



Meeting Date: October 16, 2024

Prepared By: Marion-Frances Ramos Cabral, Planner

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Report No: PLA-51-2024

Subject: Application for Zoning By-law Amendment (ZBA-10-2024) for 13181 Ilderton Road; Filed by Siv-ik Planning & Design on behalf of James and Joanne Kelly

Recommendation:

THAT Zoning By-law Amendment application, as amended, (ZBA-10-2024) filed by Siv-ik Planning & Design on behalf of James and Joanne Kelly to rezone a part of the land at 13181 Ilderton Road from 'Existing Use (EU)' to "Urban Residential Third Density exception 28 (UR3-28)" for medium density residential development be APPROVED;

AND THAT holding symbol (h-2) be applied to the lands zoned "Urban Residential Third Density exception 28 (UR3-28)" to require a site plan agreement be entered into with the Corporation of the affect lands, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding the proposed Zoning By-law Amendment for 13181 Ilderton Road in Ilderton.

The applicant requests to rezone the southern portion of the lands to a new site-specific 'Urban Residential third Density (UR3-28)' zone to permit 26 townhouse dwelling units. A small portion of the land with an existing house that fronts onto Ilderton Road is not affected by Zoning By-law Amendment application.

A location map is included as Attachment 1.

Background:

The subject property is located within the Ilderton Settlement Area. The property is irregularly shaped and is connected to the western end of George Street (frontage) and south-side of Ilderton Road (County Road 16). It is legally described as Concession 10 S Part Lot 26 RP 33R4848 Part of Part 1.

The subject property contains an existing single detached dwelling and accessory buildings. As a result of the rezoning application and proposed development plan, the existing dwelling and detached garage will remain on the property and have direct access to Ilderton Road. The accessory buildings in the southern portion of the site will be removed to accommodate development. Residential lands abut the subject property to the west, south and east, and commercial uses, recreational uses, and residential uses exist to the north.

The entire property is approximately 0.96 ha (2.32 ac) with a frontage of 20.2 m (66.2 ft) on George Street and 33.2 m (109 ft) on Ilderton Road. The site subject to the rezoning application and development proposal is 0.79 ha (1.95 ac) in area and maintains the frontage to George Street only.

Proposal:

The applicant requests to rezone the lands from the 'Existing Use (EU)' zone to a new site-specific 'Urban Residential Third Density exception 28 (UR3-28)' zone to a townhouse development. A summary of the proposal is as follows:

- One access to the subject site from George Street. No vehicular access is proposed from Ilderton Road.
- Internal private roads that connect to a singular driveway to George Street
- 26 townhouse dwelling units are proposed to front onto new private roads
- Each townhouse unit is proposed to be 2-storeys in height
- Each unit has private amenity space and patio in the rear yard
- No communal amenity space is proposed
- 2 parking spaces per unit (52 residence stalls) and 7 visitor parking spaces are provided. No on-street parking is proposed
- 1 sidewalk is proposed connecting the proposed development to the south side of George Street.
- A communal mailbox will be placed on-site – location to be determined in consultation with Canada Post.

Details of the development plan are subject to change through the Site Plan Approval process. This includes as the development plan, placement and type of fencing, landscaping, communal features, visitor parking, sidewalks, signage, and snow storage.

A Planning and Design Brief, Conceptual Plan are provided as Attachment 2 and Attachment 3, respectively. Additionally, 3-D renderings of the conceptual plan are included as Attachment 4.

The proponent and their agent held a virtual Community Information Session on February 1, 2024. At this meeting, the proponent sought feedback on the development of the site including the Ilderton Road frontage, and what would be compatible with the surrounding development. Basic design principles were discussed including maximum height of the development, intensification and proposed uses. Additional comments made by the public include access to a private park on-site, increased traffic along George Street and King Street, and impacts on neighbouring properties (including grading and drainage, privacy, fencing, and landscaping).

A Public Meeting was held on September 18, 2024. Planning Staff presented the staff report to Council and solicited feedback from the public and Council members. Planning Staff also identified that there is support for the application, however, a few outstanding issues need to be addressed and recommended that the staff report be received for information until the final matters were resolved.

Policy Regulation:

The Middlesex County Official Plan identifies Ilderton as an Settlement Area and defers to municipal official plans to delineate the boundaries of the settlement area. The lands are within the Ilderton Urban Settlement Area and are designated as 'Residential' within Middlesex Centre's Official Plan. Further, the property is currently zoned 'Existing Use (EU)' within the Middlesex Centre's Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the lands.

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:

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety.

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 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 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 1.1.3 – 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 densities and land uses, and there are opportunities for intensification and redevelopment. 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 1.4 - Housing speaks to the provision of housing within a municipality. The PPS promotes an appropriate range and mix of housing types and densities and directs development of new housing towards areas where there is an appropriate level of infrastructure. Municipalities are to provide opportunities for all forms of housing and intensification to meet the social, health and well-being needs of the current and future community.

In support of healthy and active communities section 1.5 – Public Spaces, Recreation, Trails and Open Space promotes planning public street networks that foster social interaction and active transportation. Additionally, it recognizes the need for a full range of publicly-accessible recreational space such as trails and parklands.

Sections 1.6 – Infrastructure and Public Service Facilities directs that infrastructure and be provided in an efficient manner that also prepares for the impacts of a changing climate. Section 1.6.2 directs municipalities to promote green infrastructure to complement existing infrastructure such as permeable surfaces, green roofs, and street trees.

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. Municipal sewage and water services are the preferred form of servicing for settlement areas.

Section 1.6.6.7 promotes planning for stormwater management that 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; and uses best practices, vegetation, and pervious surfaces as part of an effective stormwater management system.

Section 1.6.7 – Transportation Systems directs transportation and land use coordination to be considered at all stages of the planning process. Transportation networks should be safe, energy efficient and facilitate the movement of people and goods. Efficient development patterns, and a mix of uses and densities should also be promoted to minimize the number of vehicle trips and support active transportation.

Middlesex County's Official Plan:

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

Section 2.3.8 – Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including residential uses. These areas are intended to have a wide range of land uses and full municipal servicing in conjunction with 2.4.5 of the County Plan. Additionally, Section 2.3.7 – Housing Policies encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents. The County supports intensification and redevelopment within Settlement Areas where there is an appropriate level of physical services.

Section 2.4.2.2 – Transportation Hierarchy – General Policies guides new development to minimize conflict and impact on the County Road network and work with local roads to improve traffic flow. For new residential development, the County requires a minimum of two access points to the existing road network. Exceptions to this policy shall be considered if the proposed street pattern is approved by the local Municipality, emergency service provider(s) and the County Engineer, where applicable.

Section 3.2.4 – Urban Areas provides additional development policies for lands within Urban Settlement Areas. The County Plan further supports that Urban Settlement Areas should permit a variety of using including all forms of housing types and other specific land uses that reflect the needs and character of the Urban Area.

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.

Section 4.5.3.3. – Settlement Areas provides guidance on how the division of land within Settlement Areas represents infilling where the proposed lots are compatible with the surrounding areas and that the approval would not hinder future development.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) designates the subject property as 'Village Centre' and 'Residential' within the Ilderton Urban Settlement Area on Schedule A-1. Specifically, the land subject to the Zoning By-law Amendment is designated 'Residential'.

Section 5.2 – Residential Areas pertains to lands designated 'Residential' within Settlement Areas. The Official Plan encourages a variety of housing types, sizes and tenures to meet demographic and market requirements for current and future residents. This includes supporting opportunities for intensification where there is sufficient municipal service capacity and transportation networks, and consideration of the environment. New development should reflect a high quality of residential and neighbourhood design that is sustainable and oriented to pedestrians.

The 'Residential' designation permits all residential dwelling types such as single detached, semi-detached, townhouses, duplex, triplex, fourplex and low-medium rise apartments. Additionally, this designation may permit complementary uses such as institutional uses such as schools or churches, municipal uses, and parks and open space.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas provides additional direction for the development of multiple dwelling units such as townhouse dwelling units and semi-detached dwelling units. New development shall be subject to the following policies:

- a) Locations should be proximate to adequate open space or park areas, schools, or Village Centre areas where possible.
- b) Densities proposed should be generally compatible with adjacent densities when proposed adjacent to or within existing residential areas.
- c) For apartment dwellings, locations should be in close proximity to a major roadway, or roadway suitable for carrying higher than average volumes of traffic.
- d) The excessive clustering of multiple dwellings shall be avoided, and a general integration and distribution of such uses at appropriate locations within neighbourhoods to settlements is encouraged.
- e) Notwithstanding Subsection (d) above, the siting of multiple dwellings adjacent to or in close proximity to Village Centres, is encouraged.
- f) Townhouses and apartments shall be subject to the site plan approval requirements of Section 41 of the Planning Act, and Section 10.5 of this Plan and having regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

Section 9.3 – Municipal Infrastructure and Services Policies states that the Ilderton Settlement Area has full municipal water and is generally serviced by municipal sanitary sewer systems. The Official Plan contemplates that future development within settlement areas are serviced by full municipal services.

Middlesex Centre Zoning By-law:

The subject property is currently zoned 'Existing Use (EU)'. The 'Existing Use (EU)' zone generally applies to undeveloped lands located in settlement areas, villages and hamlets of the Municipality. The zone does not permit any new buildings or structures to be erected, used or altered, and requires a Zoning By-law Amendment to permit any new development. The amendment would rezone the lands to a site-specific 'Urban Residential Third Density (UR3)' zone.

The following table provides additional details regarding the requested site-specific 'Urban Residential Third Density (UR3)' zone. The underlined standards in the left column identify where the proponent does not currently meet the general 'Urban Residential Third Density (UR3)' zone and will need to be addressed in the site-specific zone.

	UR3 Zone	Proposed Development
Permitted Uses	Accessory Use Apartment Dwelling Multiple Unit Dwelling Street Townhouse Dwelling Townhouse Dwelling	Accessory Use Townhouse Dwelling
Minimum Lot Area	250.0 m ² (2, 691 ft ²) for Townhouse Dwelling	303.8 m ² (3, 270.1 ft ²) per Townhouse Dwelling unit 0.79 ha (1.95 ac) for entire site
<u>Minimum Lot Frontage</u>	30.0 m (98 ft.) for Townhouse Dwelling	20.0 m (65.6 ft) for entire site
Minimum Lot Depth	35.0 m (115 ft.)	87 m (285.4 ft) for entire site
<u>Minimum Front Yard Setback</u>	6.0 m (20 ft.)	1.8 metres (5.9 feet) when the side of a building faces the lot line or 6.0 metres (19.7 ft.) when the rear side of the building faces the lot line
<u>Minimum Side Yard Setback</u>	3.0 m (10 ft.) on an interior lot 6.0 m (20 ft.) on the side abutting a street 3.0 m (10 ft.) on the other side on a corner lot No side yard setback required between common	(Northern, Southern & Eastern property lines) 1.8 metres (5.9 feet) when the side of a building faces the lot line or 6.0 metres (19.7 ft.) when the rear side of the building faces the lot line.

	UR3 Zone	Proposed Development
	wall dividing individual dwelling units	
<u>Minimum Rear Yard Setback</u>	8.0 m (26 ft.)	(Western property line) 3.0 metres (10ft) when the side of a building faces the lot line or 6.0 metres (19.7ft.) when the rear side of the building faces the lot line.
Minimum Floor Area	65.0 m ² (700 ft ²) per Townhouse Dwelling unit	65.0 m ² (700 ft ²) per Townhouse Dwelling unit
Maximum Height	20.0 m (66 ft)	9.0 m (29.5 ft)
<u>Maximum Density</u>	30 units per hectare	35 units per hectare
Minimum Outdoor Amenity Area	45.0 m ² (484 ft ²) per dwelling unit	97.0 m ² (1,044 ft ²) per dwelling unit
Maximum Lot Coverage	35% for the main use 38% for all buildings including accessory buildings	32% for the main use
Parking Spaces	1.5 spaces per Townhouse dwelling unit	2 spaces per Townhouse Dwelling Unit
Visitor Parking	-	7 spaces

Consultation:

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

Public Comments:

Prior to this public meeting, staff did not receive comments from area residents. However, planning staff is aware and in consideration of comments provided during the Community Information Session.

Agency Comments:

At the time of writing the subject report, the following comments were received:

The Municipality's Chief Building Official reviewed the application and has no concerns with the rezoning application. Detailed comments will be provided through site plan review.

The Municipality's Public Works and Engineering Department reviewed the application and has no concerns with the rezoning application. Detailed comments will be provided through site plan review.

The Municipality's Fire Chief reviewed the application and has no objection at this time. Detailed comments will be provided through site plan review.

The County Engineer reviewed the application and has no concerns from a County roads perspective.

For emergency response for a single access development, the County of Middlesex would require that any underground utilities NOT be installed under the travelled portion of the road extension of George Street such that any future maintenance or replacement of such services does not inadvertently isolate the residents of this development from access to emergency response services (i.e. fire, police and/or ambulance).

Canada Post has not provided comments at the time of writing this report.

Hydro One has not provided comments at the time of writing this report.

Thames Valley District School Board has no concerns with the proposed amendment.

Analysis:

The requested Zoning By-law Amendment is generally supported by policies of the PPS, 2020 and County Plan where there is support for infill development, a mixture of residential types and tenures, and housing options for different demographics.

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. The Official Plan encourages a variety of housing types and tenures that meet the needs of current and future residents. The proposed townhouse development one of the few townhouse developments within the Ilderton area and in proximity to the village centre area. As such, the proposed development provides housing options within Ilderton to meet the needs of current and future residents.

Additionally, the 'Residential' designation in the Official Plan permits a variety of residential dwelling types such as semi-detached, townhouses, duplex, triplex, fourplex and low-medium rise apartments. The proposed amendment seeks to permit townhouses dwellings and an increase in density that is compatible with surrounding development.

The Official Plan also contemplates that future development within settlement areas are serviced by full municipal services. The proposed development will have full municipal servicing.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas provides additional direction when considering medium density development including townhouses, and are addressed below:

- a) **Locations should be proximate to adequate open space or park areas, schools, or Village Centre areas where possible.**

The Zoning By-law Amendment will locate medium density residential development within proximity to the Village Centre located on Ilderton Road. Additionally, the subject property is located nearby to the Ilderton Community Centre and Arena, Junction Rail Trail, and within proximity to parks and open spaces that are planned within future phases of the Timberwalk subdivision.

- b) **Densities proposed should be generally compatible with adjacent densities when proposed adjacent to or within existing residential areas.**

The requested Zoning By-law Amendment on the subject land addresses several zoning standards to accommodate the proposed development and promote the efficient use of land. The proposed site plan results in a slightly higher density development than the existing neighbourhood at 33 units per hectare, however, it is limited to 26 units and abuts a similar medium density development to the south.

The proposed setbacks, orientation of the buildings, and screening measures will also be addressed to mitigate any impacts to the existing single detached dwellings that abut east and west.

- c) For apartment dwellings, locations should be in close proximity to a major roadway, or roadway suitable for carrying higher than average volume of traffic.**

Apartment dwellings are not proposed by the applicant.

- d) The excessive clustering of multiple dwellings shall be avoided, and a general integration and distribution of such uses at appropriate locations within neighbourhoods or settlements is encouraged.**

The subject land is located within an existing community and surrounded by lower-density development. As such clustering of multiple dwelling developments are avoided.

- e) Notwithstanding Subsection d) above, the siting of multiple dwellings adjacent to or in close proximity to Village Centres, is encouraged.**

The subject lands are within proximity to the Village Centre in Ilderton.

- f) Townhouses and apartments shall be subject to the site plan approval requirements of Section 41 of the Planning Act, and Section 10.5 of this Plan and having regard for the Municipality's Site plan Manual and Urban Design Guidelines.**

The proposed development is subject to site plan approval in accordance with Section 10.5 – Site Plan Control of the Official Plan, and will have regard to the site plan manual and urban design guidelines.

In addition to the assessment above, planning staff raise attention to a few matters that related to the development proposal and site plan application that may affect the overall design of the site.

The agent advise that the proposal development may be completed in the form of a vacant land condominium. The Zoning By-law considers vacant land condominiums in the same manner as a plan of subdivision with freehold lots – in essence, the zoning provisions are considered on a per lot basis. As such, zoning provisions that apply to “cluster” townhouse dwellings in a leased development or a standard condominium development could not apply to a vacant land condominium development even though overall development plan are same. To rectify this interpretation of the Zoning By-law, Planning Staff recommend adding a clause to the site-specific zone that would allow the development of a vacant land condominium to have the same zoning provisions as a cluster townhouse development. This approach has been used in other townhouse developments within Middlesex Centre and is appropriate for this style of development.

Planning Staff reviewed the requested site-specific provisions for the reduction of the Minimum Lot Frontage of 20 m (from 30 m) and increased density from 30 UPH to 35 UPH. Planning Staff find these are appropriate modifications to the site-specific zone as the impact of these site-specific provisions are minimal.

Similarly, the requested reduction in the side-yard setback to the southern property line abutting an existing townhouse development was determined to be appropriate due to the development plan of the neighbouring community. The yards of the proposed townhouse units would face an internal road network and side yards of the abutting development. As such, the reduction would not significantly impact the neighbouring properties.

Planning Staff identified concerns with the proposed setback to the rear lot line (western property line) which abuts existing low density uses along Timberwalk Trail. Planning Staff suggest an increased setback regardless of the orientation of the townhouse dwelling as a result of privacy concerns and to provide an appropriately sized yard for the proposed townhouse dwellings. After discussions with the proponent following the Public Meeting, Planning Staff can support a 6.0 m setback for all dwelling units or 4.0 m in situations when the side of the building faces the lot line and contains no windows to habitable rooms.

Similarly, Planning Staff reviewed the proposed setbacks to side lot lines that abut commercial zones to the north of the subject lands. Planning Staff recommend a minimum interior side yard setback of 3.0 m (10 feet) the side of a building faces the lot line instead of the requested 1.8 m (5.9 ft). This is to increase separation between the proposed residential use and potential commercial or higher density residential uses that can be established on the properties to the north.

After reviewing the concept plan, Planning Staff identified some concerns with the proposed setback of 0.0 m from the Exterior Side Yard where it abuts George Street. The proponent suggested a minimum setback of 0.6 m instead of 6.0 m required by the Zoning By-law. Municipal staff are generally supportive of the setback since George Street will not be a through street, the buildings will not be within proximity to neighbouring dwellings, and the setback is limited to a small portion of the development.

Planning Staff also recommend the following addition for clarity, and it is not expected to impact the development plan. Specifically, Planning Staff propose a 0.0 m setback where there are shared walls between units and a 6.0 m front yard setback to any public or private road.

Finally, Planning Staff recommend placing a Hold Symbol (h-2) on the lands until a site plan agreement is executed.

To summarize, Planning Staff recommend the following site-specific zone standards:

- Minimum Front Yard Setback 6.0 m (19.7 ft) to a public street or private, internal road

- Minimum Rear Yard Setback 6.0 m (19.7 ft) or 4.0 m (13.1 ft) when the side of the building faces the lot line and contains no windows to bedrooms

- Minimum Interior Side Yard Setback setback when abutting a commercial zone (northern property lines)
 - 6.0 m (19.7 ft) from the lot line or 3.0 m (9.84 ft) when the side of a building faces the lot line; 0.0 m (0.0 ft) between the common wall dividing individual townhouse dwelling units

 - setback when abutting residential zones (eastern and southern property lines)
 - 6.0 m (19.7 ft) from the lot line or 1.8 m (5.9 ft) when the side of a building faces the lot line; 0.0 m (0.0 ft) between the common wall dividing individual townhouse dwelling units

- Minimum Exterior Side Yard Setback 0.6 m (1.9 ft) to the lot lines abutting George Street

- Notwithstanding the definition of “LOT”, the entire area zoned UR3-28 is considered a “Lot”, and despite any future severance, partition, or division of the lot within a condominium plan, the provisions of this By-law shall apply to the whole of the zone as if no severance, partition or division had occurred.

- Holding Symbol (h-2) The precondition for the removal of the “(h-2)” holding symbol shall be that a site plan agreement has been entered into with the Corporation for the affected lands.

Given the above, Planning Staff determined that the requested Zoning By-law Amendment, as amended by staff, is appropriate for the subject lands and recommends approval of rezoning the lands to a new site-specific “Urban Residential exception 28 with Hold (UR3-28) (h-2)” zone. Planning Staff determined that the Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan, Middlesex Centre’s Official Plan, and Middlesex Centre’s Zoning By-law.

This opinion is provided with the benefit of a public meeting and 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:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Planning and Design Brief

Attachment 3 – Conceptual Plan

Attachment 4 – 3-D Renderings