



Meeting Date: February 19, 2020

Submitted by: Tim Williams, Senior Planner

Report No: PLA 05-2020

Subject: Applications for Consent (B-06/20) and Zoning By-law Amendment (Z-01/20); filed by Zelinka Priamo (c/o Casey Kulchycki) on behalf of James and Joanne Kelly; 13181 Ilderton Road.

Recommendation:

THAT THAT consent application filed by Zelinka Priamo (c/o Casey Kulchycki) on behalf of James and Joanne Kelly to sever a vacant parcel of land for lot addition purposes having an area of approximately 81.5 square meters (0.02 ac) from a property legally described as Part 1 of Registered Plan 33R-4848, and Lot 26, Concession 10, (geographic Township of London) and municipally known as 13181 Ilderton Road, Municipality of Middlesex Centre to be merged in the same name and title as the adjacent commercial lands to the east, municipally known as 13187 Ilderton Road, Municipality of Middlesex Centre; be **GRANTED**.

FURTHER THAT Consent B-06/20 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.
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-06/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor submits an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
5. That the severed parcel of Consent B-06/20 be registered in the same name and title as the adjacent property to the south, known municipally as 13187

Ilderton Road and legally described as Part 1 of Registered Plan 33R-4848, and Lot 26, Concession 10, (geographic Township of London) and that Sections 50(3) and 50(5) of the *Planning Act* apply to any future conveyance of the said severed parcel.

6. That any outstanding property taxes for the severed and retained lots of Consents B-06/20 be paid in full.
7. That a Zoning By-law Amendment that recognizes the commercial use of the severed parcel be in full force and effect.

FURTHER THAT the reasons for granting Consent application B-06/20 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.

AND FURTHER THAT the Zoning By-law Amendment application, filed by Zelinka Priamo (c/o Casey Kulchyski) on behalf of James and Joanne Kelly for the severed lands of Consent B-06/20 for lot addition purposes be **APPROVED**, and that the implementing By-law be forward to Municipal Council for consideration once a deposited reference plan has been provided to the satisfaction of the Municipality.

Purpose:

The purpose of this report is to provide Council with a recommendation in regards to an application for Consent for lot addition purposes and an accompanying Zoning By-law application for a property located on the south side of Ilderton Road between King Street and Timberwalk Trail in Ilderton.

Background:

The purpose and effect of the Consent Application is to sever a vacant parcel of land with an area of approximately 81.5 square meters (0.02 ac) to be merged with the adjacent commercial lands to the south and east, municipally known as 13187 Ilderton Road to facilitate the expansion of the parking lot currently being constructed. The lot proposed to be retained, containing an existing detached dwelling and horse barn, would have a frontage of 32.8 meters along Main Street and an area of 9200 square meters (2.27 ac). The purpose and effect of the Zoning By-law Amendment is to rezone the proposed severed portion of the subject lands from the Existing Use (EU) Zone to the site-specific Village Commercial (C1-7) Zone to permit the expansion of the parking area. A location map and an illustration of the proposal are included in Attachment 1.

The owners of the property to be enlarged previously applied for a Minor Variance (A19-19) that sought relief from the parking requirements for the site-specific Village Commercial (C1-7) zone. More specifically, they proposed to reduce the number of parking spaces required to 12 spaces and 5 cash in-lieu parking spaces, whereas 21 parking spaces are required based on the proposed permitted uses. The Committee of Adjustment denied the application for Minor Variance as the request did not maintain the general intent of the Middlesex Centre Official Plan or Zoning By-law, the request was not minor in nature and did not represent appropriate development on the subject lands.

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 1.1.7 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.

County of Middlesex Official Plan

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.

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.

Section 4.5.3 of the County of Middlesex Official Plan provides policy direction with regards to consents and easements. This section provides criteria for consent applications and states that “easements, consents for lot additions/adjustments and severances for land assembly which facilitate subsequent development by plan of subdivision are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans provided such policies maintain the minimum standards set out in this Plan.”

Municipality of Middlesex Centre Official Plan

Section 1.4 of the Official Plan states that “It is intended that land use designation boundaries shown in the schedules included in this Plan, be considered approximate, and absolute only where bounded by roads, railways, bodies of water or other similar geographic barriers. Amendments to this Plan will not be required to make minor adjustments to the approximate land use boundaries provided that the general intent of this Plan is maintained.”

According to the Middlesex Centre Official Plan, the lands proposed to severed and retained fall along the line between the Residential and Village Centre Designations. The Residential designation permits residential uses in a variety of forms. The Official Plan policies with regards to the Village Centre designation encourage compact development in the form of infilling and permit a variety of uses including commercial, institutional and residential.

Additionally, Middlesex Centre’s Official Plan provides direction to develop a diverse economic base within the Municipality. Section 9.2.1 of the Official Plan encourages the Municipality to endeavor to increase its tax base and job opportunities in a manner that improves the quality of life of existing and future residents, and balances various economic sectors to ensure a sustainable economic base. The Official Plan also encourages the promotion of the viability and economic health of village centres.

Middlesex Centre’s Comprehensive Zoning By-law:

As previously mentioned, the lands proposed to be severed and merged are zoned Existing Use (EU), which permits any use existing on the date of the passing of the By-law. The lands proposed to be enlarged are zoned site-specific Village Commercial (C1-7), with permitted uses including a single detached dwelling and all other uses permitted in the Village Commercial (C1) zone excluding a motor vehicle sales establishment and a motor vehicle service establishment.

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;

St. Clair Region Conservation Authority: No concerns.

Analysis:

The Provincial Policy Statement (PPS), County Official Plan and Municipality's Official Plan generally permit consents for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot.

While the land use schedule for the area may depict the parcel proposed to be severed as being designated Residential or Village Centre, the aforementioned policies of the Municipal Official Plan (Section 1.4) can be reasonably applied given that the parcel proposed to be severed is vacant and does not contain any buildings or structures typically associated with residential uses. Furthermore, the proposed severed parcel is immediately adjacent to the commercial lands and as such planning staff is of the opinion that the proposed lot addition would maintain the general intent of the Official Plan.

The purpose of the rezoning of the lot to be merged from the Existing Use (EU) Zone to the site-specific Village Commercial (C1-7) Zone is to permit the expansion of the parking area.

Given the above, planning staff are recommending that the subject application 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, Council is advised to take such information into account when considering the application.