



Meeting Date: May 17, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-34-2023

Subject: Applications for Official Plan Amendment (OPA 62) and Zoning By-law Amendment (ZBA-07-2023) for lands known as 708 and 714 Gideon Drive; Filed by Strik, Baldinelli, Moniz Ltd. on behalf of HGLW Inc.

Recommendation:

THAT Official Plan Amendment application (File: OPA 62), as amended, filed by Strik, Baldinelli, Moniz Ltd. on behalf of HGLW Inc., for lands known as 708 and 714 Gideon Drive, be ADOPTED and forwarded to the County of Middlesex for consideration of approval;

AND THAT Zoning By-law Amendment application (File: ZBA-07-2023), as amended, filed by Strik, Baldinelli, Moniz Ltd. on behalf of HGLW Inc., for lands known as 708 and 714 Gideon Drive be APPROVED.

Purpose:

The purpose of this report is to provide a recommendation regarding the applications to amend the Official Plan and Zoning By-law Amendment for the land known as 708 and 714 Gideon Drive and known legally as Concession Gore Pt Lot A Reg Comp Plan 429 Lot 36 RP 34R540 Part 2 (geographic Township of Delaware). The lands are located on the south side of Gideon Drive (County Road #3) and east of Brigham Road.

A location map is included as Attachment 1.

The purpose of the Official Plan Amendment application is to redesignate the lands to 'Agriculture - Special Policy Area' to permit recreational uses and a medical clinic in addition to uses permitted within the Agricultural designation.

The purpose of the Zoning By-law Amendment application is to rezone the lands from 'Parks and Recreation (PR)' to a new site-specific 'Parks and Recreation (PR-10)' zone to permit a *clinic, restaurant, offices (professional) and store (retail)* in addition to all uses within the Parks and Recreation zone, and a maximum height of 12.7 m (41.7 ft).

Background:

The subject lands are approximately 8.1 ha (20 ac) in area and contain an existing residential building (vacant), accessory structures, tennis and racquet courts and unmaintained sports fields. The applicant has indicated that the subject lands were previously used for outdoor and indoor recreational uses that operated for over 40 years.

Existing agricultural lands are located to the east, south and west of the subject lands. Rural residential and conservation lands are located to the north on the north side of Gideon Drive. The subject lands do not contain regulated area or natural heritage features, however, lands on the north-side of Gideon Drive contain significant woodland, regulated area and may contain habitat for threatened or endangered species.

Staff met and worked with the applicant over the last 2+ years to determine an appropriate location for the proposed development. Previously, the applicant considered locations within urban areas with municipal servicing and on lands currently used for recreational or institutional uses.

Applications were received by the Municipality for a Zoning By-law Amendment and Official Plan Amendment in March 2023 and deemed complete on April 4, 2023. The application includes the following:

- Planning Justification Report (Attachment 2)
- Servicing Feasibility Study (Attachment 3)
- Conceptual Site Plan (Attachment 4)

The applicant proposes a combination of indoor and outdoor recreational uses. The indoor recreational uses would be located in the proposed 2-storey recreation centre that has a building footprint of approximately 8,051.3 m² (86,663.5 ft²) and total floor area of 14,788.1 m² (159,177.8 ft²). The recreation centre would house 2 ice pads, a gym, golf-simulator, and studio space for yoga, dancing and other fitness activities. The building would also integrate a restaurant, retail space and administrative offices. Outdoor recreational spaces include a soccer field and running track. The development also proposes a standalone medical clinic with a building footprint of 929 m² (10,000 ft²).

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 Agricultural Area in Middlesex County's Official Plan and designated as 'Agriculture' within Middlesex Centre's Official Plan. The property is zoned 'Parks and Recreation (PR)' 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 1.1.4 – Rural Areas in Municipalities can include prime agricultural areas and are areas that have an interdependent relationship with urban areas. Rural areas can be supported by promoting diversification of the economic base and employment opportunities and activities in accordance with policy 2.3 of the PPS.

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. Municipal sewage and water services are the preferred form of servicing, however, partial and private servicing can be considered where full servicing is not provided or planned.

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 directs that development shall not be permitted within significant wildlife habitat, significant woodlands and other significant natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 of the PPS unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Further, Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Section 2.3 – Agriculture directs that prime agricultural areas shall be protected for long-term use for agriculture. Planning authorities may only permit non-agricultural uses in prime agricultural areas for: a) extraction of mineral, petroleum resources and mineral aggregate resources; or b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and
4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Further, impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land within the Agricultural Area.

Section 2.2.2 – Agriculture and Section 3.3 – Agricultural Areas of the County Plan recognizes the importance of agricultural areas to the local and regional economy of the County and the policies are intended to protect agricultural lands from incompatible land uses. Permitted uses within Agricultural Areas including public and private open space and recreational facilities. Non-agriculture-related development in the Agricultural Area shall require an amendment to the Plan and must not a) detract or adversely affect present and/or future agricultural operations; b) interfere with the viability of farm units; or c) detract from the character of the agricultural community. The amendment to the Official Plan shall address the need for additional land to be designated to accommodate the proposed use; reasonable alternative locations that avoid agricultural areas; and reasonable alternative locations with lower priority agricultural lands.

Section 2.4.2 – Transportation Network in concurrence with Schedule B identifies Gideon 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 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. Where it is not possible, the County is to cooperate with local municipalities, the Province and other public and/or private partners to negotiate innovative arrangements for the provision of water and sanitary sewage systems in the County. The County may require site-specific development proposals to be accompanied by an

evaluation of servicing options and address the County's preferred servicing hierarchy where an extension from existing municipal systems is preferred, followed by extending communal systems, installing new communal systems or through the provision of individual septic systems and private wells.

Section 2.3.10 – Natural Heritage Features and Section 3.4 – Natural Environment Areas identify that natural heritage features, including their functions and significance, should be considered when development proposals are reviewed. Development should be directed away from features, but may be permitted within or within proximity to a feature subject to the completion of a suitable Development Assessment Report where it demonstrates that the development will not result in negative impacts on the natural system or ecological processes.

Section 3.2 - Settlement Areas will be the focus for future growth including commercial 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.

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.

Section 2.2.2 – Agriculture identifies that the County shall not support Official Plan Amendments to permit new non-agricultural uses (i.e.: residential commercial or industrial) in proximity to the City of London municipal boundary. Adopted Section 2.2.2 removes this policy and permits limited non-agricultural uses subject to criteria.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) designates the subject lands as 'Agriculture'.

Section 2.0 – Policies for Agricultural Areas recognizes the important of agricultural lands in the Municipality and encourages the protection of agricultural areas from interference or encroachment from conflicting land uses, or uses which would negatively impact the future flexibility or efficiency of agricultural operations.

Generally, non-agricultural urban uses within agricultural areas are prohibited, unless specifically permitted in other subsections of Section 2.0 of the Official Plan. Commercial or industrial activities directly related to agriculture and required in close proximity to associated farming operations, or "value-added" agricultural related uses as defined in Section 12.0 of the Official Plan.

Section 3.0 – Policies for Natural Areas and Natural Hazard Areas establish policies to protect, sustain and enhance the natural and environmental features and functions within the Municipality’s Greenland System. Development is not permitted within natural environment areas that contain wetlands, significant habitat of endangered or threatened species and floodplains and flood prone areas. Development should be generally directed away from natural heritage areas, including Significant Woodlands, but may be permitted subject to the satisfactory undertaking of a Development Assessment Report where it can be shown that there will be minimal or no impacts on the form or function of such features.

Section 9.3.2 – Servicing in Non-Settlement Areas states that the principal means of sewage disposal in agricultural areas of the Municipality is the septic tank and weeping tile system. Municipal water and sewage systems shall generally not be provided to areas outside of settlement area boundaries, except where otherwise noted in this Official Plan. Appropriate approval shall be required for any new septic tank and tile bed systems. The Municipality may require a servicing options statement or report accompanying all development and redevelopment proposals to identify the most appropriate forms of servicing to ensure environmental protection. In processing development applications, the Municipality and the applicants shall have regard to the principles of storm water management so that new development does not significantly increase downstream flows above existing levels or degrade water quality.

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?

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 2.6 – Non-Agricultural Related Uses was revised to implement policies of the PPS and County Official Plan which permits limited non-residential uses provided that the following are demonstrated:

- a) The land does not comprise a specialty crop area;
- b) The proposed use complies with the minimum distance separation formulae;
- c) There is an identified need within the planning horizon for additional land to accommodate the proposed use; and
- d) Alternative locations have been evaluated, and
 - i. There are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Middlesex Centre Zoning By-law:

The subject lands are currently zoned ‘Parks and Recreation (PR)’ and permits private clubs, conservation uses, golf courses, forestry uses, private and public parks, places of recreation.

The requested amendment would rezone the subject lands to a new site-specific ‘Parks and Recreation exception 10 (PR-10)’ zone to add *clinic, restaurant, offices (professional)* and *store (retail)* to the list of permitted uses and a maximum height of 12.7 m (41.7 ft).

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

	Current PR Zone	Proposed PR-10 Zone
Permitted Uses	accessory use club, private conservation use forestry use golf course park, public or private place of recreation	accessory use clinic club, private conservation use forestry use golf course park, public or private office, professional

	Current PR Zone	Proposed PR-10 Zone
		place of recreation restaurant store, retail
Maximum Height	12.0 m (39.4 ft)	12.7 m (41.7 ft)

Consultation:

Notice of the application was posted on the property and circulated to agencies, and property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

Public Comments:

At the time of writing this report, staff did not receive comments from the public. However, staff did speak to an area resident about the proposal and they identified concerns with noise and lighting from the outdoor recreational areas and parking areas as they are within proximity to residential uses.

Agency Comments:

The Municipality’s Chief Building Official did not provide comments at the time of writing this report. If approved, the Building Department would provide detailed comments through the site plan approval process.

The Municipality’s Public Works and Engineering Department did not provide comments at the time of writing this report. If approved, PWE would provide detailed comments and request additional supporting information through the site plan approval process. Additionally, PWE has been working with the applicant for the provision of servicing to support the proposed development.

The Municipality’s Director of Emergency Services – Fire Chief did not provide comments prior to the public meeting.

The County Engineer did not provide comments at the time of writing this report, however, they did provide comments through preconsultation with the applicant. The County Engineer notes that full turning lanes may be required to be constructed on Gideon Drive as a result of the development. Further, the applicant may be required to dedicate land for road widening purposes. Any stormwater management facility needs to be maintained on-site to manage water quality and quantity. Further comments will be provided through the site plan approval process.

The Upper Thames River Conservation Authority (UTRCA) provided comments during pre-consultation with regard to the significant woodland located on the north-side of Gideon Drive. Development within 50 m of the significant natural heritage feature will require the completion of a Development Assessment Report, and minimum setback of 40 m is required from any building to natural heritage feature.

Analysis:

Official Plan Amendment

The Applicant requests an Official Plan Amendment to apply a Special Policy Area to permit recreational uses and a medical clinic on agricultural lands. 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 preserve agriculture as the primary land use outside of settlement areas within the Municipality as it services as an economic driver for the Municipality. This direction supports the Municipality's vision to grow urban areas and provide a variety of uses that benefit residents. As such, current policies of the Official Plan prohibit non-agricultural uses within agricultural areas and direct them to settlement areas.

Staff note that the adopted Official Plan policies reflect current PPS policies and establishes that some non-agricultural uses can occur subject to criteria. This is to permit some development that contributes to the economic development of the agricultural area and support development where it is not feasible to continue common agricultural activities (i.e. cash crop, livestock).

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

The proposed change is primarily to facilitate development of the medical clinic on the lands as it is proposed to be a standalone use that complements the recreational uses. Without the proposed amendment to the Official Plan some development may occur based on the existing Parks and Recreation (PR) zone, however, some uses be limited to the provisions of an accessory use.

Planning staff note that new commercial development, like a clinic, is more appropriate to be located within a settlement area where there is a demand and need for such resources. However, the location of the subject lands which is in proximity to Delaware and Komoka-Kilworth.

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

The proposal represents the development of non-agricultural uses within an agricultural area. The PPS establishes criteria to evaluate non-agricultural uses within prime agricultural areas. Staff note that the current County Official Plan states that non-agriculture development shall be encouraged to be located in settlement areas, but may be permitted if they do not impact agricultural operations, interfered with the viability of farms or detract from the character of the agricultural community.

Staff assessed the development application against the PPS and County policies for non-agricultural development and find that the amendment is in keeping with the applicable policies as:

- 1) the land does not comprise specialty crop area. The lands have not been designated as a specialty crop area. Further, the lands have not been used for agricultural uses for several decades and do not result in a loss of active agricultural land.
- 2) the proposed use complies with the MDS formulae and does not conflict with the expansion of existing livestock operations in the area. There are no livestock facilities within 750 m of the subject lands and intervening uses (farm and non-farm related residential uses) are located within proximity to the subject lands. MDS II is not applicable as the proposed development does not include a livestock facility or manure storage.
- 3) there is a need for additional land to accommodate the proposed use. The recently completed comprehensive review in support of the Official Plan update did not identify the need for additional recreational land. However, staff note that the recreational land supply is not typically evaluated through this process and is normally developed through a parks plan for the Municipality. The proposed development represents a private recreational use and additional lands for private recreational uses (including uses such as clubs, golf courses) may be considered to provide alternatives to municipally owned spaces.

The comprehensive review did identify a small deficiency of commercial lands within the urban areas such as Komoka-Kilworth and Ilderton. Staff would prefer that commercial development like the clinic be directed towards the urban area where it is accessible. However, the clinic can be considered complementary to the recreation facility.

- 4) alternative locations within the urban and rural areas have been evaluated and there are no reasonable alternative locations where agricultural lands are not consumed and are of sufficient size for the development. The applicant reviewed lands within the urban areas throughout the municipality and determined that there were no suitable

lands in size and in proximity to an arterial road. Further, the proposed development can be supported by the populations in the County and City of London. Staff also note that the existing Parks and Recreation zone and previous uses on the subject land support the development proposal as it demonstrates that the applicant avoided consuming active agricultural land and directed the development proposal to lands that can already facilitate recreational development.

The current policies in the County Official Plan are not supportive of non-agricultural uses within proximity to the City of London. However, the adopted County Official Plan removes this policy and relies on the PPS criteria to establish non-agricultural uses throughout the Municipality.

Finally, to be consistent with current Provincial and County policies to preserve agricultural lands, staff recommend amending the Special Policy Area to prevent the severance of the subject lands which would separate the clinic use from the recreational facility.

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 may require an extension of municipal water services from Middlesex Centre or the City of London. The applicant determined that reliance on a well would not be feasible for the proposed development due to the need for fire suppression, and the recreational and commercial uses.

The development is proposed to have a private septic system and on-site stormwater management.

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?

As noted above, the proposed servicing plan includes “partial servicing” by relying on the provision of municipal water services and private septic system. Municipal staff have been working with the applicant to determine the most feasible and viable option for the provision of water to the subject lands, and cost-sharing, if required.

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 likely increase traffic on Gideon Drive year-round. Gideon Drive is designed to County standards and can accommodate the additional traffic. However, the proponent may be required to improve the right-of-way by adding in turning lanes to avoid traffic queueing along the roadway.

Staff note that the several rural residential properties exist within proximity to the subject lands. The hours of use, siting of the proposed facilities and buildings, and lighting over the field and in the parking lot may negatively affect neighbouring properties. These matters can be addressed through site plan control. However, it is advised that adequate buffers from nearby residential uses be implemented such as landscaping, fencing and siting the buildings in such a way that minimizes the impact.

Staff have also identified that nearby areas may be habitat to local species including bats, fowl and fauna due to the proximity of Komoka Provincial Park. The proposed development may affect habitat, and migration and travel patterns of such animals.

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

Zoning By-law Amendment

The Applicant requests to rezone the subject lands to a new site-specific 'Parks and Recreation exception 10 (PR-10)' zone. 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 find that the proposed uses can be supported as limited non-agricultural uses within agricultural areas. It is important to note that without the rezoning application, the applicant would be able to develop a recreational centre and fields within the current 'Parks and Recreation' zone. The rezoning application effectively adds a clinic use, which is limited in size and reflects approximately 1.2 % of the total lot area. As such, staff do not have concerns with the proposed use of the land. However, staff would like to ensure that non-agricultural uses are limited in area and the proposed development does not result in a significant commercial development. As such, staff recommend that the proposed *clinic, restaurant, offices (professional) and store (retail)* uses are considered accessory to the primary recreational use and subject to the applicable provisions in the Zoning By-law.

Further, staff recommend adding Holding symbol (h-2) to prevent development of the land until a site plan agreement, including but not necessarily limited to the requirement for the development to be connected to a public water supply system and a public sanitary sewer system, has been entered into with the Municipality.

The development proposal has been reviewed against the policies of the PPS, the County Official Plan, and the Middlesex Centre Official Plan. Staff are of the opinion that the proposal is consistent with the PPS, however, it does not conform to the County Official Plan and Middlesex Centre Plan. Staff note that the conflicting policies are outdated and are proposed to be removed or amended in the adopted Official Plans to be consistent with the PPS. As such, staff can provide a recommendation to adopt Official Plan Amendment 62, as amended, and be forwarded to the County of Middlesex for consideration. Staff also recommend that Council approve Zoning By-law Amendment ZBA-07-2023, as amended.

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, Council is advised to take such information into account when considering the applications.

Financial Implications:

To be determined - based on on-going discussions related to the provision of water services to the subject lands.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Planning Justification Report

Attachment 3 – Servicing Feasibility Study

Attachment 4 – Conceptual Site Plan

Attachment 5 – Draft Official Plan Amendment 62