirements of Section 41 of the Planning Act, and Section 10.5 of this Plan and having regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

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 encourage 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 two (2) new site-specific zones to facilitate development – ‘Urban Residential First Density (UR1-x)’ zone to permit single detached dwellings, and ‘Urban Residential Third Density (UR3-x)’ zone to permit townhouse dwellings.

The proposed standards are shown in the table below. The underlined standards will be included as part of the new site-specific zones.

	<b>Proposed UR1-x Zone for Single Detached Dwellings</b>	<b>Proposed UR3-x Zone for Townhouse Dwellings</b>
<b>Permitted Uses</b>	Accessory Use Home Occupation Single Detached Dwelling	<u>Accessory Use</u> <u>Home Occupation</u> <u>Townhouse Dwelling</u>
<b>Minimum Lot Area</b>	450.0 m <sup>2</sup> (4, 844 ft <sup>2</sup> )	<u>173.21 m<sup>2</sup> (1864.4 ft<sup>2</sup>)</u>
<b>Minimum Lot Frontage</b>	<u>Lots 1-9, and 15: 15.0 m (49 ft)</u> <u>Lot 10: 20 m (65.6 ft)</u> <u>Lots 11 – 14: 14.0 m (46 ft)</u>	<u>6.73 m (22.1 ft)</u>
<b>Minimum Lot Depth</b>	34.5 m (113 ft)	<u>25.75 m (84.5 ft)</u>
<b>Minimum Front Yard Setback</b>	6.0 m (19.7 ft)	6.0 m (19.7 ft)

	<b>Proposed UR1-x Zone for Single Detached Dwellings</b>	<b>Proposed UR3-x Zone for Townhouse Dwellings</b>
<b>Minimum Side Yard Setback</b>	<p><u>(i) interior lot 1.2 m (3.93 ft)</u></p> <p><u>(ii) corner lot 15.0 m (49 ft) on the side abutting a public road and 1.2 m (3.93 ft) on the other side;</u></p> <p><u>1.2 m (3.93 ft) on the side abutting a private road and 1.2 m (3.93 ft) on the other side</u></p>	<p><u>(i) interior lot 3.0 m (9.8 ft), 0.0 m between the common wall dividing individual units</u></p> <p><u>(ii) corner lot 6.0 m (19.7 ft) on the side abutting a public or private road and 3.0 m (9.8 ft) on the other side</u></p>
<b>Minimum Rear Yard Setback</b>	8.0 m (26 ft)	<u>6.0 m (19.7 ft)</u>
<b>Maximum Lot Coverage</b>	<p>(a) Main building 35%</p> <p>(b) All buildings including accessory buildings subject to Section 4.1 a) 38%</p>	<p><u>(a) Main building 50%</u></p> <p><u>(b) All buildings including accessory buildings subject to Section 4.1 a) 53%</u></p>
<b>Minimum Floor Area</b>	90.0 m <sup>2</sup> (969 ft <sup>2</sup> )	86 m <sup>2</sup> (925 ft <sup>2</sup> )
<b>Maximum Height</b>	<u>9.0 m (29.5 ft)</u>	<u>9.0 m (29.5 ft)</u>
<b>Maximum Density</b>	15.27 units per hectare	28.5 units per hectare
<b>Parking Spaces</b>	2 spaces per unit	2 spaces per unit
<b>Visitor Parking</b>	18 visitor 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:**

Written and oral comments were received at the Public Meetings held in October 2021 and September 2022. The detailed comments are appended to this report as Attachment 19 and Attachment 20, respectively.

Notice of the revised applications was circulated to area residents and at the time of writing this report, Staff did not receive comments.

Notice of the revised applications was circulated to area residents and at the time of writing this report and Staff received a letter on behalf of a group of residents and it is appended to this report as Attachment 23.

To summarize, the comments from the letter address the lack of proper drainage and stormwater management mechanisms to ensure surrounding properties and potable drinking water is not affected; the built form and density compatibility of the proposed development with the surrounding area; traffic and impact on local road network; removal of vegetation and mature trees; and the developer not going above the minimum standards to reduce the negative impact on the surrounding neighbourhood.

Additionally, Staff received a letter from the applicant's lawyer (A. Baroudi) with regard to UTRCA's comments on the development proposal. The full letter is appended to this Staff report as Attachment 22.

### **Agency Comments:**

The Municipality's Chief Building Official provided 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 revised applications and provided detailed comments through the review of the site plan application. Comments were related to the servicing of the site and review of the transportation impact study. Staff noted insufficient information to determine sanitary capacity and that the proposed stormwater management approach will likely impact downstream properties. Many of the comments provided will need to be addressed to support the planning applications. Staff continue to review the reports and plans provided by the applicant.

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 reviewed the current application and advised that they would like to see the servicing plan revised to move the sanitary line from under the travelled portion

of the road as it appears there is ample space to relocate the watermain and sanitary to other boulevard areas.

Further, the developer will need to make a contribution to intersection improvements at Glendon Drive and Elmhurst Street. The County and Middlesex is still in discussion about what form these improvements will be.

The Upper Thames River Conservation Authority (UTRCA) reviewed the stormwater management brief, development assessment report, and related civil drawings. Comments were provided on January 27, 2023 and they are appended to this report as Attachment 21. At this time, UTRCA identifies several items that need updating or revisions, and will provide the opportunity for the applicant to respond to the comments before providing conditions for draft plan approval.

## **Analysis:**

### Official Plan Amendment

The Applicant requested an Official Plan Amendment to delineate the boundaries of the Natural Environment designation to appropriately reflect the natural heritage features on the site. The amendment would facilitate development on the south-west portion of the property and establish a development boundary on the north-west corner as a result of Significant Woodland. To consider the appropriateness of an Official Plan Amendment, the Municipality is to consider the following criteria, at a minimum:

#### **a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?**

It is a policy of the Official Plan to conserve natural features and functions throughout the Municipality wherever possible to support a variety of ecological processes, water quality and ground water conservation, as well as contribute to quality of life concerns. The Official Plan differentiates features in which development is prohibited such as Natural Environment Areas and where development may be permitted (such as adjacent lands) subject to a Development Assessment Report (DAR). Further the Official Plan allows the boundaries of such features to be precisely defined through the Development Assessment Report to the satisfaction of the Municipality in consultation with the appropriate agency.

The Applicant prepared a Forestry Report and DAR based on the initial development proposal which assessed the inventory of trees on the subject lands and determined that it may not constitute a woodland as part of a larger complex. However, the lands immediately to the north of the subject lands does contain a woodland and “should be protected through the proposed development”. Further the trees within the woodland and the fence row of Black Walnut trees (on 6 Elmhurst Street – the northern portion of the development) should be protected. The recommended mitigation method is a 1m setback from the surveyed dripline



from any grading in order to protect the root zone of the trees and a 2m setback from the northern property line to protect the trees on the adjacent property.

The Official Plan Amendment would delineate the Natural Environment boundary to include the boundary of the staked dripline on 6 Elmhurst Street and remove the Natural Environment designation from other sections of the subject lands including 6 Elmhurst and 14 Elmhurst where there is no woodland. Additionally, it is not confirmed if there is evidence of bat species at risk on the subject lands.

Staff note that the DAR has not been updated to reflect the revised site plan and Plan of Condominium applications. Staff raise concerns that the DAR may not adequately reflect the impact of the proposed development and that its recommended mitigation measures are based on an old site plan. Specifically, the current site plan locates dwelling units closer to the staked dripline compared to the old site plan, and other features of the development including private yards and common elements vary significantly. In addition, it is identified that the lot for Unit 15 (single detached dwelling) will be enlarged to accommodate a majority of the woodland and dripline on the subject lands. Additional 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. Additional protection measures may be required for the townhouse units that are in proximity to the northern property line abutting the woodland area.

Official Plan policies also require that DARs make have a monitoring plan and it evident that a monitoring plan has been recommended or provided for the long-term management of features. As a result, Staff cannot confirm that the Amendment adequately conforms to the vision of the Official Plan due to an incomplete DAR.

Upper Thames River Conservation Authority (UTRCA) staff have reviewed the development proposal and provided comments on the DAR and stormwater management. UTRCA. These comments are appended to the Staff Report. UTRCA concluded that “(t)he DAR submitted in support of the application was prepared based on a previous draft plan concept. The UTRCA does not accept the use of the preliminary DAR as the recommendations in the DAR are not reflective of the impacts of the proposed draft plan configuration. Please note, revisions to the configuration of the draft plan may be required to allow for sufficient setbacks between the significant woodlot, stormwater management infrastructure and the residential units.”

In light of the Official Plan Amendment and prepared DAR, Staff reviewed the proposed Plan of Condominium and associated site plan application and noted that the lot fabric and development limits reflect the dripline, however, it is not confirmed that the recommended setbacks have been maintained. Further, there are site design characteristics that may impact the woodland and its roots including

the proximity of development to the drip line, ownership of a lot that may encroach on the woodland, perimeter fencing, and location of snow-storage.

**b) Is there a demonstrated need or justification for the proposed change?**

The proposed change is to facilitate development of the lands. Without the proposed change to the Official Plan some development may occur on lands that are not designated Natural Environment subject to completion of a DAR. Although, the development plans may not represent efficient and appropriate division of land.

**c) Is the amendment in keeping with Provincial and County policy?**

As noted in subsection a), Staff are unable to confirm if the prepared DAR accurately reflects the proposed development. As such it cannot be determined if the proposed Amendment and development plan can demonstrate that there will be no negative impacts on the natural features or their ecological functions.

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

The Amendment will facilitate development of the lands that will require an extension of Municipal water and sanitary services. Additionally, the development plan proposes on-site stormwater management that is proposed to be infiltrated and not connected to a Municipal system.

It is not anticipated that the proposed development will have significant impacts on community 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?**

Municipal Staff reviewed the proposed servicing plan for the development of the lands and have raised concern with the availability of the proposed water and sanitary extensions. Specifically, the Applicant will need to extend the watermain and sanitary sewers through an existing community. These will be located in a public right-of-way and will require the installation of new infrastructure and road improvements. Further, the Applicant will need to provide a downstream sanitary capacity analysis and confirm that adequate capacity exists for this development.

Additionally, Municipal Staff raise concerns over the proposed infiltration plan for stormwater management as it will likely negatively impact downstream properties who rely on well water and may not be able to connect to a new watermain.

**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 Amendment would facilitate the redevelopment of subject lands from 3 dwelling units to 45 dwelling units. Staff do not raise concern with the land use compatibility between the subject lands and surrounding lands, however, Staff do raise concern related to the proposed density and intensification of the proposed development and how it will impact the surrounding community.

Though most of Kilworth is urbanized to current standards, the community surrounding the subject lands represent established estate lot development. It is not the intention of planning policy to protect the community from new development. However, new development, including infill development should represent sound land use planning that enhances the distinctive identity and character of the community. Staff consider the intensity of the proposed development better situated in urban areas in proximity infrastructure, services and amenities that can accommodate larger developments without significantly altering the existing community. Staff could support a lower unit count that is more in-line with the existing community. A review of the density south of the subject lands is roughly 4 – 5 UPH whereas the proposed development represents a combined 22.2 UPH. Staff does not expect similar low-density development patterns to continue but would be more supportive of a density (or other metric) does not significantly alter or impact the existing community. It is noticed that the development proposal reduced the total number of units proposed compared to the old plan.

It is expected that the development would increase traffic on the local road network including on Elmhurst, Parkland Place and Kilworth Park Drive. It is noted that the intersection of Glendon Drive at Elmhurst Street restricts left-turn movements from Glendon Drive onto Elmhurst Street as it impedes with the flow of traffic. The Applicant prepared a Traffic Impact Assessment (TIA) and it was determined that “under peak 2024 peak hour conditions, with the existing intersection configuration, the intersection will operate at an acceptable level of service”. The TIA was peer reviewed and concerns were raised over the recommended mitigation measures over the 10 year horizon where there was indication of a failing level of service on Elmhurst and at the intersection at Glendon Drive. It is expected that without improvements to the Glendon Drive intersection some traffic will be distributed through the community to Kilworth Park Drive.

The proposed development will also increase pedestrian travel through the existing neighbourhood to access community amenities along Glendon Drive and in the community directly to the west. The existing community does not have adequate pedestrian infrastructure, and there is no planned infrastructure that connects to the Kilworth Park Drive where sidewalks are present and the rights-of-way are constructed to urban standards.

As mentioned above, it cannot be confirmed if the DAR and proposed plan for development can adequately mitigate negative impacts to the significant natural heritage features from the development.

It is not anticipated that structures or features of cultural heritage will be negatively impacted by the proposed development.

New development for multiple dwellings in residential areas shall be evaluated against Section 5.2.3 of the Official Plan as follows:

- a) **Locations should be proximate to adequate open space or park areas, schools, or Village Centre areas where possible.**

The subject lands are within proximity (a 10 minute walk) of two local parks and some commercial businesses.

Community facilities and amenities including schools, community centres, and major retail are located west of the community near the Wellness Centre or east in the City of London, and require a vehicle to access the amenities.

- b) **Densities proposed should be generally compatible with adjacent densities when proposed adjacent to or within existing residential areas.**

As discussed above, Staff are of the opinion that the proposed densities are not compatible with the existing residential area and that the proposed development would be more appropriate in urbanized areas with suitable levels of available infrastructure.

- c) **For apartment dwellings, locations should be in close proximity to a major roadway, or roadway suitable for carrying higher than average volumes of traffic.**

No apartment dwellings are proposed within this development. However, the proposed development has direct access to a local road and local road network which is not designed to accommodate high levels of traffic. The subject lands are in proximity to Glendon Drive which is suitable to carry high levels of traffic.

- d) **The excessive clustering of multiple dwellings shall be avoided, and a general integration and distribution of such uses at appropriate locations within neighbourhoods or settlements is encouraged.**

The proposed development does not represent clustering of multiple dwellings.

- e) **Notwithstanding Subsection (d) above, the siting of multiple dwellings adjacent to or in close proximity to Village Centres, is encouraged.**

The proposed development is not located adjacent to or nearby a Village Centre. Within Kilworth the Village Centre exists in the area surrounding the Wellness Centre.

- f) **Townhouses and apartments shall be subject to the site plan approval requirements of Section 41 of the Planning Act, and Section 10.5 of this Plan and having regard for the Municipality's Site Plan Manual and Urban Design Guidelines.**

A concurrent site plan approval application has been filed with the Municipality.

The Komoka-Kilworth Secondary Plan established policies for lands designated Residential and Medium Density Residential. Specifically, low density residential developments have a density of less than 20 units per hectare (UPH), and medium density developments are 20 to 50 UPH. The overall density of the development is approximately 22.2 UPH. This is approximately 28.5 UPH for the area containing the townhouse dwellings and 17.1 UPH for the area containing the single detached dwellings. Notwithstanding the density provisions multiple dwellings shall be permitted in the Residential designation in accordance with Section 5.2.3 - Policies for Multiple Dwellings in Residential Areas of the Official Plan which has been analysed above.

All residential development shall ensure appropriate orientation and massing of residential buildings to provide private and public open spaces. Staff are satisfied that the proposed built form height and lotting pattern can provide sufficient private open space for residents that facilitate sunlight into the spaces. Additionally, the townhouse dwelling units are no longer back-to-back and allow each unit to have rear yard, private open space. It is noted that Units 40-46 will have private amenity space that will front onto Elmhurst Street.

Staff previously commented that the lack of accessible common element and private open space on the subject lands were a concern and are satisfied to see that the townhouse blocks have been divided into units of three (3), and that townhouse units were removed to provide some common element areas near the visitor parking. The Applicant should provide details of what this area is intended to be and if there are special landscaping, playground features, or other enhanced treatments aside from grassed area. The landscape plan shows that trees will be limited to the periphery of the communal areas and that stormwater management features (galleries) are located in this area, therefore, it is unclear if this space can be considered communal recreational space.

Private garages for residential development shall not be located closer to the street than the habitable portion or porch on the main floor of the building and other requirements in the Zoning By-law may be imposed to limit the impacts of garages on the streetscape. Staff would recommend adding a zoning standard to ensure the garages are not located closer to the roadway than the habitable portion of the dwelling and that garages are oriented away from Elmhurst Street to ensure a positive street frontage. Generally, building facades that directly abut a public street should have enhanced elevations aligned with the Municipality's Urban Design Guidelines to encourage a pedestrian oriented environment.

Entrance features to new developments are encouraged. Staff cannot confirm if enhanced landscaping treatment, signage or entrance features are proposed for the development.

### Zoning By-law Amendment

The Applicant requested to rezone the subject lands to two (2) new site specific zones within the 'Urban Residential First Density' and 'Urban Residential Third Density' zones.

To consider the appropriateness of the requested Zoning By-law Amendment it must conform to the Official Plan and maintain the intent of its policies.

As noted in the analysis above, Staff raise concerns with the conformity of the development and requested Official Plan Amendment to the Official Plan related to servicing and infrastructure, natural environment, and overall density of the site. As such, Staff would not be able to support the requested Zoning By-law Amendment where there are outstanding matters that need to be addressed.

### Plan of Condominium

With regard to the Plan of Condominium (Vacant Land Condominium), Staff note some design elements that are not adequate. This includes a single access whereas the adopted County Official Plan requires two (2) for new developments for emergency services and access to private infrastructure. Additionally, the dead-end private roads would require larger vehicles (e.g. ambulances, firetrucks, garbage collection, delivery trucks) to reverse out of the lanes without sufficient turnaround space provided. The proposed lotting pattern and common element areas do not appropriately implement the recommendations from the DAR. Finally, the lotting pattern may conflict with requirements under the Ontario Building Code such as limiting distances.

The adopted Middlesex Centre Official Plan also requires the construction of a sidewalk along one (1) side of the proposed internal street. The sidewalk can be used for residents and visitors to walk to parking areas, mailbox, or to enter/leave the development.

A substantial amount of trees will be removed as a result of the proposed development and the Municipality will seek to have the trees replaced on site. It is acknowledged that the landscape plan shows at minimum one (1) tree per lot (single detached units) and trees in common areas and between townhouse blocks.

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 and natural heritage features.

The development proposal has been reviewed against the policies of the PPS, the County Official Plan, and the Middlesex Centre Official Plan including the Komoka-Kilworth Secondary Plan. Staff are of the opinion that the proposal fails to conform to the relevant policy directions of the County and Municipality's Official Plan which provide detailed policies to guide development in a manner that is appropriate for the local context and representative of an efficient use and optimization of existing infrastructure.

There are several outstanding technical matters that the Applicant has not yet satisfied, along with the finalization of the Municipality's Engineering and Public Works review. Subject to any recommended revisions as a result of that review, and subject to the reduction of density on the site, Planning Staff would be in a position to recommend support of the applications. Without these changes being made or recommendations

incorporated into the proposed development plan, Planning Staff are unable to support the applications as presented.

Planning Staff recommend that Middlesex Centre Council refuse Official Plan Amendment (OPA 57) application and Zoning By-law Amendment (ZBA-16-2021) application as they are not consistent with the Provincial Policy Statement, 2020, and not in conformity with the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

Additionally, Planning Staff recommend that Middlesex Centre Council advise the County of Middlesex to refuse Plan of Condominium (39T-MC-CDM2101) application as it is not consistent with the Provincial Policy Statement, 2020, and not in conformity with the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided in consideration of comments received from area residents, agencies and Staff. Should new information arise regarding this proposal, Council is advised to take such information into account when considering the application.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Site Plan (October 19, 2022)

Attachment 3 – Plan of Condominium

Attachment 4 – Planning Justification Report

Attachment 5 – Site Plan Data

Attachment 6 – Servicing Plan

Attachment 7 – Grading Plan

Attachment 8 – General Notes

Attachment 9 – External Servicing (Kilworth Park Dr. and Elmhurst St.)

Attachment 10 – External Servicing (Parkland Pl.)

Attachment 11 – Stormwater Servicing Brief

Attachment 12 – Watermain Distribution Report

Attachment 13 – Geotechnical and Hydrogeological Report  
Attachment 14 – Lighting Plan  
Attachment 15 – Landscape Plan  
Attachment 16 – Scoped DAR  
Attachment 17 – Traffic Impact Assessment  
Attachment 18 – Traffic Impact Assessment Appendices  
Attachment 19 – Written Comments (October 2021)  
Attachment 20 – Written Comments (September 2022)  
Attachment 21 – UTRCA Comments (January 27, 2023)  
Attachment 22 – Letter from Baroudi Law (February 3, 2023)  
Attachment 23 – Comments from Area Residents (February 3, 2023)