



**Meeting Date:** January 29, 2025

**Prepared By:** Marion-Frances Ramos Cabral, Planner

**Submitted by:** Stephanie Bergman, RPP, Manager of Planning and Development

**Report No:** PLA-3-2025

**Subject:** Application for Zoning By-law Amendment (ZBA-12-2024) for 108 Caverhill Crescent; Filed by SBM Limited on behalf of Perpetually Innovative Developments (P.I. Homes)

---

**Recommendation:**

THAT Zoning By-law Amendment application (ZBA-12-2024), as amended, filed by SBM Ltd. on behalf of Perpetually Innovative Developments to rezone the land at 108 Caverhill Crescent from 'Urban Residential First Density exception 9 (UR1-9)' to 'Urban Residential Third Density exception 29 (UR3-29)' for medium density residential development, be REFERRED back to staff.

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding the proposed Zoning By-law Amendment for 108 Caverhill Crescent in Komoka.

The applicant requests to rezone the land to a new site-specific 'Urban Residential Third Density exception (UR3-x)' zone to permit 10 townhouse dwelling units.

A location map is included as Attachment 1.

**Background:**

The subject property is located within the Kilworth-Komoka Urban Settlement Area. The property is irregularly shaped and has frontage and access to the southside of Caverhill Crescent. It is legally described as Plan 33M715 Lot 16.

The subject property is approximately 0.28 ha (0.7 ac) with a frontage of 24.8 m (81.3 ft) on Caverhill Crescent, is vacant of any development and is currently zoned 'Urban Residential First Density exception 9 (UR1-9)'.

Residential lands surround the subject property, and a railway corridor is in proximity immediately to the north.

## **Proposal:**

The applicant requests to rezone the lands from the 'Urban Residential First Density exception 9 (UR1-9)' zone to a new site-specific 'Urban Residential Third Density exception (UR3-x)' zone to permit a townhouse development. A summary of the proposal is as follows:

- Ten, two storey townhouse dwelling units are proposed to front onto 1 internal private road
- One access to the subject site from the south-side of Caverhill Crescent.
- The townhouse dwellings are proposed to be two-storeys in height with a gross floor area of approximately 167 m<sup>2</sup> (1800 ft<sup>2</sup>)
- Each unit has private amenity space in the rear yard with a minimum depth of 6.0 m (19.6 ft)
- No communal amenity space is proposed
- 2 parking spaces per unit (20 residence stalls) and 2 visitor parking spaces are provided near the entrance. No on-street parking is proposed
- A communal mailbox will be placed on-site – location to be confirmed in consultation with Canada Post

Note that the applicant's current request has been slightly revised based on comments from staff. The townhouse units were revised from three-storey to two-storey, and the rear yard setback was slightly increased from 5.7m to 6.0m.

Details of the development plan are subject to change through the Site Plan Approval process which will follow approval of a zoning by-law amendment. These details include the development plan, placement and type of fencing, garbage collection location, landscaping, communal features, visitor parking, sidewalks, signage, and snow storage.

A Planning Justification Report, Concept Plan are provided as Attachment 2 and Attachment 3, respectively.

## **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 lands are within the Komoka Urban Settlement Area and are designated as 'Residential' within Middlesex Centre's Official Plan. Further, the property is currently zoned 'Urban Residential First Density exception 9 (UR1-9)' within the Middlesex Centre's Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the lands.

## **Provincial Planning Statement, 2024:**

The Planning Act states that all decisions made by planning authorities "shall be consistent with the policy statements issued" under subsection 3. The Provincial Planning Statement, 2024 (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 2.1 – Planning for People and Homes directs planning authorities to forecast growth and determine land needs accordingly. Planning authorities should support the achieve of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options, recreation, parks and open space and other uses to meet long-term needs. This also includes improving social equity and overall quality of life for people of all ages, abilities and incomes, and improving the accessibility for people of all ages and abilities by addressing land use barriers.

Section 2.2 – Housing states that planning authorities shall provide for appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area. This can be fulfilled by establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households; and, by permitting and facilitating all housing options and all types of intensification including new housing options within previously developed areas. Planning Authorities shall also promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.

Section 2.3.1 – General Policies for Settlement Areas establishes settlement areas shall be the focus of growth and development. Land use patterns within settlement areas should be based on densities and a mix of land uses which efficient use land and resources; optimize existing and planning infrastructure and public service facilities; support active transportation; are transit-supportive (as appropriate); and are freight-supportive.

Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities. Additionally, planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

Section 2.9 – Energy Conservation, Air Quality and Climate Change states that planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approach that support the achievement of compact and complete communities; incorporate climate change considerations in planning for and the development of infrastructure; support energy conservation and efficiency; promote green infrastructure and low impact development; and take into consideration any appropriate that help reduce greenhouse gas emissions and built community resilience.

Section 3.4 – Airports, Rail and Marine Facilities states that planning for land uses in the vicinity of rail facilities, including rail corridors, shall be undertaken so that their long-term operation and economic role is protected and that sensitive land uses are appropriately design, buffered, and/or separated for each other.

Section 3.6 – Sewage, Water and Stormwater states that forecasted growth should be accommodated in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services. These services should be provided in a manner that can be sustained by water resources, are feasible and financially viable, protects the quality and quantity of water, and aligns with comprehensive municipal planning for these services. Planning authorities should integrate servicing and land use considerations at all stages of the planning process.

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

Planning for stormwater management shall be integrated with planning to ensure systems are optimized, retrofitted, and feasible and financially viable over their full lifecycle. It should also align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

### **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 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 'Residential' within the Kilworth-Komoka Urban Settlement Area on Schedule A-2.

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 Municipality shall support opportunities to increase the supply of housing through intensification in consideration of the environment, and municipal servicing and transportation capacity. Specifically, the Municipality shall require that 15 percent of all development occur by way of intensification.

The 'Residential' designation permits all residential dwelling types such as single detached, semi-detached, townhouses, duplex, triplex, fourplex and low-medium rise apartments. Residential units, other than single detached are encouraged to be serviced by municipal water and sewage systems. 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 5.7.4 – Komoka-Kilworth Residential Area Policies identify types of housing, density of development and targeted housing mix within the Residential and Medium Density Residential designations on Schedule A-2 (Secondary Plan for Komoka-Kilworth). Low density residential development is targeted to make up 60% of housing and medium density residential development is targeted to make up 40% of housing. Medium density residential development is described to have a net density of 20 to 50 units per hectare. 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 of the Official Plan.

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.

Private garages for residential development shall not be located closer to the street than the habitable portion or porch on the main floor of the building in order to limit the visual and streetscape impacts of garages and encourage a positive street frontage oriented toward pedestrians.

Section 9.3 – Municipal Infrastructure and Services Policies states that the Komoka 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 ‘Urban Residential First Density exception 9 (UR1-9)’. The zone permits a single detached dwelling, home occupation and accessory uses.

The amendment would rezone the lands to a site-specific ‘Urban Residential Third Density (UR3-x)’ zone to permit townhouses and identify site-specific regulations to accommodate the development.

The following table provides additional details regarding the requested site-specific ‘Urban Residential Third Density (UR3-x)’ 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.

	<b>UR3 Zone</b>	<b>Proposed Development</b>
<b>Permitted Uses</b>	Accessory Use Apartment Dwelling Multiple Unit Dwelling Street Townhouse Dwelling Townhouse Dwelling	Accessory Use Townhouse Dwelling
<b>Minimum Lot Area</b>	250.0 m <sup>2</sup> (2, 691 ft <sup>2</sup> ) for Townhouse Dwelling	284.5 m <sup>2</sup> (3,062.3 ft <sup>2</sup> ) per Townhouse Dwelling unit  0.28 ha (0.70 ac) for entire site
<b><u>Minimum Lot Frontage</u></b>	30.0 m (98 ft.) for Townhouse Dwelling	24.8 m (81.3 ft) for the entire site

	<b>UR3 Zone</b>	<b>Proposed Development</b>
<b>Minimum Lot Depth</b>	35.0 m (115 ft.)	67.7 m (222.1 ft) for the entire site
<b>Minimum Front Yard Setback</b>	6.0 m (20 ft.)	8.68 m (28.5 ft)
<b>Minimum Side Yard Setback</b>	<p>3.0 m (10 ft.) on an interior lot</p> <p>6.0 m (20 ft.) on the side abutting a street</p> <p>3.0 m (10 ft.) on the other side on a corner lot</p> <p>No side yard setback required between common wall dividing individual dwelling units</p>	3.8 m (12.5 ft)
<b><u>Minimum Rear Yard Setback</u></b>	8.0 m (26 ft.)	6 m (19.6 ft)
<b>Minimum Floor Area</b>	65.0 m <sup>2</sup> (700 ft <sup>2</sup> ) per Townhouse Dwelling unit	256.6 m <sup>2</sup> (2,762 ft <sup>2</sup> ) per Townhouse Dwelling unit
<b>Maximum Height</b>	20.0 m (66 ft)	12.0 m (39.3 ft)
<b><u>Maximum Density</u></b>	30 units per hectare	36 units per hectare
<b><u>Minimum Outdoor Amenity Area</u></b>	45.0 m <sup>2</sup> (484 ft <sup>2</sup> ) per dwelling unit	36.6 m <sup>2</sup> (394 ft <sup>2</sup> ) per dwelling unit
<b>Maximum Lot Coverage</b>	<p>35% for the main use</p> <p>38% for all buildings including accessory buildings</p>	29 % for the main use



	<b>UR3 Zone</b>	<b>Proposed Development</b>
<b>Parking Spaces</b>	1.5 spaces per Townhouse dwelling unit	2 spaces per Townhouse Dwelling Unit
<b>Visitor Parking</b>	-	2 spaces
<b>Definition of a “Lot”</b>	-	Notwithstanding the definition of “Lot” in Middlesex Centre Zoning By-law 2005-005, as amended, the entire area zoned UR3-X is considered a “Lot”, and despite any future severance, partition, or division of the Lot within a condominium plan, the provisions of this Bylaw shall apply to the whole of the zone as if no severance, partition or division

**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 writing this Staff Report, the Municipality received written comments related to this rezoning application and overall development, and are summarized below:

- There are concerns about the precedence this (development) is setting in terms of entities buying or creating single-family residential lots in the middle of finished or partially developed plans. Then requesting large, fundamental changes to the zoning to incorporate abnormal structures/plans into a neighbourhood.

- Higher density development is expected to be placed in specific areas like the retirement home or behind the community centre. Not directly in the middle of a long-planned neighbourhood of only larger single-family homes. Other land should be considered for a development like this. The location is unsuitable for medium-density housing needs. The area lacks the necessary infrastructure and amenities to support such development, leading to a potential decline in the quality of life for current and future residents.
- The rezoning requests substantive changes to the zoning such as setbacks and building requirements. This will create new structures far closer to other residential lots and houses than what was intended based on the neighbourhood design and plan. The proposal is not fit for the subject property.
- The plan proposes to encroach further into every single side yard, rear yard, front setback, increase the unit density by a meaningful percentage. Decrease outdoor amenity space by 25%, and decrease the rear yard setback by almost 30%. The proposal fails to include sufficient outdoor amenities for residents. Our community deserves spaces that encourage outdoor activities and social interaction, which are essential for our well-being.
- There are many misleading comments and statements in the proposal which inaccurately positions the benefits and value of the outcomes. This includes references made to adjacent lots as 'property', leveraging hypothetical development scenarios, and privacy is prioritized for future occupants and the proposed development overlooks neighbouring property.
- The development is a net-negative for the impacted neighbourhood.
- The development will substantially impact the value of surrounding properties, especially those that are in the immediate area.
- There is concern that the previous owner is still involved and wants to house overseas non-residents in a few of the units. The purchase and sale of the property is questioned by area residents.
- The proposed development will diminish the small town feel, and affect residents on Caverhill. The development will ruin the integrity and characteristics of the community.
- The new traffic from this development will impact the area and reduce safety where there are many children. Additionally, the lack of sidewalks poses a serious hazard to pedestrians, especially children and the elderly.
- The proposed development would result in excessive building heights that are out of place in our neighborhood, potentially increasing the risk of accidents and hindering emergency services' access during critical times.

- Questions were asked regarding space for increased traffic, emergency vehicles, garbage disposal, space between lots and space between units, and the provisions for garbage collection in the proposed plan, which could lead to sanitation issues and negatively impact public health. Furthermore, the development does not account for safe access for residential vehicles and emergency services, nor does it address snow removal effectively, creating potential hazards during adverse weather conditions.
- Questions were raised with respect to limiting the development such as people allowed in the building and maximum occupancy, and whether or not the development is geared towards any group.
- Concerns were raised regarding the lack of community engagement by the developer, noting there has been no meaningful consultation, leaving residents uninformed and sidelined in a decision that directly affects us.
- Comments noted that the proposed development contradicts the county's official policy, which aims to promote sustainable and balanced growth. The current plans do not align with these principles and undermine the efforts to maintain our community's character and integrity.

Additionally, the Municipality received a copy of a letter from counsel on behalf of a landowner which identifies a restrictive covenant on the property that prevents the development of the lot for a purpose other than a single family home. The restrictive covenant also addresses development controls prior to any development of each lot and the responsibilities for each landowner. The letter further identifies that the restrictive covenant expires on April 30, 2027.

### **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 requested additional information relevant to the rezoning and future site plan application. This includes a code matrix; hydrant locations and travel distances; confirmation of how existing fencing will interface with proposed fencing including prohibiting sandwich fencing, setbacks of decks to proposed lot lines; and if a Vacant Land Condominium is proposed, access easements may need to be provided for interior units and interior gates and fencing will need to be reviewed.

The Municipality's Public Works and Engineering Department reviewed the application and has no major concerns at this time. Detailed comments such as those related to stormwater management, etc. will be provided during site plan review.

The Municipality's Fire Chief reviewed the application and has no concerns at this time. Detailed comments such as hydrant location, distances, snow management and turn-around facilities will be provided through site plan review.

Upper Thames River Conservation Authority has no objections or requirements to the rezoning application.

Bluewater Recycling Association has not provided comments. During pre-consultation Staff provided the applicant with general standards for new residential development as provided by BRA.

CN Railway provides the following comments: It is noted that the subject site is within 300 meters of CN's Main Line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. The Guidelines for New Development in Proximity to Railway Operations reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a detailed site plan and a noise and vibration study taking into consideration the Guidelines for New Development in Proximity to Railway Operations developed by the Federation of Canadians Municipalities and the Railway Association of Canada.

### **Analysis:**

In accordance with the Planning Act, all decisions must be consistent with the policies of the Provincial Planning Statement, 2024 (PPS). The requested Zoning By-law Amendment is generally supported by policies of the PPS, 2024 and County Plan where there is support for infill development, sustainable growth, 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.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas provides additional policy 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 Komoka Road though it is noted that there is no direct connection or access to the Village Centre area at the present time.

Caverhill Community Park is located at the south-end of Caverhill Crescent. Parkview Public School, Komoka Community Centre, Komoka Park, and Komoka Wellness Centre are also located within the Komoka area outside the neighbourhood.

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

The proposed site plan results in a higher density development than the existing neighbourhood at 36 units per hectare, however, it is limited to 10 units.

Density compatibility should not solely be based on density calculations, but can also be evaluated by design measures used to mitigate the impacts of the development on the existing community. This can include zoning regulations (e.g. setbacks, lot coverage), orientation of the buildings, building design, massing, streetscaping, vehicle access, landscaping, and screening measures.

As such, Planning Staff recommend removing 'apartment dwelling' and 'multiple unit dwelling' from the list of permitted uses to ensure compatibility with the surrounding neighbourhood. Additionally, Planning Staff recommend limiting the height of any proposed dwellings to 12 m to be consistent with the surrounding community.

**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, the proposed development does not represent excessive clustering of multiple dwelling developments, but due to the density of the development, may not be well integrated into the adjacent low density residential area.

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

As mentioned, the subject lands are within proximity to the Village Centre in Komoka although there is no direct pedestrian or vehicular access to the Village Centre.

- 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 Section 41 of the Planning Act, and will have regard to the site plan manual and urban design guidelines.

The proposed townhouse development is one of the few infill developments within the Komoka area and provides housing options in the immediate area and in the short-term. However, Planning Staff also evaluate the development in consideration of the context of the site and long-term planning for the area.

Planning Staff note that at the time the oversized lot was created within the subdivision, the current zoning regulations were put in place to support the development of a single-family home on the lot. However, the zone contains regulations that would allow for the further subdivision of the lot should the lands immediately to the east were to develop. There is a potential to create a total of 3 lots on the subject property by using the regulations of the “Urban Residential First Density (UR1)” zone.

Planning Staff note that there is no existing planning or development applications for the land directly east of the subject property. However, the road network supports a potential connection of Caverhill Crescent to Komoka Road and/or an extension of Arthur Street. Planning Staff are of the opinion that the proposed development is not considered to hinder or preclude development in the area, nor will it prevent the intended connection between Caverhill Crescent and Arthur Street. Planning Staff also identify that the potential connection between the two streets and low-density single family development is one of many options for the neighbouring land. Additionally, if the development were to proceed as proposed, the connection of the two streets will result in a small strip of land between the right-of-way and the subject lands which may be unusable or incorporated into the future development of the adjacent lands.

Planning Staff were made aware of the restrictive covenant to solely permit a single detached dwelling on the lot. Generally, restrictive covenants can be registered by the developer to address matters that are beyond the scope of the Municipality such as landowners’ responsibilities, and design and architectural controls. The details of the covenant are considered a civil agreement between the developer and the landowners, and can be enforced by the developer. Planning staff have obtained legal advice on the matter.

Policy 5.2.3 within the Official Plan identify support of medium and higher density development within proximity to Village Centre areas. The intent of this policy is for new growth to support the commercial corridors while also promoting compact communities and walkability. Additionally, it is also intended to alleviate traffic concerns by locating intensification in strategic locations supported by road networks designed to carry higher traffic volumes. While the subject property is within proximity to the designated Village Centre, there is limited pedestrian and vehicular access to Komoka Road that would support the intent of the policy. However, Planning Staff do not consider the development of 10 units to result in excessive traffic through the existing neighbourhood.

Two visitor parking spaces are provided for the entire development. Middlesex Centre does not currently have visitor parking regulations establishing in the current Zoning By-law but use a rate of 1 space per 10 units. Planning Staff note that on-street parking on Caverhill Crescent will need to accept any overflow visitor parking since no on-street parking will be permitted on the private internal road.

The 'hammerhead' road design of the proposed development is not the preferred design of private roads since it requires emergency vehicles, waste collection trucks, and other trucks and large vans to manoeuvre around the site. The applicant provided the Municipality with a plan demonstrating that large trucks can turnaround on-site, though special design elements must be considered such as waste collection areas for units that cannot be accessed, and no parking signage throughout the development.

Planning Staff note that recent provincial legislation and regulation changes affect the development proposal. Developments of 10 dwelling units or less are exempt from site plan approval unless it is within 300 m of a railway line. In this situation, site plan approval will be required, and staff will recommend placing Hold Symbols (h-2), (h-3) and (h-9) on the lands until a site plan agreement is executed and a noise and vibration study is completed and implemented in the development.

With regard to the proposed setbacks, Planning Staff seek to maintain the amount of private and communal amenity space on-site for future residents especially where parks and open space areas are not within proximity to the site. In this development proposal, the applicant is proposing a rear yard setback reduction to 6.0 m which results in a reduction of the private amenity area. Planning Staff note that the development plan is similar to the condominium development immediately east of Parkview Elementary School, the condominium developments east of the intersection of Glendon Drive and Crestview Drive and east of Glendon Drive and Jefferies Road in Kilworth. Landscaping and enhanced treatment will need to be detailed in the site plan approval submission to increasing privacy and separation, and enhance the streetscape.



## Next Steps:

While there is general policy support for infill developments and increasing the range and mix of housing types within the settlement area, staff are recommending the application be referred back to staff in order to further work with the proponent to explore opportunities to address concerns raised by the community, as well as to explore the potential for a comprehensive development plan.

Staff note that based on *Planning Act* legislation, a decision shall be made on zoning bylaw amendments within 90 days. Staff received the revised application on November 28, 2024.

Should Council approve the requested application, Planning Staff identify the following amendments to the request, including several holding provisions:

- Permitted Uses
  - Accessory Use
  - Street Townhouse Dwelling
  - Townhouse Dwelling
- Minimum Lot Frontage 24.8 m (81.3 ft)
- Minimum Rear Yard Setback 6.0 m (19.7 ft)
- Maximum Height 12.0 m (39.4 ft)
- Maximum Density 36 units per hectare
- Minimum Outdoor Amenity Area 36.6 m<sup>2</sup> (394 ft<sup>2</sup>)
- Notwithstanding the definition of “LOT”, the entire area zoned UR3-29 is considered a “Lot”, and the regulations applicable to the subject lands apply to the zoned lands as a whole and not to any individual unit on a registered vacant land condominium plan.”
- Hold Symbol (h-2) - The precondition for the removal of the “(h-2)” holding symbol shall be that a site plan agreement, including but not necessarily limited to the requirement for the development to be connected to a public water supply system and a public sanitary sewer system, has been entered into with the Corporation for the affected lands.
- Hold Symbol (h-3) - The precondition for the removal of the ‘(h-3)’ holding symbol shall be that a Noise Impact Analysis be prepared by a qualified professional in association with the site plan approval process for any proposed development on the lands to which the holding symbol applies and that any recommendations for noise mitigation arising from the Noise Impact Analysis have been incorporated into the site plan such that the proposed development will meet the Ministry of Environment (MOE) noise criteria.

- Hold Symbol (h-9) - The precondition for the removal of the “(h-9)” holding symbol shall be that a Vibration Analysis be prepared by a qualified professional in association with the site plan approval process for any proposed development on the lands to which the holding symbol applies and that any recommendations for vibration mitigation arising from the Vibration Impact Analysis have been incorporated into the site plan such that the proposed development will meet the Ministry of Environment (MOE) vibration criteria.

In summary, while Planning Staff note the general policy support for infill developments, staff recommend the application be referred back to staff to further explore opportunities with the proponent to address concerns from the community and to explore opportunities for a comprehensive development plan with adjacent properties.

This opinion is provided without 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 Justification Report

Attachment 3 – Conceptual Plan