



Meeting Date: April 28, 2021

Submitted by: Dan FitzGerald MPI RPP, Planner

Report No: PLA-30-2021

Subject: Application for Consent (Easement) (File No. B-4/2021 and B-5/2021)

Recommendation:

THAT Consent Applications B-04/2021 and B-05/2021, filed by Strik Baldinelli Moniz Ltd, in order to establish a shared access easement for a common driveway to 21603 Richmond Street from 21599 Richmond Street, with the easement being located on two properties legally described as legally described as Part of Lot 17, Concession 7, Part 1 on Reference Plan 33R8329, and Part of Lot 17, Concession 7, in the Municipality of Middlesex Centre, County of Middlesex, known municipally as 21603 and 21599 Richmond Street; be GRANTED;

AND THAT Consent B-04/2021 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-04/2021 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 subject lands of Consent B-04/2021 be paid in full.

AND THAT Consent B-05/21 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-05/2021 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 subject lands of Consent B-05/2021 be paid in full.

AND FURTHER THAT the reasons for granting Consent Applications B-04/2021 and B-05/2021 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.
- The request represents appropriate development on the subject property.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to create easements for a mutual access to a property located on the west side of Richmond Street (Provincial Highway 4), just north of the intersection at Richmond Street and Medway Road in Arva.

A location map is included as Attachment 1.

Background:

The purpose and effect of the Consent Applications are to create a shared access easement in order to reduce the number of access points onto Richmond Street as required by the Ministry of Transportation. The owner(s) are requesting to create a shared access driveway from 21599 Richmond Street to service both developments. The easements will ensure driveway maintenance and access is maintained in perpetuity. A draft site plan has been provided to depict the requested easement as attachment 2.

The property's have a combined frontage of approximately 50 metres (164 feet) and a combined area of approximately 0.19 hectares (0.47 acres). They contain existing professional office / commercial buildings and associated parking areas. It is surrounded by commercial zoned lands to the east and south, and vacant undeveloped lands used for agricultural purposes to the north and west.

Policy and Regulation:

The subject lands are located within a Settlement Area according to the County of Middlesex Official Plan and is designated Village Commercial by the Middlesex Centre Official Plan. The land is zoned 'Village Commercial (C1) Zone'.

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.

County of Middlesex Official Plan:

The County of Middlesex Official Plan speaks to consents and easements in section 4.5.3. This section reviews the criteria for consent applications and confirms 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.”

Middlesex Centre Official Plan:

Middlesex Centre’s Official Plan designates the subject lands as ‘Village Commercial’. The general intent and purpose of the ‘Village Centre’ land use designation is to facilitate the continued health, use and awareness of the centre, establish and reinforce unique identities and characteristics, encourage redevelopment and infill opportunities to match the existing building form, and to function as a traditional village main street.

Consultation:

Notice of the application 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:

Municipality’s Chief Building Official no objection.

Public Works and Engineering Department have reviewed the subject application and have no concerns and/or requirements.

Analysis

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permit consent for easement where they are deemed appropriate or necessary to encourage the efficient use of land. The easements seek to implement the requirements of the Ministry of Transportation and also create a uniform and safe access to the sites.

Planning staff have reviewed the proposal and find the proposal establishes easements necessary to ensure orderly development of the lands. The establishment of the easements will not change the conformity with the Middlesex Centre Comprehensive Zoning by-law.

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.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth
- Vibrant Local Economy

Attachments:

1. Location Map
2. Conceptual Site Plan