



Meeting Date: August 16, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-53-2023

Subject: Request to Remove Holding Symbols (h-3) and (h-9) from 108 St. Clair Avenue; Filed by TTW Properties Inc.

Recommendation:

THAT the request by TTW Properties Inc. to remove the (h-3) and (h-9) holding symbols from the zoning of the land known municipally as 108 St. Clair Avenue and legally as Plan 76 Block L Lot 14, Middlesex Centre, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a request to remove the (h-3) and (h-9) holding symbols from the zoning of land located on the south corner of St. Clair Avenue and Delaware St in Komoka.

A location map is included in Attachment 1.

Background:

The subject land is zoned “Urban Residential Third Density exception 26 (UR3-26)” to permit the development a multiple unit dwelling up to 3 units. In addition, Holding Symbols (h-3) and (h-9) apply to the land and may only be removed when a Noise Impact Analysis and Vibration Analysis are prepared by a qualified professional in association with the site plan approval process for any proposed development on the lands to which the holding symbols apply and that any recommendations for noise and vibration mitigation arising from the Noise Impact Analysis and Vibration Analysis have been incorporated into the site plan such that the proposed development will meet the Ministry of Environment (MOE) criteria.

The subject land is approximately 1, 183.6 m² (0.3 ac) in area and located on the south corner of St Clair Avenue and Delaware Street. The property is legally described as Plan 76 Block L Lot 14, Municipality of Middlesex Centre.

Consultation:

Notice of the application was circulated to agencies and area residents in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing this report staff did not receive comments from the public.

Agency Comments:

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

Middlesex Centre's Building Department has no concerns with the subject application.

Middlesex Centre's Corporate Services Department has no concerns with the subject application.

Middlesex Centre's Public Works and Engineering Department has no concerns with the subject application. All matters can be satisfactorily addressed through the development agreement.

CN Railway requested that a warning clause be provided to all future tenants or purchasers. The requirement for the warning clause can be included as part of the development agreement. CN Railway also requested that an environmental easement be established, and that the proponent update their final reports to the satisfaction of CN Railway.

Analysis:

The holding symbols, (h-3) and (h-9), applicable to the land have the following condition to be met prior removal and are assessed below:

The precondition for the removal of the '(h-3)' holding symbol shall be that a Noise Impact Analysis be prepared by a qualified professional in association with the site plan approval process for any proposed development on the lands to which the holding symbol applies and that any recommendations for noise mitigation arising from the Noise Impact Analysis have been incorporated into the site plan such that the proposed development will meet the Ministry of Environment (MOE) noise criteria.

The precondition for the removal of the '(h-9)' holding symbol shall be that a Vibration Analysis be prepared by a qualified professional in association with the site plan approval process for any proposed development on the lands to which the holding symbol applies and that any recommendations for vibration mitigation arising from the Vibration Impact Analysis have been

incorporated into the site plan such that the proposed development will meet the Ministry of Environment (MOE) vibration criteria.

The applicant submitted a Noise and Vibration Analysis that was completed by a qualified professional as a result of proximity to the CN Railway. The study was reviewed by CN Rail and mitigation measures were incorporated into the development agreement to the satisfaction of the Municipality.

As a result of the above, planning staff are satisfied that the development agreement includes the appropriate noise and vibration mitigation measures from the railway corridor to the satisfaction of the Municipality and to satisfy current MOE standards, and recommend that the Holding Symbols (h-3) and (h-9) be removed from the subject land.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map