



Meeting Date: February 19, 2020

Submitted by: Stephanie Poirier, Planner

Report No: PLA-04-2020

Subject: Consent Application (B-02/20), filed by Derek & Kelly Sloan; 131 Ontario Ave, Komoka.

Recommendation:

THAT Consent Applications B-02/20, filed by Derek & Kelly Sloan in order to sever a residential lot with a frontage of approximately 20.19 m (66.24 ft) on Springer Street with an area of approximately 461.6 m² (4,968.6 sq ft), and the retained is to have a frontage of approximately 22.82 m (74.86 ft) on Ontario Avenue with an area of 792.6 m² (8,531.4 sq ft) on a property legally described as Plan 109, Block I, Lot 12, Part Lot 11 (geographic Township of Lobo), Municipality of Middlesex Centre, known municipally as 131 Ontario Ave; be **GRANTED**.

FURTHER THAT Consent B-02/20 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-02/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-02/20 be paid in full.
7. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, to address among other matters: all financial, legal, planning and engineering matters including but not limited to payment of the Municipality's engineering, legal and planning review costs, entrance locations and construction, works within the road allowance, lot grading and drainage plans, and building envelopes, all to the satisfaction of the Municipality.
8. That the owner install separate water and sanitary service connections to the severed parcel prior to consent being granted to the satisfaction of the Municipality.
9. That if necessary, the owner relocate the existing water and sanitary services be wholly contained on the retained lands to the satisfaction of the municipality.
10. That the Owner provide a lot grading plan for the severed lands to the satisfaction of the Municipality.
11. The Owner be required to complete a Stormwater Management Report to the satisfaction of the Municipality.
12. The applicant be required to pay \$11,965.00 for future road upgrade costs.
13. That the Owners pay \$1,000 cash-in-lieu of parkland dedication for the proposed lot of Consent B-02/20.

AND FURTHER THAT the reasons for granting Consent application B-02/20 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and

- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to create a new residential lot along Springer Street.

A location map is included as Attachment 1.

Background:

The purpose and effect of the consent application is to create a new residential lot for the purpose of constructing one single-detached dwelling. The lands to be severed are proposed to have a frontage of approximately 20.19 m (66.24 ft) on Springer Street with an area of approximately 461.6 m² (4,968.6 sq ft). The lands to be retained are proposed to have a frontage of approximately 22.82 m (74.86 ft) on Ontario Avenue with an area of 792.6 m² (8,531.4 sq ft).

An illustration of the proposal is included as Attachment 2.

The subject land currently contains a single detached dwelling and a detached garage and is on full municipal services. The lands are surrounded by residential development in the form of single detached dwellings.

Policy Regulation:

The subject property is located within a Settlement Area according to the County of Middlesex Official Plan and is designated Residential by the Middlesex Centre Official Plan. The land is zoned Urban Residential First Density Exception (UR1-4).

Provincial Policy Statement (PPS):

Section 3 of the Planning Act requires all decisions made under the Act “to be consistent with” the Provincial Policy Statement (PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 1.1.3 of the PPS speaks to Settlement Areas, which identifies settlement areas as the focus of growth and development. Section 1.1.3.3 of the PPS states, ‘Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 speaks to ‘appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.6 of the PPS speaks to servicing. The PPS has a hierarchy for services, where municipal services are the preferred form of servicing. Section 1.6.6.1a) states ‘Planning for sewage and water services shall direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services’.

County of Middlesex Official Plan:

The County of Middlesex Official Plan speaks to settlement areas in section 2.3.8. This section states ‘urban areas and community areas shall be the focus for future growth including residential, commercial and industrial development’. The County Official Plan also has a similar servicing hierarchy as the PPS, and prefers full municipal services within urban areas.

Section 4.5.3.3 of the County Official Plan speaks to Settlement Areas and promotes infilling development in built-up areas, where the proposed lots are compatible with the lot area, frontage and density patterns of the surrounding area and the application represents orderly and efficient use of land, and its approval would not hinder future development of the retained lands.

Middlesex Centre Official Plan:

Middlesex Centre’s Official Plan designates the subject lands as ‘Residential’. Within this designation residential dwellings are permitted in a variety of forms, including single detached dwellings.

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.

Section 10.3 of Middlesex Centre’s Official Plan speaks to lot creation and states,

- a) Severances shall only be granted if a plan of subdivision is not necessary for the proper and orderly development of the land. 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 proposed to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required for the orderly development of the land. 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.

- b) Where individual wells and septic systems are proposed, lot areas must be of a size and configuration to accommodate an appropriate septic system, sewage envelope and contingency area. For a conventional septic system, a storage envelope consists of the area occupied by the tile bed and mantle. The size of the storage envelope will vary depending on the projected water use of the anticipated use and the soils and slope of the subject site. The contingency area will be equal in size to the tile bed and sewage mantel.
- c) All lots must front on and have access to an existing public road maintained on a year round basis and at a reasonable standard of construction. Direct access to and from County or Provincial roads will be limited in accordance with the policies and regulations established by the agencies having jurisdiction over these roads.
- d) An adequate and potable water supply must be available for any proposed lots created by consent. An exception to this policy may be made if it can be shown that the purpose for which the lot(s) in question is to be used does not require a water supply.
- e) All lots created by severance must be suitable or capable of being made suitable to support a sewage disposal system.
- f) Severances may be permitted for the purposes of making a lot boundary correction provided that such corrections are minor in nature.

Consultation:

Notice of the applications has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

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

Agency Comments:

The following comments were received at the time of writing this report;

Bell Canada has reviewed the subject application and has not comments and/or concerns as there are no services in this area.

Union Gas has reviewed the subject application and has not comments and/or concerns.

The Municipality's Department of Public Works and Engineering have reviewed the subject application and requires that if the subject applications are approved, a lot grading plan and a stormwater management plan be submitted as part of the conditions of consent. Additionally, that the owner install separate water and sanitary sewer services and ensure that the services are wholly contained on both the severed and retained lands. It is also required that the owner provide a payment of \$11,965.00 for future road upgrades.

Analysis:

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permit lot creation within Settlement Areas, subject to servicing and compatibility.

The Planning Policies have a servicing hierarchy in which the preferred option for new development within settlement areas is full municipal servicing. The proposed lot to be severed and the lot to be retained will be serviced by municipal water and sanitary services.

The subject property abuts a Municipal road, and therefore no road extension is required.

The proposed infill development is supported by the policies of the Provincial Policy Statement, the County of Middlesex Official Plan and the Middlesex Centre Official Plan. This type of development is the preferred form, because it promotes more efficient use of land and infrastructure and reduces the need for expansion of settlement area boundaries. The subject property is in an appropriate location for intensification as it would promote a more compact form and more appropriate development standards for residential lots in that area.

The lot proposed to be severed and the lot proposed to be retained are in conformity with the Urban Residential First Density Exception (UR1-4) Zone.

Given the above, planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.