



Meeting Date: May 22, 2024

Prepared By: Marion-Frances Cabral, Planner

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-23-2024

Subject: Applications for Official Plan Amendment (OPA 63) and Zoning By-law Amendment (ZBA-18-2023) for 13339 Ilderton Road; Filed by Michael Juba, Hasan Rosanally, and Bradley Linton

Recommendation:

THAT Official Plan Amendment application (File: OPA 63), as amended, filed by Michael Juba, Hasan Rosanally, and Bradley Linton, to redesignate the land to 'Settlement Commercial' for lands known as 13339 Ilderton Road, be ADOPTED and forwarded to the County of Middlesex for consideration of approval;

AND THAT Zoning By-law Amendment application (File: ZBA-18-2023), as amended, filed by Michael Juba, Hasan Rosanally, and Bradley Linton, to rezone the lands to a new site-specific 'Village Commercial exception 20 (C1-20)' Zone, for lands known as 13339 Ilderton Road, be APPROVED.

Purpose:

This report is to provide a recommendation regarding applications for an Official Plan Amendment and Zoning By-law Amendment for land located on the south side of Ilderton Road (County Road 16) and west of Hyde Park Road (County Road 20) in Ilderton. The subject land is legally described as Concession 10 Part of Lot 25 RP 33R9311 Part 1 RP 33R19132 Part 2, geographic Township of London, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The Official Plan Amendment application requests to re-designate the lands from "Residential" to "Settlement Commercial" and the Zoning By-law Amendment application requests to rezone the subject lands from 'Institutional exception 6 (I-6)' to a new site-specific 'Village Commercial (C1)' Zone.

The effect of the amendments would permit a variety of commercial uses on the property within existing and future buildings including a retail shop, restaurant uses (dine-in and take-out), and after-school programs. Residential uses may be permitted where it is not the dominant use on the property in a mixed-use format. The site-specific zone would also address the existing rear setback of the daycare, which does not meet the standards of the 'Village Commercial (C1)' Zone. A full list of requested uses is provided later in this report.

The irregularly shaped land contains an existing building at the back of the property (southern half) which operates as a daycare. Existing low-density residential uses exist immediately to the west and on the north-side of Ilderton Road. Commercial uses exist to the east at the corner of Ilderton Road and Hyde Park Road, and community/institutional uses are located to the south. The property has a single access to Ilderton Road.

The applicant provided a preliminary site plan (Attachment 2) for a new commercial building on the north-east corner of the property and fronting onto Ilderton Road. The new building would allow the existing daycare to operate on the rear of the site, however, outdoor recreation area would be relocated. The proposed commercial building is approximately 210 m² (2, 260 ft²) in area and has 10 parking spaces along the south and west of the building, in addition to the 10 parking spaces around the existing daycare building. The entrance and driveway to the site is located adjacent to the western property line. The preliminary site plan is subject to change, and site details such as fencing, landscaping, and lighting will be refined through site plan review.

The applicant also submitted the following reports and studies to support the applications:

- Planning Justification Report (Attachment 3)
- Traffic Impact Study (Attachment 4)
- Market Impact Assessment (Attachment 5)

A Public Meeting was held on February 21, 2024. Prior to the Public Meeting Planning Staff were contacted by a few landowners and their comments are detailed below. At the Public Meeting additional comments were received from neighbouring land owners related to traffic and proximity of the commercial use to existing residential uses.

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 Ilderton 'Settlement Area' in Middlesex County's Official Plan and designated as 'Residential' within Middlesex Centre's Official Plan. The property is zoned 'Institutional exception 6 (I-6)' 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 intensity 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 1.3 – Employment directs municipalities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses and opportunities for diversification to meet long-term needs. Facilitating investment is generally completed by municipalities by identifying suitable sites for a variety of employment areas that support communities and that can be supported by current and future infrastructure.

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.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land within the Ilderton 'Settlement Area'.

Section 2.3.4 – Growth Management-Economic Development maintains a County goal to support economic activity and opportunities for residents to live and work within the County. The County Plan seeks to ensure there is a sufficient supply of employment land available throughout the County especially in areas where there is access to major arterial roads.

The County Plan also encourages municipalities to provide a balanced mix of housing and employment uses to ensure a sufficient labour force and to reduce the need for commuting.

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, institutional 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 3.2 – Settlement Areas provides additional development policies for lands within Settlement Areas. The County Plan further 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.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Ilderton Urban Settlement Area and designated 'Residential'.

Section 5.2 – Residential Areas pertain to lands designated 'Residential' within settlement areas like Ilderton. The 'Residential' designation permits a range of housing, institutional uses, municipal uses, parks or open space and group homes. The Municipality is to provide and encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements. The Municipality shall provide opportunities to increase the supply of housing through intensification while considering issues of municipal servicing capacity, transportation issues and potential environmental considerations. Specifically, the Municipality shall require that 15 percent of all development occur by way of intensification.

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. Policies for consideration include:

- a) This Plan encourages compatible scaled and designed infill developments within Village Centres, which enhance the traditional character and economic viability of such centres.
- b) Residential infill of a residential type, scale and architecture that is compatible with existing residences and neighbourhoods, is encouraged.
- c) A high quality of site design and architectural design is encouraged for new commercial, industrial and medium density residential developments, in keeping with the physical character of the settlements. Setbacks, massing, location of parking, architecture and so on will be considered carefully to promote developments compatible with existing development and character. Parking areas should be de-emphasized through appropriate placement and through well designed landscaping.
- d) A high quality of architecture and site design for institutional uses such as schools, churches and libraries is encouraged.
- e) The preservation of historical or heritage features, landscapes and buildings in the context of site design or redevelopment proposals is strongly encouraged.
- f) New buildings and development should generally be oriented to streets or parks, and should be designed and situated in harmony and in a compatible manner with adjacent structures and surrounding neighbourhood character.
- g) Development shall have regard for the Municipality's Urban Design Guidelines.

Lands designated 'Settlement Commercial' are to provide opportunities for retail, restaurants, recreational uses, personal services and offices within Settlement Areas where they do not undermine the planned function of the established Village Centres of the Municipality. New commercial development within 'Settlement Commercial' areas will be subject to the Municipality's Site Plan Manual and Urban Design Guidelines in order to reflect the traditional character of the settlement area it is in.

The 'Settlement Commercial' designation is not intended to accommodate sensitive land uses, such as residential, or more intense employment areas in order to maintain a sufficient supply of commercial uses that support an appropriate employment base.

Proposals to establish new or expand the Settlement Commercial designation should be evaluated, and such proposals will be accompanied by the following supporting documentation at a minimum:

- a) Sufficient market analysis to determine anticipated impacts on the continued health and viability, and planned function, of identified Village Centres; existing and proposed settlement commercial areas; and existing and proposed rural commercial areas within the Municipality. Such studies should also consider the implications of the application to the commercial structure, and existing commercial opportunities, within adjacent municipalities.
- b) Transportation studies showing potential transportation and parking implications of the application.
- c) Planning studies detailing implications of the application to land use and public interest issues including impacts on adjacent properties and uses; impacts on the proposed structure of land use within the Municipality; issues of physical design; and issues of general Municipal quality of life and community character.

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 Growth Management Study completed as part of the Official Plan Review identified commercial lands within Settlement Commercial areas. The Growth Management Study notes that “commercial employment growth is anticipated to be primarily accommodated

within Settlement Commercial Areas, while the Village Centres are anticipated to accommodate moderate growth through infill”. Fourteen (14) net hectares of commercial designated land is required to support projected commercial growth between 2021 and 2046 throughout the Municipality. The Municipality currently has 13 ha of vacant designated commercial lands within Komoka, Kilworth and Ilderton, which results in a 1 ha deficit of vacant commercial lands. The Growth Management Study suggests to direct additional commercial lands to Ilderton to account for the deficit.

Middlesex Centre Zoning By-law:

The subject land is currently zoned site-specific ‘Institutional exception 6 (I-6)’ and permits only permits a *day nursery* and *dwelling unit as a stand-alone use*. The regulations of the ‘Institutional (I)’ including setbacks and lot coverage apply to the land.

The requested amendment would rezone the property to a site specific ‘Village Commercial (C1-x)’ zone to reflect the new commercial building that can accommodate a number of uses including a restaurant, day nursery, and retail space. Additionally, the site-specific zone would recognize the rear yard setback for the existing building.

All proposed standards are shown in the table below and may change based on information and comments received from the public, Council, agencies and staff:

‘Village Commercial (C1)’ Zone	Proposed Site-Specific ‘Village Commercial (C1)’ Zone
Permitted Uses: Accessory use Animal clinic Bed and breakfast establishment Boarding house, rooming house, or tourist home Car wash 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 Garage, public Gas bar Hotel, motel or tavern Motor vehicle sales establishment	Permitted Uses: 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, take-out Service shop Store, convenience Store, retail

Motor vehicle service establishment Office, general or professional Parking lot Personal service establishment Place of entertainment Restaurant Restaurant, drive-thru or take-out Service shop Store, convenience Store, retail Studio	Studio
Rear Year Setback – 10 m (33 ft)	Rear Year Setback – 4.5 m (14.7 ft) for existing building

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 Regulations 543/06 and 545/06 ahead of this Public Meeting.

Public Comments:

At the time of writing this report staff did not receive any written comments from neighbouring property owners.

However, Planning Staff was contacted by a few neighbours who had concerns with the location of the commercial uses and state that it would be better suited further west closer to the Ilderton core. Additionally, neighbours raised concerns about the traffic generation and proximity to a major intersection as there are a number of driveways within proximity which creates a hazard. Additional concerns related to site development including the location of the building in the front yard and privacy/noise barriers from neighbouring residential uses.

Agency Comments:

The Municipality's Chief Building Official reviewed the requested amendments and has no objections to the requested amendments. Site Plan review will be required for new development. Additional comments will be provided during site plan review.

The Municipality's Public Works and Engineering Department did not provide comments at the time of writing this report.

The Municipality's Director of Emergency Services – Fire Chief reviewed the requested amendments and will provide more detailed comments during Site Plan review.

The Upper Thames River Conservation Authority (UTRCA) has no objections to the applications.

Analysis:

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 noted in both the current, in-effect Official Plan and Official Plan update, the commercial focus for Ilderton is located immediately to the west along the Ilderton Road corridor. Additionally, the Official Plan update proposes settlement commercial lands for a mix of commercial uses along Hyde Park Road north of Ten Mile Road. In both instances, commercial uses are not planned for the Ilderton Road and Hyde Park Road intersection.

While commercial uses are not planned, the proposed designation change and proposed use for the sight supports Municipal goals for a vibrant local economy, and livable communities.

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

The Growth Management Study prepared to support the Official Plan update concluded that additional land for commercial uses is needed in Ilderton to support short and long-term goals. The recommendation of the study was also supported by the Market Impact Assessment prepared by the applicant. Planning Staff believe that additional land is best proposed through an extension or intensification of the existing Village Centre area. However, the amendment can be justified as the proposed development clusters around an existing commercial development, and is in proximity to institutional uses and new residential growth, and is located within proximity to the intersection of two arterial roads.

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

The Provincial Policy Statement, 2020 and the County Official Plan generally support commercial development within settlement areas like Ilderton especially where there are opportunities for intensification and efficient use of land. Settlement areas and healthy communities seek an appropriate range and mix of uses, avoids development patterns that cause environmental concerns, and promotes cost-effective development patterns that optimize the use of planned and future infrastructure.

The amendment proposes to add additional commercial uses that serve the immediate community, optimizes the co-location of commercial uses, and promotes mixed-use development. The subject lands are located on a County Road and on full municipal services. Planning Staff are of the opinion that the amendment is in keeping with Provincial and County policy.

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

The amendment will facilitate commercial development on full municipal services and on an existing right-of-way. The size of the development is limited and is not expected to significantly increase demand on services and infrastructure.

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?

The lands can be adequately serviced to support the proposed development and does not require an extension of municipal servicing. Servicing details will be reviewed and confirmed through a future Site Plan Approval application.

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 to introduce commercial uses to the subject lands is expected to increased vehicular and pedestrian traffic to the site. The County Road can accommodate additional traffic, however, some improvements on and off the subject lands may be necessary to accommodate the new development. This will be evaluated through the Site Plan Approval process.

Planning Staff acknowledge that the proposed uses will alter the relationship along the Ilderton Road frontage especially between the subject lands and existing residential uses. New development on site will can be buffered and isolated with fencing and landscaping. Further, staff recommend that any new buildings be setback a minimum of 6.0 m from neighbouring land uses. This is a standard within the current "Village Centre (C1)" zone and the proposed development appears to meet this standard due to the existing driveway. Finally, staff have worked with the applicant to determine appropriate and compatible land uses for the subject lands. Intensive and incompatible uses like gas bars and parking lots. Generally Planning Staff are satisfied with the request of permitted uses but recommend further refinement to mitigate impact. Planning Staff recommend that the following uses be removed from the requested site-specific zone: *hotel, motel or tavern; service shop, and place of entertainment.*

The amendment is not expected to impact cultural heritage, or natural heritage and environmental features.

It is noted by Planning Staff that the focus for new commercial development should be directed towards the Village Centre designation along Ilderton Road so that new commercial areas or nodes do not negatively affect its planned function as a pedestrian-oriented commercial core. Planning Staff believe that the subject land is likely to draw demand for commercial uses due to the existing non-residential use on the site and growing residential community, and proximity to a high-traffic (pedestrian and vehicular) commercial corner and nearby community and institutional uses.

Planning Staff also reviewed the request to reduce the minimum rear yard setback to 4.5 m to recognize the setback to the existing building. Staff generally do not have concerns with this proposal as the subject lands abut a community park. However, Planning Staff recommend that the requested rear yard setback be applied to the existing building only and that new development adhere to the required 10m setback.

As mentioned, Planning Staff recommend amending the requested site-specific “Village Commercial” zone to increase compatibility with the surrounding residential community. Planning Staff recommend that the new site-specific “Village Commercial exception 20 (C1-20)” zone be approved to permit the following uses:

Permitted Uses:

- 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
- Personal service establishment
- Restaurant
- Restaurant, take-out
- Store, convenience
- Store, retail
- Studio

The Official Plan Amendment and Zoning By-law Amendment applications were reviewed against the policies of the PPS, 2020, the County Official Plan, and the Middlesex Centre Official Plan. Planning Staff recommended that the Official Plan Amendment be adopted and forwarded to the County for approval, and that the Zoning By-law, as amended, be approved as the proposal is consistent with the PPS, 2020 and conforms to the County Official Plan and the Middlesex Centre Official Plan.

This opinion is provided with 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:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Vibrant Local Economy

Attachments:

Attachment 1 – Location Map

Attachment 2 – Preliminary Site Plan

Attachment 3 – Planning Justification Report

Attachment 4 – Traffic Impact Study

Attachment 5 – Market Impact Assessment

Attachment 6 – Preliminary Official Plan Amendment