



Meeting Date: September 18, 2024

Prepared By: Marion-Frances Ramos Cabral, Planner

Submitted by: Marion-Frances Ramos Cabral, Planner

Report No: PLA-48-2024

Subject: Applications for Plan of Subdivision (39T-MC0204) and Zoning By-law Amendment (ZBA 2017); Filed by Scott Allen (MHBC Plan) on behalf of Springer Pond Developments Inc.; 45 Springer Street

Recommendation:

THAT the Zoning By-law Amendment application (ZBA-2017), to rezone the subject property from the 'Urban Residential First Density exception 3 (UR1-3)' Zone to the 'Urban Residential First Density exception 47 (UR1-47)' Zone for the land legally described as Concession 2 Part Lot 5 (former Township of Lobo) Municipality of Middlesex Centre, and known municipally as 45 Springer Street, be APPROVED.

AND THAT holding symbol (h-1) be applied to the lands zoned "Urban Residential First Density exception 47 (UR1-47)" to require a subdivision agreement to be entered into with the Corporation of the affected lands, be APPROVED.

AND FURTHER THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for the land known legally as Concession 2 Part Lot 5 (former Township of Lobo) Municipality of Middlesex Centre, and known municipally as 45 Springer Street, County File No. 39T-MC0204, subject to the draft plan conditions appended to the Middlesex Centre report PLA-48-2024, and subject to a three (3) year lapse period.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a Plan of Subdivision and Zoning By-law Amendment for a property located on the east side of Springer Street and north of Glendon Drive (County Road 14) in Komoka known legally as Concession 2 Part Lot 5 and municipally as 45 Springer Street.

A location map is included as Attachment 1.

Background:

The lands are approximately 6.82 ha (16.8 ac) in area and has frontage on Glendon Drive, Springer Street and Queen Street. The proposed plan of subdivision application is only applicable to an area of 0.95 ha (2.34 ac) with 207.58 m (681 ft) of frontage on Springer Street. The lands are surrounded by residential uses to the east, north and west. Ponds and a parks and recreational areas are located on the south side of Glendon Drive.

The land is currently designated 'Residential' and designated 'Settlement Commercial' for the lands abutting Glendon Drive in the Komoka-Kilworth Urban Settlement Area & Secondary Plan. The pond in the centre of the lands consume a majority of the lands and is considered Hazard Lands. The property is split zoned 'Urban Residential First Density exception 3 (UR1-3)' and 'Existing Use (EU)'. The 'Existing Use (EU)' zone is only applicable to the lands abutting Glendon Drive. A majority of the lands are regulated by the Upper Thames River Conservation Authority.

The owner submitted a draft plan of subdivision application in 2002 (County of Middlesex File No. 39T-MC0204) for the purposes of creating lots for single-detached dwellings on the east side of Springer Street and the west side of Queen Street in Komoka. The proposal also included the creation of future development blocks on the north side of Glendon Drive (County Road 14). Since this time, the applicant withdrew the subdivision proposal for that portion of the property along Queen Street and Glendon Drive (County Road 14) and is pursuing development approvals for land along Springer Street only.

The applications were before Council at a public meeting in January 2017 and October 2021. A summary of the comments is located below in the report. At this meeting Council directed staff to prepare a report recommended draft plan conditions for the proposed development of 8 lots for single-detached dwelling units and 2 lots for semi-detached dwelling units along Springer Street as proposed by Springer Pond Developments, Inc., and that it be presented for Council's consideration. Additionally, Council recommended that the zoning by-law be revised for consideration of approval following the delineation of an appropriate setback from the pond in consultation with the Upper Thames River Conservation Authority.

Since the last public meeting in October 2021, the applicant has revised the applications after discussions with Building Staff related to the existing single detached dwelling on the property. The initial plan proposed the single detached dwelling to be divided into a semi-detached dwelling on 2 separate lots (previously Lots 9 and 10). The revised plan proposed minor changes related to the existing dwelling. As such, the purpose and effect of the draft plan of subdivision application is to facilitate the development of 8 lots for single-detached dwellings (shown as Lots 1-8 on the attached draft plan of subdivision) and 1 block that contains the existing single detached dwelling (Block 9).

Lots 1-8 proposes lot frontages of 21.4 m (70.2 ft) and lot areas of 978.4 m² (0.24 ac).

Block 9 proposes a frontage of 36.37 m (119.3 ft) and an area of 1,662.8 m² (0.41 ac). The oversized block allows the property to contain the existing single detached dwelling and allow flexibility to redevelop it in the future for another single detached dwelling or subdivided and consolidated with adjacent land to the south.

All lots will front onto Springer Street and, therefore, no internal roads or parks and open spaces are proposed. Stormwater runoff will outlet into the existing pond to the east of the subject lands until a future connection a storm sewer system along Glendon Drive is provided.

The proposed draft plan of subdivision is included in Attachment 2.

The applicant applied for a zoning by-law amendment in 2017 and has since been revised to reflect the revised subdivision plan. The purpose of the zoning by-law amendment is to rezone the subject land from the site-specific 'Urban Residential First Density (UR1-3)' zone to a new site-specific 'Urban Residential First Density (UR1-47)' zone in order to permit the development of Lots 1-8 and Block 9 with single detached dwellings. The site-specific zone would address the minimum lot frontage, lot size, and front and rear yard setbacks.

The applicant submitted a number of supporting documents to the County and Municipality for review. This includes: Planning Justification Report; Geotechnical Assessment; Slope Stability Assessment; Conceptual Engineering Report; Hydrogeological Assessment; Local Survey of Potable Wells; preliminary Lot Grading Plan. Additionally, the Municipality initiated peer reviews of the geotechnical and hydrogeological studies.

Policy Regulation:

The Middlesex County Official Plan identifies Komoka as a settlement area and defers to municipal official plans to delineate the boundaries of the settlement area. The subject property is within the Komoka Settlement Area and is designated as 'Residential' and 'Settlement Commercial', and contains Hazard Lands within Middlesex Centre's Official Plan. The subject property is currently zoned 'Urban Residential First Density exception 3 (UR1-3)' and '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/municipalities "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.

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.

Section 3.1 – Natural Hazards directs development outside of hazardous lands adjacent to a river, stream and small inland lake systems that are impacted by flooding or erosion hazards.

Section 3.2. – Human Made Hazards states that development on former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject property as within the Komoka '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 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 uses 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 lands as 'Residential' and 'Settlement Commercial' within the Komoka Settlement Area on Schedule A-2: Komoka-Kilworth Urban Settlement Area & Secondary Plan and contains an Hazard Lands overlay on the pond.

Section 5.2 – Residential Areas pertain to lands designated 'Residential' within settlement areas like the Komoka-Kilworth area. 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.

Residential development should also reflect a high quality of residential and neighbourhood design and have regard for the Municipality's Site Plan Manual and Urban Design Guidelines. This includes promoting a development that is designed to be sustainable and support public transit and oriented to pedestrians.

The Municipality shall also encourage housing accessible to lower and moderate income households. In this regard the County of Middlesex through its Official Plan will require that 20 percent of all housing be affordable.

Further, on Schedule A-2 identifies Hazard Lands on the subject land. This can include flood plain, flood prone areas, or slope hazards as mapped and/or regulated by a conservation authority. Additional study may be required to demonstrate that development or site alteration will not increase risk to life and property, and there will be no impact on flooding, slope stability, upstream or downstream properties, aggravation of existing natural hazard processes, or natural features or functions.

Section 5.7.4 – Komoka-Kilworth Residential Area Policies summarized below apply to lands designated 'Residential' and 'Medium Density Residential' in Schedule A-2 of the Official Plan.

The types of housing, density of development and targeted mix within the Residential designation on Schedule A-2 are as follows:

Use	Housing Mix Targets	Net Density (units per ha)
Low density residential (e.g. singles, semis)	60%	Less than 20
Medium density residential (e.g. townhouses)	40%	20 to 50

The net density refers to the land area to be used for housing as well as the abutting local streets, but does not include major streets and other residentially associated land uses. Notwithstanding the housing mix targets and net density provisions, multiple dwellings shall be permitted in the Residential designation in accordance with Section 5.2.3 – Policies for Multiple Unit Dwellings in Residential Areas.

Further, all residential development shall ensure appropriate orientation and massing of residential buildings to provide adequate private and public open spaces and to facilitate the penetration of sunlight into these spaces.

In addition to compliance with the urban design guidelines, private garages for residential development shall not project into the front yard than the habitable portion of the building or porch on the main floor in order to limit visual and streetscape impacts of garages.

Section 5.7.11 – Komoka-Kilworth Servicing Policies identify that all land use and development proposals require full municipal services. This includes sanitary sewage collection and treatment, stormwater management and water distribution.

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. High quality site design and architectural design is encouraged for new medium density residential development. Setbacks, massing, location of parking, architecture and other design elements will be carefully reviewed to ensure new development is in keeping with the character of the neighbourhood.

Section 8.4 – Parks and Recreation Policies requires the municipality to receive 5% of lands to be developed or redeveloped for residential purposes be conveyed for public park or recreational purposes. Alternatively, at the Municipality's discretion, a parkland dedication may be required at a rate of one hectare for each 300 dwelling units proposed in the context of a plan of subdivision application. In the case of such parkland dedications, lands to be conveyed shall be of adequate size, dimension, drainage and grading for their intended recreational use, and will be of an appropriate size and shape to meet the needs and goals of the Municipality.

Stormwater detention areas and drains in this Plan shall not be accepted in fulfilment of this requirement, however, they may be accepted as an adjunct to a functional park area.

Connecting walkways and pedestrian grade separations, sidewalks and protective buffer areas between conflicting land uses shall not be considered as a portion of a parkland dedication.

Council may, at its discretion, accept payments of cash-in-lieu of parkland dedication in cases where park and recreational facility sites in the vicinity of the lands to be developed are adequate for present and future needs, or where parklands of adequate size could not be achieved, even in combination with adjoining lands. Cash-in-lieu of parkland payments shall be placed in a separate account and used for the acquisition or development of parkland within the Municipality.

Section 9.3 – Municipal Infrastructure and Services Policies identify that primary municipal services (water supply, sewage disposal and stormwater management) are present in Komoka. It is the policy of the Official Plan that future development in settlement areas proceed on the basis of full municipal services which is consistent with the Provincial Policy Statement, 2020 and County Official Plan policies for servicing.

Middlesex Centre Zoning By-law:

The subject land is split-zoned ‘Urban Residential First Density exception 3 (UR1-3)’ and ‘Existing Use (EU)’ within Middlesex Centre’s Comprehensive Zoning By-law.

The application to amend the zoning by-law does not affect the lands zoned ‘Existing Use (EU)’ which front onto Glendon Drive. The application seeks to create a new site-specific ‘Urban Residential First Density (UR1-47)’ zone for Lots 1-8 and Block 9.

The proposed zoning standards in the current and proposed zones are shown in the table below. The underlined provisions represent site-specific exceptions in the UR1-47 Zone.

	Current UR1-3 zone	Proposed UR1-47 zone
Permitted Uses	Accessory Use Home Occupation Single Detached Dwelling Unit	Accessory Use Home Occupation Single Detached Dwelling Unit
<u>Minimum Lot Area</u>	930.0 m ² (0.23 ac)	900.0 m ² (0.22 ac)
<u>Minimum Lot Frontage</u>	24.0 m (79 ft)	21.0m (68 ft)
<u>Minimum Front Yard Setback</u>	8.0 m (26 ft)	6.0 m (19.7 ft)
Minimum Side Yard Setback - Interior	3.0 m (10 ft)	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side
<u>Minimum Rear Yard Setback</u>	8.0 m (26 ft)	10.0 m (32.8 ft)
Maximum Lot Coverage	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%
Minimum Floor Area	90.0 m ² (969 ft ²)	90.0 m ² (969 ft ²)
Maximum Height	12.0 m (39.4 ft)	12.0 m (39.4 ft)

Consultation:

Notice of the application was previously circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

Prior to the public meeting in January 2017 and October 2021 staff received the following written and verbal comments from area residents:

- Concern about the semi-detached dwellings building form and compatibility with surrounding community
- Conversion of present structure to semi-detached home – including parking, existing neighbourhood, precedent for more semi-detached
- Construction related to infrastructure and road works
- Request for a traffic study to be completed
- Number and size of lots
- Impact on aquifer of fill, longer term water quality monitoring, impact on hydrostatic flows and water levels
- Pond – use by new residents, existing residents, water quality, wildlife
- Water displacement from filling pond
- Filling of lots 1-3 will affect private properties
- Loss of trees
- Devaluation of properties
- Uniqueness of location will be destroyed
- Soil stability
- Installation of sewer and water will affect neighbouring properties
- Concern of property damage to other residents in the community
- Excavation of Springer Street for sewers
- Final road surface between Erie and Thames Streets
- Request deferral until additional documentation received
- Environmental impact assessment
- Age of geotechnical report – 1998
- Infrastructure upgrades
- Shore erosion/mitigation responsibilities
- Property maintenance consistency
- Ownership liability of the pond
- Engineering report regarding the separation of the existing residence due to pile driven foundation
- Establishment of a fund to compensate neighbouring properties in the event of water or liability related issues
- Concern with future phasing
- Concerns with access to pond and land stability for abutting properties

Agency Comments:

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

The Municipality's Chief Building Official has reviewed the applications and is satisfied that the existing house will not be further subdivided into two units on separate lots.

The Municipality's Public Works and Engineering Department has been working with the proponent to address outstanding concerns related to the stability of the shoreline and long-term maintenance of the pond. Special conditions of approval also address funding the reconstruction of Springer Street in Komoka (the proponent shall fund 50% of the costs to reconstruct Springer Street in Komoka along the entire property frontage to the Municipality's satisfaction), and funding 100% of the cost to install the required sanitary and storm sewers complete with the required individual private drain connections, sidewalks and street lighting fronting the subject property.

Canada Post reviewed the proposal in 2017 and provided the following comments: Canada post will provide mail delivery service to the subdivision through centralized Community Mail Boxes. The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes and agrees to display a map on the wall of the sales office to indicate the location of Community Mail Boxes to prospective buyers. The developer must agree to provide a walkway, curb depression for wheelchair access and a concrete pad to the satisfaction of the Municipality and Canada Post.

County of Middlesex – County Engineer reviewed the current submission in 2020 and advised that there are turning lanes at the intersection of Springer Street and Glendon Drive which is sufficient to handle the extra development.

Upper Thames River Conservation Authority reviewed the applications, and slope stability, hydrogeological and geotechnical reports provided by the applicant. The UTRCA is satisfied with the reports and will require permits at the time of development. The UTRCA has also requested to review the stormwater management plan prior to final approval of the plan of subdivision.

UTRCA also requested that the remnant lands are appropriately designated and zoned to recognize the abandonment of the previous development plan across the whole parcel. The UTRCA would recommend that these undeveloped lands (Queen St) be placed into the Existing Use (EU) zone classification, consistent with the existing zoning fronting Glendon Drive and on the east side of Queen St. Accordingly, provided the proposed draft Plan of Subdivision is endorsed by staff and Council, upon favourable geotechnical and hydrogeological support, the UTRCA would recommend a condition limiting development to the lots fronting Springer Street, as outlined in the amended Plan.

Analysis:

To consider the appropriateness of the requested Zoning By-law Amendment and Plan of Subdivision, the applications must conform to the policies of the PPS, 2020, Middlesex County Plan, and Middlesex Centre Official Plan and maintain the intent of their policies.

Zoning By-law Amendment

As mentioned above, the initial Zoning By-law Amendment application applied a new UR1-x and UR2-x zone to the subdivision plan. As a result of the revision to the subdivision plan, a UR2-x zone is not necessary. As such, Planning Staff evaluated the new UR1-47 zone across Lots 1-8 and Block 9.

The requested minimum lot frontage and lot area are consistent with the surrounding community and are not anticipated to create negative impacts.

Due to the unique lots and presence of the pond in the rear yard, Planning Staff recommend revising the minimum front yard setback from 8 m to 6 m, and the minimum rear yard setback from 8 m to 10 m. This would effectively move the building envelope closer to Springer Street and away from the pond.

Planning Staff also recommend placing a Holding Symbol (h-1) on Lots 1 – 8 of the Plan of Subdivision to prevent premature development. The Holding Symbol (h-1) will require the Owner to enter into a Subdivision Agreement before Hold can be removed.

Plan of Subdivision

To consider the appropriateness of the proposed Plan of Subdivision it must conform to the policies of the Middlesex Centre Official Plan, in addition to the County Official Plan and PPS:

- a) Plans of subdivision will not be required where three or fewer new lots are proposed to be created or where circumstances exist where a Plan of Subdivision is not considered by the Municipality to be necessary. Where more than three new lots are to be created, the Municipality may exercise flexibility in determining whether a Plan of Subdivision process is required. Notwithstanding the above, in all cases where the creation or extension of municipal streets and/or services is proposed, a Plan of Subdivision process will be required.

A total of 8 lots for single detached dwellings are proposed. A Plan of Subdivision is an appropriate method to subdivide the land, and address the orderly development including the comprehensive review of drainage and stormwater management on surrounding lands, environmental impact and slope stability and hazard mitigation.

- b) When considering plans of subdivision applications, the review is to consider whether the proposed development is premature. One key consideration of this review relates to the availability of appropriate services and capacity. Other relevant factors may also be considered.

Full municipal services are provided in Komoka and can accommodate the Plan of Subdivision for 8 lots.

The applicant will need to address other technical matters including stormwater management and drainage across the lands, and long-term maintenance of the pond and hazard mitigation. All must be reviewed and accepted by the Municipality prior to any development on the lands.

- c) The review of plans of subdivision within the Municipality will be based in part on consideration of design policies included in Section 6.0 of this Plan and the Municipality's Urban Design Guidelines.

Subsection 6.1 related to Settlement Area design goals establishes a set of criteria to maintain and improve design characteristics for new development across the Municipality. The proposed development is designed to integrate with and reflect the lotting patterns in the existing community. Due to the unique characteristics of the lot the proposed development cannot consider medium to high density residential uses, however, it maximizes developable land. New development will have regard to the Municipality's Urban Design Guidelines.

- d) Where possible, plans of subdivision within the Municipality will incorporate a mixture of housing types and levels of affordability in keeping with policies included in Residential policies included in Section 5.2 of this Plan.

All lots area sized and proposed to accommodate single detached dwellings. The ability to provide medium to high density residential uses is limited due to the limited developable area.

- e) All lots within a proposed Plan of Subdivision must have frontage on a public road which is or will be opened and maintained on a year round basis, and constructed to an acceptable Municipal standard.

Lots 1 – 8 and Block 9 will have frontage and direct access to Springer Street. No new municipal or private roads are proposed within this Plan of Subdivision.

- f) Plans of subdivision that respect natural contours and topography will be encouraged. All unique natural features and assets, as well as heritage features, should be preserved and integrated into the subdivision design.

The Plan of Subdivision must consider the topography, slope and natural contours of the land for safe development of the land. The proponent will also be responsible to ensure the habitat of endangered fish and aquatic animals are undisturbed.

- g) For large plans of subdivision, consideration of appropriate staging or phasing will be included.

The proposed Plan of Subdivision will be developed in a single phase.

- h) It is the policy of this Plan that all new plans of subdivision be subject to a subdivision agreement between the Municipality and the owner / developer. This agreement shall address various matters pertaining to the Plan of Subdivision, as determined by the Municipality.

The applicant will be required to enter into a subdivision agreement within the Municipality prior to final plan approval and development of the lands. The subdivision agreement will need to address the draft conditions for the orderly and safe development of land.

- i) Park land dedication provided to the Municipality in keeping with Section 9.5 of this Plan, must be considered suitable for park land purposes and acceptable to the Municipality. Under no circumstances shall Municipal Council be obligated to accept park land which is being offered by an applicant for a proposed Plan of Subdivision. Park land dedications shall be reviewed in the context of public realm policies included in Section 6.0 of this Plan.

The applicant will convey up to 5% of the land included within the Plan of Subdivision or the Municipality may accept cash-in-lieu for parkland dedication for all or a portion of the conveyance. At this time, no blocks are identified for parkland dedication and it is expected that cash-in-lieu will be accepted in accordance with the Planning Act.

- j) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.

The proposed Plan of Subdivision optimizes existing infrastructure and developable land available while maintaining a consistent lot fabric pattern with the surrounding community.

- k) The interrelationship between the design of the proposed Plan of Subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

In lieu of site plan review, the Plan of Subdivision process will address a number of matters on-site and off-site including servicing, drainage, hazard mitigation, and conformity to municipal standards. All these matters have been identified in the conditions of draft plan approval.

- l) That highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary.

Reserves and any land required to be conveyed to the Municipality for road widening purposes can be considered through the Plan of Subdivision. No new roads are proposed, however, it is expected that Springer Street will be urbanized along the frontage of the subdivision plan.

In consideration of all comments received the applicant will be required to fulfill all conditions of draft plan approval prior to any development of the land. Special draft plan conditions include:

- If not completed yet, the Owner is to provide relevant studies to the satisfaction of the Municipality including hydrogeological study, geotechnical study, stormwater management report and plan, comprehensive servicing report, and development assessment report.
- The applicant will be required to fund 50% of the cost to urbanize Springer Street and will be required to fund 100% of the cost to install sanitary and storm sewers across the property's frontage.
- The provision of full municipal services for Lots 1 – 8 on Springer Street.
- Conveyance of any land, easements and infrastructure improvements found within the municipal right-of-way will be at the sole cost and the responsibility of the Owner.
- Easements and agreements across the pond need to be obtained to accept stormwater runoff and outletting of the storm sewer from the subdivision plan.
- An easement is required across the rear of the Lots and Block for the purposes of access to repair or rehabilitate the slopes.
- A homeowner's information guide is to be prepared to provide guidance and education the fill area and extent of the fill area.
- A scoped Development Assessment Report must be prepared and any recommendations implemented. The DAR is to review both natural heritage features and habitat that occur on or in proximity to the development.

Given the above and comments by the public, agencies and council, Planning Staff is satisfied that the Zoning By-law Amendment Application and Plan of Subdivision can be supported and are consistent with the PPS, 2020, and in conformity with the County of Middlesex and Middlesex Centre Official Plans and comprehensive Zoning By-law. As such, Planning Staff recommended approval of the Zoning By-law Amendment, as amended by Staff, and that Middlesex Centre recommend draft plan approval subject to the attached draft plan conditions.

This opinion is provided in consideration of all information and comments provided at previous public meetings and from agencies. Should new information arise regarding prior to or at this 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 – Proposed Plan of Subdivision

Attachment 3 – Preliminary Draft Plan Conditions

Attachment 4 – Proposed Zoning By-law Amendment