



Meeting Date: February 19, 2020

Submitted by: Tim Williams, Senior Planner

Report No: PLA-08-2020

Subject: Applications for ZBA 26-2018 and 'Redline Revisions' to Draft Plan of Subdivision 39T-MC0902; South Winds Development Co. Inc. (Edgewater Estates)

Recommendation:

THAT report PLA-08-2020 be received for information.

Background:

Location

The subject lands are located within the Komoka and Kilworth Settlement Area in the Municipality of Middlesex Centre and situated to the west of the existing residential community of Kilworth. The subject property is located south of Glendon Drive (County Road 14) and west of Westbrook Drive. The land is legally described as Part of Lots 7 and 8, Concession 1, Part of Lot 7, Broken Front Concession (geographic Township of Lobo). A location map is included as Attachment 1.

The property is surrounded by existing residential and proposed residential development, as well as the Komoka Provincial Park and Thames River. The lands are currently designated 'Residential' and 'Medium Density Residential' by Middlesex Centre's Official Plan with a portion of the subject property regulated by the Upper Thames River Conservation Authority (UTRCA) and adjacent to the Thames River. The property subject to the applications is irregular in shape and abuts a number of existing residential lots along the easterly property line. The southerly property line is adjacent to the first phase of the development and beyond this, the Thames River while the west property line is adjacent to lands largely owned by the Province of Ontario. To the north lies a large parcel of land that is currently draft approved for residential development by Tridon Group (Kilworth Heights West). There are several road connections to the exiting residential development to the east and to the proposed development to the north.

The property itself has been extensively disturbed by aggregate extraction. The sloped area adjacent to the Thames River is extensively wooded as is the low-lying areas adjacent to the river. The surrounding landscape consists of natural areas consisting of the existing Komoka Provincial Park on the opposite side of Thames River, which extends westerly to encompass the Komoka Park Reserve and Life Science ANSI to the south west along the north side of the Thames River.

The entire land holdings owned by South Winds Development comprise of approximately 58.7601 hectares, however the lands contained within the current Draft Plan of Subdivision total approximately 48.676 hectares. The additional lands owned by the applicant, outside of the Draft Plan, are situated adjacent to the Thames River and are intended to remain as private open space.

Application History

The property is subject to an approved draft plan of subdivision (39T-MC0902), which includes residential lots; seven residential development blocks, a local road network and blocks for open space, trails and storm water management facilities. The property is zoned Urban Residential First Density (UR1) and Urban Residential Second Density (UR2).

The subject property has a long history as a subdivision file with the Municipality and County. An application for Draft Plan of Subdivision and Zoning By-law Amendment was originally submitted in 2009 and given Draft Plan approval in 2012.

The Plan was changed in 2017 by way of a 'minor redline' amendment. The most recent redline amendment approved a minor modification to the configuration of the stormwater management block in accordance with the approved engineering design. It is noted that the current draft approved plan identified blocks for residential development, and did not include details of the proposed lotting of the blocks. Phase 1 of the subdivision received final approval in July 2018, and the plan was subsequently registered (33M-746), for 101 lots intended to be developed for single detached dwellings. Consequently, at the January 9th 2019 Council Meeting the Holding Symbol was removed from Phase 1 of the subdivision as a subdivision agreement had been entered into.

In regards to the current applications, a pre-application meeting was held on December 6, 2017 and a formal submission was made by the proponent, with the application deemed complete on November 28, 2018. Subsequently, staff circulated the proposed application to area residents, and various agencies.

A public meeting of Council was held on January 23, 2019 in accordance with Sections 34 and 51 of the Planning Act. The purpose of the meeting was to allow the applicant to present the proposal and solicit feedback from members of the public. Following the public meeting, the applicant has worked on addressing the outstanding issues raised and the revised concept plan for the property is included as Attachment 3. This plan includes the lotting for the townhouses for illustrative purposes. The final draft plan will be as shown in Attachment 3b. As part of the resolution, the applicant has made additional changes to the proposal (details to follow). Staff felt the changes were significant enough to warrant a second public meeting and presentation to Council by the applicant. Following this meeting a staff recommendation report regarding the proposal will be presented to Council in a subsequent Council meeting.

Application Proposed Changes

Since the public meeting the applicant has made a number of changes to the proposal. Below is a highlight of the changes to the plans compared to the existing draft approval. Generally the applicant is proposing to change the 3 development blocks to single detached dwellings (Block 142, 143 and part of 148) as well as make changes to the road network and various blocks. More specifically:

- Block 139, which has an area of 3.831 ha, has been reconfigured to include part of street four and part of Block 140 and renumbered Block 120, which has an area of 6.087 ha.
- Block 141, which has an area of 1.975 ha, and the remaining portion of Block 140 has been consolidated and revised from a multi-residential block to three multi-residential blocks (Blocks 79, 80 and 178) with a public road (Street Three). Block 79 has a lot area of 0.665 ha, Block 80 has a lot area of 0.665 ha and Block 178 2.281 ha.
- Block 142, which has an area of 3.88 ha, and 4 lots fronting Westbrook Drive have been revised from a multi-residential block to 54 single detached lots with a public road (Street Two).
- Block 143, which has an area of 2.14 ha, would be revised from a multi-residential block and 4 single detached lot to 23 single detached lots (Lots 55 to 77). These lands would be serviced by a new public road (Street One) which would connect with Westbrook Drive and Edgewater Boulevard;
- Block 148, which has an area of 4.418 ha, has been revised solely a stormwater management block to a stormwater management block with an area of 3.581 ha with eight new single detached lots along the western side of Edgewater Boulevard on lands previously forming part of the Storm Water Management Block. The boundary adjustment is necessary to accommodate the revised SWM design, as approved by the Upper Thames River Conservation Authority. The eight lots will be rezoned from Open Space (OS) to Urban Residential First Density with the Holding Symbol (UR1 H1);

The proposed Zoning By-law Amendment proposes to establish the 'Urban Residential First Density' (UR1) zone with Holding Symbol (H1) on a 0.859 hectares corridor of land fronting Edgewater Boulevard previously identified as Block 158. These lands would accommodate eight residential lots. The Zoning By-law Amendment further proposes to amend the boundaries of the current 'Urban Residential First Density' (UR1), Open Space (OS), and 'Urban Residential Second Density' (UR2) zone with Holding Symbol (H1) that were part of the previously approved redline revision. Lastly, adjust the zoning of the boundary for the entrance to Block 121 (previously Block 144). This is to reflect the removal of the public road and replace it with a private entrance to the multiple residential block. As such, the zoning is to be changed to 'Urban Residential First Density' (UR1) with Holding Symbol (H1) to align with the balance of the Block. Please see attachment 2, which includes the proposed Zoning map.

Policy Regulation:

Provincial Policy Statement (PPS)

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to 'Healthy Livable and safe communities' and how they can be sustained. Section 1.1.1b) states that 'accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs'.

1.1.3.1 Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.1.7 of the PPS speaks to long-term economic prosperity, stating that it should be supported by; promoting opportunities for economic development and community investment-readiness; maintaining and, where possible, enhancing the vitality and

viability of downtowns and mainstreets; and promoting the redevelopment of brownfield sites.

Section 1.3.1 of the PPS directs municipalities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs and providing opportunities for a diversified economic base that includes maintaining a range and choice of suitable sites for a variety of employment uses that support a wide range of economic activities and ancillary uses and take into account the needs of existing and future businesses. Section 1.3.1 also provides policy direction that encourages compact, mixed-use development that incorporates compatible employment uses.

Section 1.4 of the PPS speaks to 'Housing' and the requirement 'to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents'.

Section 1.6.6. of the PPS outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is full municipal services.

Section 1.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) minimize, or, where possible, prevent increase in contaminant loads;
- b) minimizing changes in water balance and erosion,
- c) not increasing risks to human health and safety and property damage;
- d) maximize the extent and function of vegetative and previous surfaces; and
- e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

County of Middlesex Official Plan

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development include:

The subject property is designated Settlement Area by the County of Middlesex Official Plan. Section 3.2. of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas.

Section 2.3.4 of the County Official Plan states that economic development is an important component of the County's Growth Management policy framework and that many long-term goals and objectives depend on economic activity and the opportunity for residents to live and work in Middlesex County. The County consequently encourages diversity in its economic base.

Section 2.3.7 of the County of Middlesex Official Plan speaks to housing policies, and states that, 'it is the Policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County.'

The County of Middlesex's Official Plan in section 2.4.5 discusses the servicing hierarchy similar to those discussed in the PPS. Specifically, the County encourages new development to proceed on the basis of full municipal services.

The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. Section 3.2.1 of the County Official Plan dictates that growth within Middlesex is generally to be directed to the County's Settlement Areas in order to protect Agricultural Areas, protect natural heritage and promote efficient use of water and sewage services. It is noted that the detailed land use policies, and particularly those that pertain to development within settlement areas, are provided in the official plans of the County's member municipalities. Section 3.2.4.1 of the County Official Plan provides for a variety of land uses, including commercial uses, to be located in the Urban Areas of Middlesex.

Municipality of Middlesex Centre Official Plan

The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed development include:

As mentioned above, Middlesex Centre's Official Plan designates the subject property as 'Residential', 'Medium Density Residential' and indicates that the property is within the settlement area boundary.

Section 5.2.1 of Middlesex Centre's Official Plan speaks to General Residential Policies, section 5.2.1 a) states, 'The Municipality will provide and encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements for the Municipality's current and future residents. Section 5.2.1 e) states, 'The Municipality shall support opportunities to increase the supply of housing through intensification, while considering issues of municipal servicing capacity, transportation issues, and potential environmental considerations.'

Section 9.3 of the Local Official Plan speaks to municipal infrastructure and servicing policies. These policies have a similar hierarchy as the PPS and the County Official Plan.

The Komoka-Kilworth area has a Secondary Plan, which provides a statement of objectives and policies, and a land use plan intended to guide and direct the nature of land development within the community. One of the goals of the Komoka-Kilworth Secondary Plan is to provide for an appropriate range and mix of housing types and densities. As well as to minimize the consumption of prime agricultural areas.

Section 5.7.4 of the Secondary Plan speaks to the intended built form for the Komoka-Kilworth Residential Area Policies. Specifically section 5.7.4 states;

- 'a) The types of housing, density of development and targeted housing mix within the Residential and Medium Density Residential designations 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.

- b) Development proposals within areas shown as Medium Density Residential on Schedule A-2 shall:
- i) Provide for a diverse mix of multi-unit housing forms and choices to accommodate the needs and lifestyles of people at different stages throughout life.
- c) 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.
- d) 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 and may be

subject to maximum width and other requirements within the Municipality's Zoning By-law to limit the visual and streetscape impacts of garages and encourage a positive street frontage oriented to pedestrians, and shall have regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

- e) Entrance features to new residential neighbourhood development shall be encouraged, provided that the features are landscape-related and require minimal maintenance.'

Middlesex Centre's Comprehensive Zoning By-law

The majority of the lots are proposed to be developed for single detached dwellings in accordance with the parent Urban Residential First Density (UR1) zone. The following are the standard provisions:

Minimum Lot Area	450.0 m ²
Minimum Lot Frontage	15.0 m
Minimum Front Yard Setback	6.0 m
Minimum Side Yard Setback for an interior lot	1.5 m on one side and 2.5 m on the other side
Minimum Side Yard Setback for an exterior side yard that is adjacent to a front yard of an abutting lot	6.0 m on the side abutting the street and 1.5 m on the other side
Minimum Side Yard Setback for a rear yard that is adjacent to a rear yard of an abutting lot	4.0 m on the side abutting a street and 1.5 m on the other side
Minimum Rear Yard Setback	8.0 m
Maximum Lot Coverage for main building	35%
Maximum Lot Coverage for all buildings including accessory buildings	38%

The remainder residential lots are proposed to be zoned site-specific Urban Residential Second Density (UR2-2). This zone permits street townhouse dwellings, townhouse dwellings, semi-detached dwellings and single detached dwellings.

The following zoning provisions apply to street townhouses and townhouses dwellings:

Minimum Lot Area	250.0 m ²
Minimum Lot Frontage	6.0 m for each dwelling unit
Minimum Lot Depth	35.0 m
Minimum Front Yard Setback	6.0 m

Minimum Side Yard Setback	3.0 m on an interior lot, 6.0 m on the side abutting a street and 3.0 m on the interior side of a corner lot; no side yard shall be required along a common wall that divides individual dwelling units
Minimum Rear Yard Setback	8.0 m
Outdoor Amenity Area	45.0 m ²
Maximum Lot Coverage for main building	35%
Maximum Lot Coverage for all buildings including accessory	38%

The following zoning provisions apply to semi-detached and single detached dwellings:

Minimum Lot Area	450 m ²
Minimum Lot Frontage	15 m (single), 18 m (semi-detached)
Front Yard Setback	6.0 m
Side Yard Setback	1.5 m on an interior lot, and 6.0 m on the other side abutting a street and 1.5 m on the other side of a corner lot.
Minimum Rear Yard Setback	8.0 m
Outdoor Amenity Area	450.0 m ²
Maximum Lot Coverage for main building	35%
Maximum Lot Coverage for all buildings including accessory	38%

Consultation:

Notice of the applications has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act for both the February 19, 2020 and the January 2019 public meeting.

Public Comments:

The original proposal received comments from the public as well as agencies and departments. On May 23, 2019 the applicant submitted a revised plan and supporting materials (attached is their letters with the comments noted and how they were addressed as Attachment 4). Below are comments and received to date from the original circulation if still relevant.

At the time of writing the subject report, no comments or concerns had been received from the public regarding this revised proposal.

Agency Comments:

Union Gas has reviewed the subject applications and requests that if the applications are approved that as a condition of final approval that the developer provide Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas.

Enbridge has reviewed the subject applications and have no concerns and/or requirements.

Bell Canada has reviewed the subject applications and requires that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

Ministry of Natural Resources and Forestry (MNRF) Feb 12, 2019, have reviewed the red-line revisions to the Draft Plan of Subdivision for the Edgewater Estates development and it is MNRF's expectation that phase 2 of the Edgewater Estates development would include habitat compensation for species at risk habitat that was removed during previous site alteration work which was not registered under the *Endangered Species Act, 2007*. This was indicated to the proponent in the Letter of Advice (AYL-L-076-18) sent on June 15th, 2018, specifically, *"It is MNRF's expectation that additional discussion will take place between the Ministry and the proponent regarding future phases of the Edgewater Estates development and habitat compensation for SAR habitat (e.g. creation of a natural grassland area) to account for habitat removed during previous site alteration work that was not registered under the ESA"*. The draft plan of subdivision does not currently indicate any areas where habitat compensation will take place.

Ministry of Environment, Conservation and Parks (MECP) July 5, 2019 has reviewed the information provided regarding the redline revisions to Phase 2 of the Edgewater (Southwinds) subdivision in Municipality of Middlesex Centre, Middlesex County. MECP would like to provide the following comments. The letter from MHBC (dated May 23rd, 2019) forming part of the application discusses a multi-use pathway, including a walkway connection to the Thames River. This multi-use pathway was not included in documentation provided to MNRF regarding Phase 1 of the development and MNRF was not aware of a pathway to the Thames River. The Letter to Proponent issued in June 2018 stated that "fencing, of sufficient height with no gates or openings, will be installed along the rear lot lines of all lots that border natural features, in accordance with Condition 31(b) of the of the Draft Plan of Subdivision, to prevent encroachment into the naturalized buffers and riparian areas and the development of trails within these areas." A trail

connection to the naturalized area identified in the May 23rd lot layout is not supported by MECP, given the known occurrences for species at risk in the immediate area and that the riparian corridor of the Thames River is protected habitat under the Endangered Species Act, 2007. Development of trail access to the Thames River may result in significant indirect impacts to species at risk (e.g. increase human activity in that area, avoidance of area by SAR, disturbance from off-leash domestic animals, use of motorized vehicles, creation of informal trails, increase risk of SAR turtles being caught on fishing lines, increased risk of poaching and persecution).

The letter from Dillon Consulting (dated May 23rd, 2019) forming part of the application discusses MNRF's previous comments (sent February 12th, 2019) were related to Phase 2 of the development, particularly the expectation of habitat compensation for work that was completed previously on the property (e.g. vegetation removal and grading) without proper approval under the Endangered Species Act, 2007. MECP understands the primary purpose of the redline revisions is to provide greater detail on the road and lot layout for the Phase 2 lands. However, the letter from Dillon Consulting states that the draft plan of subdivision does not currently indicate areas where habitat compensation will take place, but buffer setbacks will be used. MECP cannot comment on whether the previous comment from MNRF regarding species at risk has been addressed as these areas are not indicated on the draft plan and based on lot layout dated May 23rd, 2019, it is not clear where there is sufficient area for setbacks, re-naturalization etc.

Ministry of Environment, Conservation and Parks (MECP) September, 2019 has reviewed the draft plan with the species at risk enhancement areas, totalling 9.2 acres, and is supportive of the proposal. However, it is recommended that mitigation measures (e.g. culvert suitable for reptile crossing, signage indicating reptile crossing, reduced speeds/speed bumps) are put in place where the enhancement area and Edgewater Boulevard meet in order to reduce potential reptile road mortality. The trail access off Edgewater Boulevard has been addressed with additional information provided by the application. MECP understands that any future trails in the Thames River corridor will require discussion between MECP and the municipality. Further MECP understands that the trail access is not being actively promoted.

Public Works and Engineering have reviewed the various redline revisions for the Edgewater Phase 2 and can confirm that their concerns about the ability for the stormwater management pond to support the increased density being proposed by South Winds have been addressed by a letter from the Developers Engineer, Dillon Consulting dated December 6, 2019. They are satisfied that the current stormwater management pond is sized appropriately to support the increased density. Further to this any other issues and concerns can be addressed through the inclusion of conditions of draft approval.

Planning Staff have reviewed the proposal and are looking further confirmation that; the urban design guidelines and policies about unit mix and design can be addressed; the trail will be maintained; and that there will be a method for road connection to lands to the west of the site in light of the red line revisions.

Financial Implications:

None.

Attachments:

Attachment 1 - Location Map

Attachment 2 - Zoning Amendment Map

Attachment 3 - Draft Plan of Subdivision with the townhouse lotting

Attachment 3b - Draft Plan of Subdivision without the townhouse lotting

Attachment 4 - May 23, 2019 Letters from MHBC and Dillion