



Meeting Date: January 20, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-02-2021

Subject: Application for Zoning By-law Amendment (ZBA-28-2020); filed by Connor Wilks on behalf of Kilworth Heights West Ltd.

Recommendation:

THAT Zoning By-law Amendment application (ZBA-28-2020), as amended, filed by Connor Wilks on behalf of Kilworth Heights West Ltd, to rezone the 'Open Space exception 6 (OS-6)' zone to the 'Urban Residential Third Density exception 9 with Hold (UR3-9)(h-3)(h-6)(h-7)' zone for the lands described as Concession 1 PT LOT 7 PT LOT 8 RP 33R18800 PT PART 1 RP 33R20294 PART 2 in the Municipality of Middlesex Centre, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding the rezoning application to rezone portion of the lands currently zoned 'Open Space exception 6 (OS-6)' to 'Urban Residential Third Density exception 9 (UR3-9)' zone to facilitate future medium density development on the lands. The subject land is located south of Glendon Drive (County Road 14) and west of Springfield Way in Kilworth. The lands are part of Block 550 within the plan of subdivision file 39T-MC1301.

A location map is included as Attachment 1.

Background:

The subject land, Block 550, is approximately 1.981 ha (4.9 ac) in area and is located on the south side of Glendon Drive between Springfield Way and Crestview Drive. The land fronts onto both Glendon Drive and Doan Drive, however, access is only permitted from Doan Drive. It is part of a larger plan of subdivision (File No. 39T-MC1301) that was approved by the Ontario Municipal Board (OMB). The land also abuts commercial lands to the east and medium density development (townhouses) on the west. Residential lands exist to the south and include a mixture of low and medium density development. On the north side of Glendon Drive exists active agricultural land.

The subject land is designated 'Medium Density Residential' by Middlesex Centre's Official Plan, zoned site-specific 'Urban Residential Third Density exception 9 with Hold (UR3-9) (h-3) (h-6) (h-7)' and 'Open Space exception 6 (OS-6)' zones. The subject land is currently vacant of any buildings or development.

The purpose and effect of the zoning by-law is to rezone the portion of the subject land from the site-specific 'Open Space exception 6 (OS-6)' zone to 'Urban Residential Third Density (UR3-9)' zone to permit the development of medium density residential development. The 'Open Space exception 6 (OS-6)' zone was placed on the lands as a result of archaeological resources found on the lands. As such, the zone does not permit any buildings and/or structures or site grading or alteration.

The applicant has provided documentation that Stage 4: Archaeological Mitigation was carried out on the site known as Glendon Drive Location 1 (AfHi-372) located on Block 550. A complete excavation and removal of the archaeological site was completed, and any resources no longer exist in the ground and has been fully documented. In accordance with the Ministry of Tourism, Culture and Sport's 2011 Standards and Guidelines for Consultant Archaeologists, the Glendon Drive Location 1 (AfHi-372) site no longer retains cultural heritage value or interest and does not require further archaeological investigation or assessment. Confirmation from the Ministry of Tourism, Culture and Sport is included as Attachment 2 and Attachment 3.

The applicant has only applied for the rezoning noted above. Future development on Block 550 will require site plan approval and removal of the Holding symbols.

Policy Regulation:

The Middlesex County Official Plan identifies Kilworth as a settlement area and defers to municipal official plans to delineate the boundaries of the settlement area. The land is designated as 'Medium Density Residential' within the Komoka-Kilworth Urban Settlement Area and Secondary Plan in Middlesex Centre's Official Plan. Further, the land is currently zoned 'Urban Residential Third Density exception 9 with Hold (UR3-9) (h-3) (h-6) (h-7)' and 'Open Space exception 6 (OS-6)' within 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 "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 2.6 – Cultural Heritage and Archaeology directs that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Conservation of archaeological resources means a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of conservation plans and archaeological assessment that has been approved, accepted or adopted by the planning authority. Mitigation measures and/or alternative development approaches can be included in conservation plans and archaeological assessments.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land as within the Kilworth 'Settlement Area'.

Section 2.2.5 – Cultural Heritage & Archaeology states that the County Plan supports the conservation of the County's archaeological cultural and built heritage resources. Development and site alteration on or adjacent to lands containing archaeological resources shall maintain the heritage integrity of the site.

Section 3.2.2 – Development Policies requires development to minimize negative affects on site of archaeological significance.

Section 2.3.8 – Policy Framework-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 encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents.

Section 3.2 – Detailed Land Use Policies-Settlement Areas provides additional development policies for lands within Settlement Areas. The County Plan further supports that Settlement Areas are developed in a manner that is phased and compact, and preserves the historic character of Settlement Areas and complements the positive elements of the existing built-form.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 and designated 'Medium Density Residential'.

Section 5.7.4 – Komoka-Kilworth Residential Area Policies summarized below apply to lands designated 'Medium Density Residential'.

- The 'Medium Density Residential' designation has a housing mix target of 40% which refers to the intended balance between low density and medium density residential development in Komoka-Kilworth. Medium density development is intended to have a net density of 20 to 50 units per hectare.
- Multiple dwellings shall also be permitted in the 'Residential' designation in accordance with Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas.
- Development proposals shall provide for a diverse mix of multi-unit housing forms and choices of accommodate the needs and lifestyles of people at different stages throughout their life; provide building orientation, façade and landscape treatments that create an attractive streetscape.
- Development proposals along Glendon Drive must provide for building orientation, façade and landscape treatments that create an attractive streetscape. Back-lotting onto Glendon Drive is highly discouraged. Improvements to the Glendon Drive streetscape such as improved urban design, underground utilities and the provision of bike lanes may be a condition of development.

- All new development must ensure appropriate orientation and massing of residential buildings to provide adequate private and public open spaces, and to facilitate the penetration of sunlight to 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.
- Entrance features to new residential neighbourhood development shall be encouraged where features are landscape related and require minimal maintenance.
- One potential future school site shall be reserved within the residential area south of Glendon Drive for future school facilities.

Section 9.5.2 – Cultural Heritage Policies requires an archaeological assessment when development proposals have the potential to affect identified or known archaeological resources or areas of archaeological potential. The Ontario Heritage Act will be utilized to conserve, protect and enhance the cultural heritage resources of the Municipality, through the designation of individual properties, conservation districts and archaeological sites. Council may seek to protect significant archaeological resources through the zoning by-law.

Middlesex Centre's Comprehensive Zoning By-law:

The subject lands are partially zoned 'Open Space exception 6 (OS-6)' and 'Urban Residential Third Density exception 9 with Hold (UR3-9) (h-3) (h-6) (h-7)'. As a result of the work undertaken to mitigate negative impacts of development on the archaeological resources, the applicant has requested that the lands zoned 'Open Space exception 6 (OS-6)' be rezoned to be consistent with the rest of the subject lands to permit future development.

Consultation:

Notice of the application was posted on the property and circulated to agencies, and property owners in accordance with the Planning Act and Ontario Regulation 545/06.

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:

At the time of writing the subject report the following comments had been received:

The Municipality's Chief Building Official reviewed the application and has no concerns or objections to the rezoning.

The Municipality's Public Works and Engineering Department reviewed the application and has no concerns or objections to the rezoning.

The County Engineer has reviewed the rezoning application and acknowledges the medium density development along Glendon Drive has been contemplated during the review of the plan of subdivision for the area (File No. 39T-MC-1301) and has no concerns with the rezoning.

Analysis:

To consider the appropriateness of the requested zoning by-law amendment it must conform to the policies of the PPS, 2020, County Plan, and Official Plan and maintain the intent of their policies.

The PPS, 2020, County Plan and Official Plan require the conservation of archaeological resources and sites, and to mitigate the impacts from development. Conservation can include conservation on-site especially where archaeological resources are considered significant, or identification and protection of resources that ensures their cultural heritage value or interest is retained.

A Stage 1 and 2 Archaeological Assessment report was prepared in April 2013 for the development of the plan of subdivision. This report identified three (3) archaeological sites including Glendon Drive Location 1 (AfHi-372) which contained "a large lithic scatter with a potential Early Woodland affiliation". As a result, the report recommended a stage 3 and 4 assessment consisting of surface collection and hand excavation across the site to conserve the resources. Until such time a stage 3 assessment was carried out the current zoning on the property prevented any development or site alteration to protect the archaeological resources.

On March 22, 2019 the Ministry of Tourism, Culture and Sport provided confirmation that the 'Preliminary Report: Stage 4 Archaeological Mitigation of Glendon Drive Location 1 (AfHi-372)' was accepted, and that the "mitigation of development impacts... resulted in the complete excavation and removal of the archaeological site within the proposed development". Further, "the archaeological value of the site now lies solely in the artifact assemblage, high precision mapping and field documentation". As a result, Glendon Drive Location 1 (AfHi-372) "no longer retains cultural heritage value or interest does not require further archaeological investigation". No further assessment is recommended.

As a result, staff is satisfied that the 'Open Space exception 6 (OS-6)' zone does not need to apply to the lands as the archaeological resources are no longer on-site.

With regard to the requested 'Urban Residential Third Density exception 9 (UR3-9)' zone, staff are satisfied that the requested zone is consistent with zoning on lands to the east and west of the subject lands.

Further, the Official Plan also contemplates that future development within settlement areas are serviced by full municipal services. Any proposed development will have full municipal servicing.

The requested zone adheres to the Komoka-Kilworth Residential Area Policies by proposing a minimum block net density of 20 units per hectare, and a maximum block net density of 50 units per hectare; and, providing a diverse mix of development in the form of townhouse or multiple unit dwellings.

The Komoka-Kilworth Residential Area Policies also encourage building orientation, façade, and landscape treatments that create attractive streetscapes for development along Glendon Drive. To ensure that future development on Block 550 adheres to these policies staff recommend that Holding symbols (h-6) and (h-7) are applied to the lands. Holding symbol (h-6) requires a public site plan review process, and holding symbol (h-7) requires that an urban design brief be prepared and implemented during the site plan approval process.

In addition, due to proximity to Glendon Drive it is recommended that Holding symbol (h-3) is applied to the lands which will requires a Noise Impact Analysis be prepared and recommendations for mitigation implemented through the site plan review process

The application of the three (3) Holding symbols is also consistent with the zoning on the rest of Block 550 and would ensure a consistent development review.

Given the above, planning staff determined that the requested zoning by-law amendment to rezone the 'Open Space exception 6 (OS-6)' zone to 'Urban Residential Third Density exception 9 (UR3-9)' zone and recommendation to apply Holding symbols (h-3), (h-6) and (h-7) on the rezoned lands maintains the intent for medium density residential development. Planning staff recommend that the requested amendments to the zoning by-law be approved, as the proposal is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided prior to this 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.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.
- 2a. Economic Development: Realizing economic development opportunities.

- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Letter from D. Lincoln

Attachment 3 – Email from MTCS (now known as MHSTCI), March 22, 2019