



Meeting Date: January 22, 2020

Submitted by: Stephanie Poirier

Report No: PLA-02-2020

Subject: Consent Application B01-2020 filed by Paul Hinde, on behalf of Drewlo Homes Inc.; 15 Elmhurst Street

Recommendation:

THAT Consent Applications B-01/20, filed by Paul Hinde, on behalf of Drewlo Holdings Inc. in order to sever a residential lot with a frontage of approximately 33 m (108 ft) with an area of approximately 0.32 ha (0.8 ac), and the retained is to have a frontage of approximately 31 m (102 ft) with an area of 0.30 ha (0.75 ac) on a property legally described as Lot 1, Plan 909 (geographic Township of Lobo), Municipality of Middlesex Centre, known municipally as 15 Elmhurst; be **GRANTED**.

FURTHER THAT Consent B-01/20 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-01/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-01/20 be paid in full.
7. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, to address among other matters: all financial, legal, planning and engineering matters including but not limited to payment of the Municipality's engineering, legal and planning review costs, entrance locations and construction, works within the road allowance, lot grading and drainage plans, building envelopes, septic systems and 100% contingency areas and potable wells, all to the satisfaction of the Municipality.
8. That the Owner provide a lot grading plan showing potential building, septic, contingency and well locations, and the locations and sizes of the required storm water infiltration basins for all properties to the satisfaction of the Municipality.
9. That the Owner provide security in the form of a Letter of Credit or Certified Cheque to ensure installation of the infiltration galleries and that such infiltration galleries are inspected and certified by a Professional Engineer. The Owner shall provide notice to potential future buyers of the requirement to install the infiltration galleries, notice will be included in the Development Agreement to be registered on title of the land prior to issuance of the Certificate of Consent.
10. The Owner be required to complete a Stormwater Management Report to the satisfaction of the Municipality and the Conservation Authority
11. The Owner be required to complete a Groundwater Impact Assessment.
12. That existing buildings and structures be removed from the subject lands subject to any necessary permits to the satisfaction of the Municipality.
13. The applicant be required to pay for future road upgrade cost. Based on the frontage of the lots, this cost will be \$17,700.00.
14. That the Owners pay \$1,000 cash-in-lieu of parkland dedication for the proposed lot of Consent B-01/20.

AND FURTHER THAT the reasons for granting Consent Application B-01/20 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and

- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to create a new residential lot along Elmhurst Street.

A location map is included as Attachment 1.

Background:

As Committee will recall, Consent Application B01/19 and B02/19 and Zoning By-law Amendment ZBA 01/19 in order to facilitate the establishment of two new residential lots and one retained lot was conditionally granted on February 20th, 2019. As part of the conditions of consent, the applicant was required to demonstrate that the lands were capable of establishing a septic system for each of the proposed lots. In the process of completing the works to satisfy the condition, it was discovered that the lots were too small to accommodate the septic systems as they were not able to meet the required nitrate dilution levels. The applicant has subsequently reapplied for a new consent application to establish one new lot and one retained lot as opposed to two new lots and one retained. Staff note that the agent is continuing to work with staff to provide the confirmation that the two configuration will work in regards to septic and stormwater management. The by-law that established the Urban Residential First Density Exception (UR1-40) Zone on the subject lands remains in place.

The purpose and effect of the consent application is to create a new residential lot for the purpose of constructing one single-detached dwelling. The lands to be severed are proposed to have a frontage of approximately 33 m (108 ft) with an area of approximately 0.32 ha (0.8 ac). The lands to be retained are proposed to have a frontage of approximately 31 m (102 ft) with an area of 0.30 ha (0.75 ac).

An illustration of the proposal is included as Attachment 2.

The subject land currently contains a single detached dwelling that is proposed to be demolished if the subject applications are approved. The lands are surrounded by residential development in the form of detached dwellings.

Given the subject property is serviced by private services the applicant submitted a Servicing Assessment, which is included as Attachment 3.

Policy Regulation:

The subject property is located within a Settlement Area according to the County of Middlesex Official Plan and is designated Residential by the Middlesex Centre Official Plan. The land is zoned Urban Residential First Density Exception (UR1-40).

Provincial Policy Statement (PPS):

Section 3 of the Planning Act requires all decisions made under the Act “to be consistent with” the Provincial Policy Statement (PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 1.1.3 of the PPS speaks to Settlement Areas, which identifies settlement areas as the focus of growth and development. Section 1.1.3.3 of the PPS states, ‘Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 speaks to ‘appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.6 of the PPS speaks to servicing. The PPS has a hierarchy for services, where municipal services are the preferred form of servicing. Section 1.6.6.1a) states ‘Planning for sewage and water services shall direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services’.

County of Middlesex Official Plan:

The County of Middlesex Official Plan speaks to settlement areas in section 2.3.8. This section states ‘urban areas and community areas shall be the focus for future growth including residential, commercial and industrial development’. The County Official Plan also has a similar servicing hierarchy as the PPS, and prefers full municipal services within urban areas.

Section 4.5.3.3 of the County Official Plan speaks to Settlement Areas and promotes infilling development in built-up areas, where the proposed lots are compatible with the lot area, frontage and density patterns of the surrounding area and the application represents orderly and efficient use of land, and its approval would not hinder future development of the retained lands.

Middlesex Centre Official Plan:

Middlesex Centre's Official Plan designates the subject lands as 'Residential'. Within this designation residential dwellings are permitted in a variety of forms, including single detached dwellings.

Section 9.3 of the Local Official Plan speaks to municipal infrastructure and servicing policies. These policies have a similar hierarchy as the PPS and the County Official Plan.

Section 10.3 of Middlesex Centre's Official Plan speaks to lot creation and states,

- a) Severances shall only be granted if a plan of subdivision is not necessary for the proper and orderly development of the land. Plans of subdivision will not be required where three or fewer new lots are proposed to be created, or where circumstances exist where a plan of subdivision is not considered by the Municipality to be necessary. Where more than three new lots are proposed to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required for the orderly development of the land. Notwithstanding the above, in all cases where the creation or extension of municipal streets and/or services is proposed, a plan of subdivision process will be required.
- b) Where individual wells and septic systems are proposed, lot areas must be of a size and configuration to accommodate an appropriate septic system, sewage envelope and contingency area. For a conventional septic system, a storage envelope consists of the area occupied by the tile bed and mantle. The size of the storage envelope will vary depending on the projected water use of the anticipated use and the soils and slope of the subject site. The contingency area will be equal in size to the tile bed and sewage mantel.
- c) All lots must front on and have access to an existing public road maintained on a year round basis and at a reasonable standard of construction. Direct access to and from County or Provincial roads will be limited in accordance with the policies and regulations established by the agencies having jurisdiction over these roads.
- d) An adequate and potable water supply must be available for any proposed lots created by consent. An exception to this policy may be made if it can be shown that the purpose for which the lot(s) in question is to be used does not require a water supply.
- e) All lots created by severance must be suitable or capable of being made suitable to support a sewage disposal system.
- f) Severances may be permitted for the purposes of making a lot boundary correction provided that such corrections are minor in nature.

Consultation:

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

Public Comments:

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

Agency Comments:

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

Bell Canada has reviewed the subject application and has not comments and/or concerns as there are no services in this area.

Rogers Communications has reviewed the subject application and has not comments and/or concerns.

Union Gas has reviewed the subject application and has not comments and/or concerns.

The Municipality's Building Department has requested that the submission of a lot grading plan to include suitable building, well, septic and 100 percent contingency area details, including servicing (well and septic) details on adjacent properties be submitted as part of the conditions of consent.

The Municipality's Department of Public Works and Engineering have reviewed the subject application and requires that if the subject applications are approved, it is recommended that a groundwater impact assessment be completed, that the costs of future road upgrades be a condition of the subject applications, as well as a storm water management report to the satisfaction of the Municipality and the Conservation Authority.

Hydro One has reviewed the subject application and had no concerns and/or requirements.

Analysis:

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permits lot creation within Settlement Areas, subject to servicing and compatibility.

The Planning Policies have a servicing hierarchy and contemplate private services provided site conditions are suitable. The proposed lots are proposed to be serviced by private services, and are of a size to accommodate private services. The proposed residential development for the severed and retained lands is compatible with the surrounding land uses and there are no anticipated negative impacts from the subject applications.

The subject property abuts a Municipal road, and therefore no road extension is required.

Both the County and the local Official Plan speak to lot creation via the consent process versus a plan of subdivision and contemplate three lots being permitted via the consent process where no extension of infrastructure is required. Given that only two lots are proposed on an existing road, staff are of the opinion that the subject applications to comply with the consent policies.

The proposed infill development is supported by the policies of the Provincial Policy Statement, the County of Middlesex Official Plan and the Middlesex Centre Official Plan. This type of development is the preferred form, because it promotes more efficient use of land and infrastructure and reduces the need for expansion of settlement area boundaries. The subject property is in an appropriate location for intensification as it would promote a more compact form and more appropriate development standards for residential lots that can accommodate private services.

The lot proposed to be severed and the lot proposed to be retained are in conformity with the Urban Residential First Density Exception (UR1-40) Zone.

Given the above, planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.