

August 28th, 2023

File No.: 2023-06

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**RE: Planning Justification Report
Official Plan Amendment and Zoning By-law Amendment Application
Operation Ice Cream & Daycare, 13339 Ilderton Road, Ilderton**

On behalf of Cerberus Inc. ("Owner"), we are pleased to submit Official Plan Amendment and Zoning By-law Amendment Applications ("Applications") for the land known municipally as 13339 Ilderton Road, Ilderton, Municipality of Middlesex Centre, County of Middlesex ("Site").

The Owners are proposing to intensify the Site with a new commercial building, oriented to Ilderton Road. At this time, potential commercial uses could include a restaurant (dine-in/take-out), retail shop, clinic, office space, and/or potential after school programs. The existing daycare facility on the south portion of the Site is proposed to be maintained and integrated into the overall site development.

The Site is currently designated as "Residential" in the Municipality of Middlesex Centre Official Plan and zoned "Institutional-6 (I-6)" in the Middlesex Centre Zoning By-law 2005-005. The intent of the Applications is to redesignate the Site to "Settlement Commercial" and to rezone the Site to "Village Commercial" (C1) Zone.

To support the Applications, a Traffic Impact Assessment completed by Baird AE, and a Market Study Report completed by Parcel Economics Inc. are accompanying this Planning Justification Report ("Report"), as per the submission requirements set out by the Municipality of Middlesex Centre. The Report provides a summary of the proposal, the applicable land use policies, will address the appropriateness of the Applications, and if the Applications constitute good land use planning.

Site and Surrounding Area

The Site is located on the south side of Ilderton Road, to the west of Hyde Park Road in the settlement area of Ilderton. Rectangular in shape, the Site has an approximate land area of 0.27 hectares and 38.737 metres of frontage on Ilderton Road.

As noted, there is an existing building to the rear of the Site that contains an daycare operation and outdoor amenity area. There is an existing vehicular access on the west side of the Site to Ilderton Road.

The Site has a gentle downward slope towards Ilderton Road and primarily consists of manicured lawn. There are two (2) existing mature trees to the north of the existing building.

To the north and west of the Site, there are existing residential properties. To the east of the Site is a new commercial development, that includes a Tim Hortons, dental clinic, and retail store. There is a municipal recreation area to the south of the Site.

The broader settlement area of Ilderton consists primarily of residential uses, as well as a central commercial area on Ilderton Road at Mill Street.

Image 1: Site



Source: County of Middlesex, 2020 GIS Imagery

Image 2: Site Frontage on Ilderton Road



Source: Google, Image Capture June 2021

Image 3: West of the Site



Source: Google, Image Capture June 2021

Proposed Development

The Owner is proposing to add a new commercial building to the Site, providing for an extension of the commercial/retail node at Ilderton Road and Hyde Park Road. It is intended that the existing building with a daycare will be retained and a new building of approximately 210 square metres would be constructed to the Ilderton Road frontage.

The existing daycare will continue to provide services to 30 to 40 children and will maintain off-street parking, drop-off, and outdoor amenity areas.

The overall intent is to modestly intensify the use of the Site with a complementary retail use. The two (2) existing accessory structures (sheds) are proposed to be relocated on the Site, as would the playground to support the daycare use. Through the redevelopment, the off-street parking area will be formalized as asphalt surface parking for 24 vehicles.

The existing vehicular road entrance from Ilderton Road would be shifted to the west, 1.5m from the westerly property boundary. A solid wood fence is proposed along the western property line to provide screening to the adjacent residential use.

As part of the proposal, the Owner would be required to dedicate 4.94m of land across the lot frontage for a distance of 30.737m to the Municipality as a road widening dedication.

There are nine (9) mature trees existing on the site, four (4) of which are proposed to be retained through the Applications.

Proposed Official Plan and Zoning By-law Amendment Applications

To permit the development of the Site, the following Application are required:

- Redesignate the Site from “Residential” to “Settlement Commercial” in the Municipality of Middlesex Centre Official Plan
- Rezone the Site from “Institutional-6 (I-6)” to “Village Commercial (C1)” with the following site-specific provisions:
 - To permit a minimum rear yard of 4.5 metres
 - To limit the permitted uses to:
 - accessory use
 - animal clinic
 - clinic
 - club, private
 - day nursery
 - dwelling units connected to and forming an integral part of a main building and located above the first storey to a maximum of two storeys and/or located below the first storey in a basement
 - financial institution
 - hotel, motel or tavern
 - personal service establishment place of entertainment
 - restaurant
 - restaurant, or take-out service shop
 - store, convenience
 - store, retail
 - studio

Planning Policy Framework

This section of the Planning Report provides an overview and assessment of the relevant planning policies to the proposed Official Plan Amendment and Zoning By-law Amendment Application.

Planning Act, R.S.O. 1990, CHAPTER P.13

In our opinion, the Application has regard for matters of public interest, as provided in the Planning Act, R.S.O. 1990, CHAPTER P.13, and is appropriate to proceed. The Application provides for the efficient use and supply of energy, water, and services by using existing infrastructure; it provides for orderly development of safe, healthy communities; it will not impact natural features or heritage resources; and will increase the range of available retail products for the Settlement of Ilderton and surrounding area.

Provincial Policy Statement, 2020

The Provincial Policy Statement (“PPS”), 2020, is a Province-wide policy document that sets out the government’s land use vision for the built environment and the management of land and resources. The overarching intent of the PPS is to “provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.” The document is to be read in its entirety and all relevant policies are to be considered.

The PPS, in Section 1.1 promotes the efficient use of land and infrastructure. Section 1.1.3 contains policies regarding land use patterns of Settlement Areas, including the efficient use of land and resources. Ilderton is designated an Urban Settlement area in the Municipality of Middlesex Centre (Section 5.0).

Section 1.6.6.2 of the PPS speaks to municipal sewage services and municipal water services being the preferred form of servicing for settlement areas, with intensification and redevelopment being promoted wherever feasible to optimize the use of the services. The proposal will use existing municipal sanitary and sewage services available to the Site.

Section 1.6.7.4 of the PPS refers to land use pattern, density and mix of uses being promoted that minimize the length and number of vehicle trips. Having a mix of uses on this site and being located in proximity to one of the major intersections in Ilderton, will promote the length and number of vehicle trips. Being located in a predominantly residential area increases the ability for other modes of transportation to be used to travel to the Site.

Section 3.1.5 in the Natural Hazards section, states that development shall not be permitted to locate in hazardous lands and hazardous sites where the use is a daycare. There Site is not located in hazardous lands nor is a hazardous site.

In our opinion the Application supports the PPS vision for the built environment and the management of land and resources. The Application provides an efficient use of resources and infrastructure and provides for an additional retail use in the Urban Settlement of Ilderton.

County of Middlesex Centre Official Plan, June 17, 2022

The Site is designated as Settlement Area (Urban and Community) on Schedule A of Official Plan Amendment No.3 approved on June 17, 2022. Schedule B of Official Plan Amendment No.3 shows the site having frontage on an Arterial Road – County.

Appendix B to Official Plan Amendment No.3 provides population projections by municipality. For the Municipality of Middlesex Centre, the low housing forecast scenario, a conservative forecast, increases the share of County Housing from 22% in 2016 to 26% in 2046. This equates to a growth of 33% in the share of County Housing Growth, second only to 1 other municipality at 34%.

Section 2.3.2 of Official Plan Amendment No.3 provides the Growth Management Hierarchy within the Settlement Areas. Urban Areas are areas which shall demonstrate the potential to accommodate future growth through population projections and must either have full municipal services or demonstrate the potential to provide full municipal services.

The policy framework in Section 2.3.8 related to Settlement Areas state the local municipality shall have the primary responsibility for detailed planning policy. This Section further notes that Urban Areas and Community Areas shall be the focus for future growth including residential, commercial and industrial development.

The detailed land use policies in Section 3.2 direct a significant portion of the County's future growth to Settlement Areas in order to protect Agricultural Areas, the Natural Environment, and promote efficient use of water and sewage services. Further, Section 3.2.4.1 – Permitted Uses, Urban Areas, states the local official plans shall provide detailed land use policies for the uses permitted in Urban Areas, specifically including commercial uses.

It is our opinion that this Site would qualify as being an Urban Area, being a projected area of growth as shown in Appendix B. Further, the Site has full municipal services available. The policies for Community Areas note that they are intended to serve the surrounding Agricultural Areas, which would not properly describe the Village of Ilderton in the Municipality of Middlesex Centre.

Municipality of Middlesex Centre Official Plan, Consolidated March 2023

The Site is designated Residential in the Municipality of Middlesex Centre Official Plan (OP) Schedule A-1. There are no Areas of Natural & Scientific Interest (ANSI) or Significant Woodlands within Ilderton, as depicted on Schedule B. There are two Conservation Authorities having jurisdiction within Ilderton;

the Site being located within the Upper Thames River Conservation Authority boundary. Schedule C shows no watercourses or hazard lands located on the Site.

The purpose of the policies within the OP is to provide for the orderly growth and development of the Municipality, as well as to provide guidance in the management of change. The Municipal General Principles suggest a return to a more community-oriented planning and design approach reflective of earlier settlement forms and developments.

Policies in Section 5.5 refer to Settlement Commercial Areas, which the Application proposes the Site be redesignated to. Specifically, Section 5.5.3 includes permitted uses such as retail. The Application would propose the existing Daycare use also be permitted as a site-specific amendment.

Section 5.5.4 requires that proposals for new Settlement Commercial designations be accompanied by:

- a) A market analysis to determine the anticipated impact on the continued health and viability, and planned function of identified Village Centres. A high-level Market Impact Assessment, prepared by Parcel Economics Inc. has been completed. The Market Impact Assessment found that additional retail/service commercial space will be required to accommodate a growing population in Ilderton. The need for additional retail/commercial space may include up to 1858.06sq.m. (20,000sq.ft.) of space by 2031. Parcel Economics found, in their opinion, the retail and service commercial space could be further designated as:
 - Convenience and Specialty Food – 418.06sq.m. (4500sq.ft.)
 - Health and Personal Care Stores – 130.06sq.m. (1400sq.ft.)
 - Health Care and Social Services – 678.19sq.m. (7300sq.ft.)
 - Food and Drinking Services – 436.64sq.m. (4700sq.ft.)
- b) A transportation study showing the potential transportation and parking implications of the application has been prepared by Baird AE. The conclusions of this study found the proposed development will generate 57 morning and 58 evening peak vehicle trips, with the study area intersection in 2024 and 2034 future conditions operating at an acceptable level of service. No intersection improvements were found to be required, and an adequate sightline distance is proposed, providing for a safe departure from the development.
- c) This Planning Letter has is being submitted to satisfy the land use and public interest issues. In our opinion, the application is in the public interest by providing additional commercial space on a main arterial road within the Village of Ilderton. In addition, this provide employment opportunities, and is well suited to complement the adjacent park to the south. The redesignation of this property to commercial is well suited given the property to the east is also designated commercial.

Figure 1 - Excerpt, Municipality of Middlesex Centre Official Plan Schedule A-1



Source: Municipality of Middlesex Centre Official Plan

Section 5.5.1 of the OP considers the general settlement commercial goals within Urban and Community Settlement Areas. These goals include providing additional opportunities for retail, service and office uses which will not undermine the planned function of the established Village Centres of the Municipality. The small size of the commercial node would not detract from the Village Commercial Centre to the west and is appropriate given the location on an arterial road.

Section 5.5.3 of the OP provides that retail and restaurant uses would be permitted within Settlement Commercial areas. The proposed ice cream store would be in conformity with the vision created by Section 5.5.3.

Section 9.2.1(c) of the OP states "Community based commercial and industrial growth is encouraged within the Municipality wherever possible, ...". The addition of an ice cream store on an underutilized parcel of land complies with the intent of this policy.

In summary, it is our opinion, the proposed Official Plan Amendment meets the intent of the OP policies to provide for neighbourhood serving commercial uses to support overall residential growth. The Proposed Development provides for an extension of the existing commercial uses at a transportation node, while ensuring there is a transition of uses that address land use compatibility to surrounding residential uses.

Municipality of Middlesex Centre Comprehensive Zoning By-law No. 2005-005

The Municipality of Middlesex Centre Zoning By-law ("By-law") zones the Site as "Institutional-6 (I-6)", as shown on Schedule A Key Map U-07. This zoning category permits the existing daycare, though does not permit any retail or commercial uses. Through the Zoning By-law Amendment Application, it is requested that the site be re-zoned to rezoned "Village Commercial (C1)", which would permit both the existing daycare, as well as the proposed commercial uses.

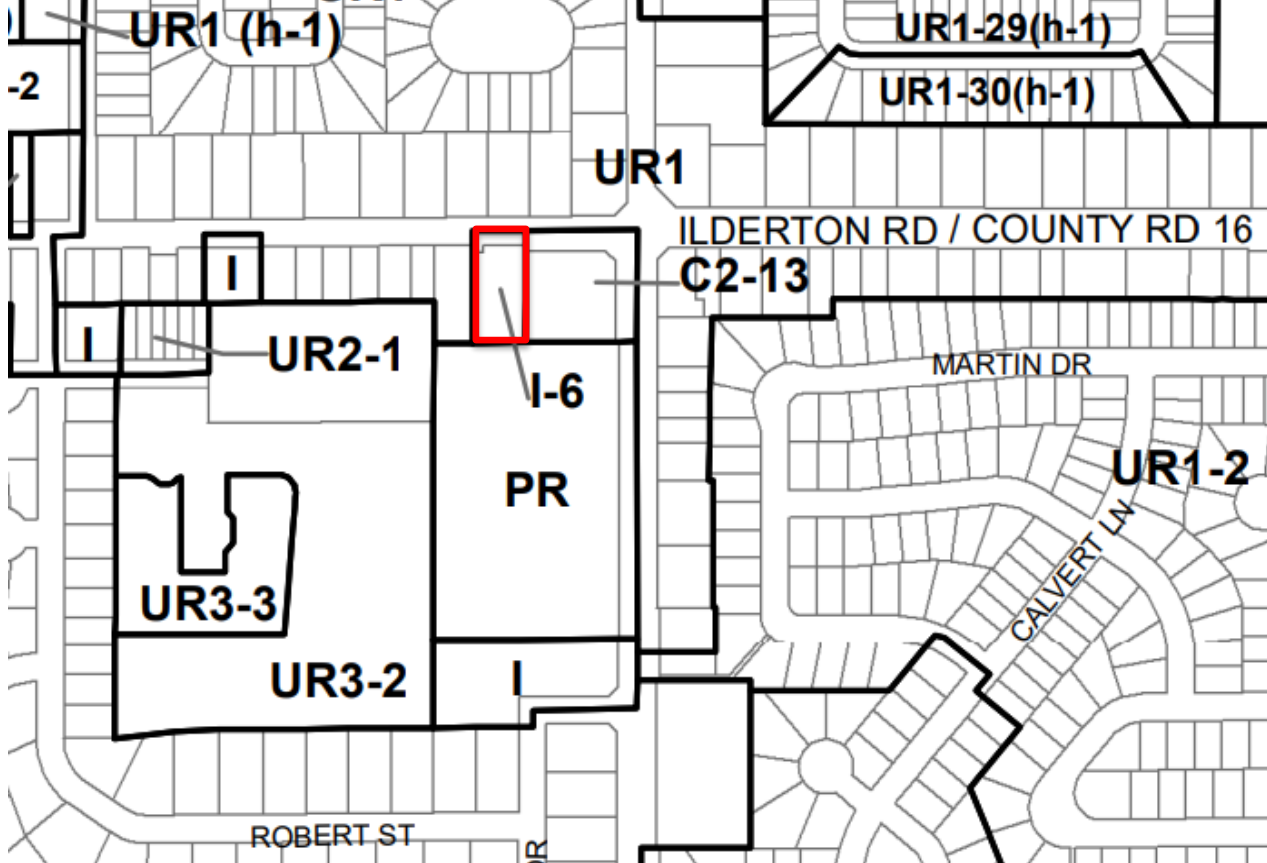
The following table outlines the applicable zoning regulations for the C1 zoning category and the compliance of the proposed application.

Regulation	C1	Proposed Application	Complies?
Minimum Lot Area	1,500sq.m.	29,062.56sq.m. (~0.27ha)	Yes
Minimum Lot Frontage	20.0m	38.71m	Yes
Front Yard Depth	N/A	6.81m	Yes
Interior Side Yard Width (Minimum)	6.0m where the yard abuts a Residential Zone	15.37m (west) – residential 4.9m (east) – commercial	Yes
Exterior Side Yard Width (Minimum)	N/A	N/A	Yes
Rear Yard Depth (Minimum)	10.0m	4.57m (existing condition)	No
Lot Coverage (Maximum)	40%	17%	Yes
Minimum Separation Distance to a Dwelling	7.5m	15.37m	Yes
Height (Maximum)	12.0m	<12m	Yes
Parking (Minimum) Industrial: Day Nursery – 1 space per 40sq.m.	Daycare – 560sq.m. = 14 parking spaces Retail Store – 210sq.m. = 9 parking spaces	24 parking spaces	Yes

Regulation	C1	Proposed Application	Complies?
Retail Store – 1 space per 25sq.m.	Total = 22.4		
Driveway Size	min. 6.0m for two-way traffic	6.67m	Yes

It is our opinion that the proposed new structure and land use is appropriate for this location. The new structure will comply with the regulations of the Zoning By-law, requesting relief for one provision due to the existing structure. The parking being provided exceeds the requirement of the Zoning By-law, as will the driveway access. The Applications are proposing to limit the range of permitted uses in order to address land use compatibility with the existing residential and daycare uses. In addition, the Owners are proposing a solid wood fence along the western property line to screen the parking area and any lighting.

Figure 2 - Excerpt, Municipality of Middlesex Centre Zoning By-law Schedule A Key Map U-07



Source: Municipality of Middlesex Centre Zoning By-law Summary

In our opinion, the Official Plan Amendment to redesignate the Site to Village Commercial and Zoning By-law Amendment Application to rezone the property to C1 are appropriate, represent good land use planning and are in the public interest.

The Applications provide the opportunity to modestly intensify the Site with an accessory retail sales component containing products complementary to the adjacent uses. There is a justified need from a market perspective and will further support the growing residential population in Ilderton.

Further, no intersection enhancements or road improvements are required, and there is a need for additional commercial/retail floor space in the Village of Ilderton, both now and in the future.

We trust the submission can be accepted and circulated for review. Should you have any questions or comments, please let us know and we would be happy to discuss further.

Kind Regards,



Caroline Baker, MCIP, RPP
Principal

c.c. Cerberus Partners Inc.