



Meeting Date: September 8, 2021

Submitted by: Marion-Frances Cabral

Report No: PLA-72-2021

Subject: Application for Draft Plan of Subdivision (39T-MC2004) and Zoning By-law Amendment (ZBA-24-2020); Filed by Kevin Muir (GSP Group) on behalf of 2270942 Ontario Ltd.

Recommendation:

THAT Zoning By-law Amendment application (ZBA-24-2020), as amended, for 10125 Oxbow Drive filed by Kevin Muir on behalf of 2270942 Ontario Limited to rezone the subject land from 'Extractive Industrial(M4)' to 'Urban Residential First Density with hold (UR1)(h-1)', 'Urban Residential First Density exception 41 (UR1-41)', 'Urban Residential First Density exception 42 with hold (UR1-42)(h-1)', 'Urban Residential First Density exception 43 with hold (UR1-43)(h-1)', 'Urban Residential Third Density exception 16 with hold (UR3-16)(h-1)', and 'Open Space (OS)' be APPROVE;

AND THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for the land known legally as Concession 2 Part Lot 6, former Township of Lobo, Middlesex Centre, County File: 39T-MC2004, subject to the draft plan conditions appended to the Middlesex Centre report PLA-72-2021, and subject to a three (3) year lapse period.

Purpose:

The purpose of this report is to provide Council with information for a draft plan of subdivision and zoning by-law amendment proposal for the property known municipally as 10125 Oxbow Drive and located south side of Oxbow Drive and east of Komoka Road in the village of Komoka. The land is legally described as Concession 2, Part Lot 6, geographic Township of Lobo, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The subject property is located within the Komoka and Kilworth Settlement Area and has access onto Oxbow Drive. The property is east of the existing built up community of Komoka and is bound agricultural and residential uses to the north, the FireRock Golf

Club to the east, and Komoka Park, Komoka Community Centre and residential uses to the south. The subject property is irregularly shaped and is approximately 7.7 ha (19.03 ac) in area. Previously the lands were used as a gravel pit but are currently vacant and contains a 'borrow pit' that is regularly filled with water.

Prior to the current plan of subdivision and zoning by-law amendment applications, three (3) residential lots along Oxbow Drive were severed and rezoned from the subject lands in 2018 and 2019, respectively. For reference the consents files are B-15-18, B-16-18 and B-17-18, and the rezoning file is ZBA-06-2019.

The land is currently designated 'Residential' and has an Aggregate Overlay in the Komoka-Kilworth Urban Settlement Area & Secondary Plan. The property is zoned 'Extractive Industrial (M4)'.

Pre-application for the development proposal was held in April 2018 and again in October 2019. A formal submission was made by the applicant and the application was deemed complete on September 25, 2020. Staff subsequently provided notice of applications to area residents and various agencies.

The plan of subdivision application proposes residential uses and stormwater management on 5.24 ha (12.95 ac) of the site which excludes the borrow pit due to development constraints. Since the public meeting in December 2020, the applicant revised the plan of subdivision related to technical comments regarding stormwater management and phasing of the development. However, the overall design features were generally maintained and include the following:

- 48 lots for single detached dwellings which is 2.73 ha (6.75 ac) in area. 10 lots are planned for Phase 1, 32 lots are planned for Phase 2, and 6 lots are planned for Phase 3.
- 1 block (Block 55) on Oxbow Drive and west of Street A that is 0.01 ha (0.02 ac) in area will be added to an existing residential lot to the west.
- 1 block (Block 49) for 8 street townhomes in Phase 3 which is 0.38 ha (0.94 ac) in area.

The area of Block 49 increased in area to include lands to the north and east that will be conveyed and added to abutting land once development is considered on the neighbouring land. This could result in 3 additional residential lots fronting onto both Oxbow Drive and future Street B.

- 1 block for the stormwater management pond which is 0.47 ha (1.16 ac) in area. The area of the stormwater management pond increased as a result of the revised design of the system.
- A walkway/trail on the southern perimeter of the property and to be considered as part of the parkland dedication. The length of the trail was reduced to avoid

a trail system to the rear of the stormwater management system and Lot 28, and better connect to the existing paths in the abutting park.

- Street A which connects to Oxbow Drive in two (2) locations – at Union Avenue and Oxbow Drive intersection, and across from the entrance to the Country Terrace home.
- Street B which runs parallel to Oxbow Drive. A turning circle (Block 50, 51 and 52) is proposed at the end of Street B and will be removed when development and the extension of Street B on lands to the east are planned. At such time, Blocks 50, 51 and 52 will be available for future residential development fronting onto Street B.
- The existing borrow pit to be retained by the owner and become a buildable lot for one single detached dwelling. This area is not part of the plan of subdivision but subject to the zoning by-law amendment application.

The revised plan of subdivision is included at Attachment 2.

In addition to the plan of subdivision, the applicant submitted a zoning by-law amendment to permit the residential development. The amendment would change the zoning on the land from 'Extractive Industrial (M4)' to:

- two (2) site specific 'Urban Residential First Density exception x (UR1-x)' zones to permit single detached dwellings along Oxbow Drive (Phase 1) and the interior of the plan of subdivision (Phase 2 and 3);
- a site specific 'Urban Residential Third Density exception x (UR3-x)' zone to permit the street townhouse dwellings on Street B (Phase 3);
- the 'Open Space (OS)' zone for the areas that contain the stormwater management pond and trail, and the retained lands not included within the plan of subdivision; and,
- the 'Urban Residential First Density (UR1)' and 'Open Space (OS)' zone for the retained lands not included within the plan of subdivision and where the existing borrow pit is located.

The applicant submitted the following reports as part of their submission:

- Planning Justification Report (Attachment 3)
- Final Servicing Report (Attachment 4)
- Transportation Impact Study (Attachment 5)
- Stormwater Management Report (Attachment 6)

- Stage 1 and 2 Archaeological Assessment (Attachment 7)
- Proposed Draft Plan Conditions (Attachment 8)

Policy Regulation:

The Middlesex County Official Plan identifies Komoka as a settlement area and defers to municipal official plans to delineate the boundaries of the settlement area. The subject property is within the Komoka Settlement Area and is designated as 'Residential' and has an Aggregate Overlay within Middlesex Centre's Official Plan. The subject property is currently zoned 'Extractive Industrial (M4)' within the 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/municipalities "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.

In support of healthy and active communities section 1.5 – Public Spaces, Recreation, Trails and Open Space promotes planning public street networks that foster social interaction and active transportation. Additionally, it recognizes the need for a full range of publicly-accessible recreational space such as trails and parklands.

Sections 1.6 – Infrastructure and Public Service Facilities directs that infrastructure and be provided in an efficient manner that also prepares for the impacts of a changing climate. Section 1.6.2 directs municipalities to promote green infrastructure to complement existing infrastructure such as permeable surfaces, green roofs, and street trees.

Section 1.6.6 – Sewage, Water and Stormwater directs future growth and development to efficiently use and optimize existing services such as municipal sewage and water services, when available. Municipal sewage and water services are the preferred form of servicing for settlement areas.

Section 1.6.6.7 promotes planning for stormwater management that minimizes or prevents an increase in negative impacts on the environment and water system; does not increase risks to human health and safety and property damage; and uses best practices, vegetation, and pervious surfaces as part of an effective stormwater management system.

Section 1.6.7 – Transportation Systems directs transportation and land use coordination to be considered at all stages of the planning process. Transportation networks should be safe, energy efficient and facilitate the movement of people and goods. Efficient development patterns, and a mix of uses and densities should also be promoted to minimize the number of vehicle trips and support active transportation.

Section 2.5 – Mineral Aggregate Resources states that mineral aggregate resources shall be protected for long-term use and shall be identified. Further direction directs that resources as is realistically possible shall be made available as close to markets as possible. If known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if the resource use would not be feasible; or the proposed land use or development serves a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

Middlesex County's Official Plan:

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

Section 2.2.3 – Aggregate Resources recognizes the need to balance competing priorities for the protection of aggregate resources for future extraction and the need to protect agricultural land, the natural system and other sensitive land uses. In areas of significant aggregate resources, uses which do not preclude future resource extraction may be permitted in accordance with the underlying land use designation. All uses which would preclude resource extraction shall be discouraged until such time as the resource has been substantially depleted.

Where supporting documentation is provided that demonstrates that the aggregate resource is of secondary quality and extraction is neither practical nor economically feasible, the subject lands may be used for a land use other than agriculture provided such land use conforms with the local official plan.

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.

With regard to municipal sanitary sewers and water services, section 2.4.5 – Sanitary Sewers and Water of the County Plan promotes efficient and environmentally responsible development that can be supported by full municipal systems servicing.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) designates the subject lands as 'Residential' within the Komoka Settlement Area on Schedule A-2: Komoka-Kilworth Urban Settlement Area & Secondary Plan and contains an Aggregate Overlay on the southwest portion of the lands. Additionally, the official plan schedule identifies a stormwater management facility on the southwestern portion of the lands, and Hazards Lands and a Community Gateway on the northwest portion of the land.

Section 4.2 – Areas of Aggregate Resource Deposits provide policy direction for aggregate resource areas that have been shown as a policy overlay on Schedule A-2 and for new or expanding operations. For lands that are within or adjacent to resource area delineations, the uses permitted are those of the designations underlying the resource

area so long as the use would not preclude or hinder extraction. Where extraction may be hindered or precluded, development may occur only if resource use would not be feasible; or the proposed land uses or development serves a greater long term public interest; and issues of public health, safety and environmental impact are addressed.

Section 4.6 – Rehabilitation of Aggregate Resource Sites direct that extractive sites be progressively rehabilitated to a land use corresponding with the land use designation established beneath the Aggregate Resource Area overlay. Should an applicant propose an afteruse not permitted within the underlying designation, an Official Plan Amendment to change the underlying designation would be required prior to establishment of the afteruse.

Section 5.2 – Residential Areas pertain to lands designated ‘Residential’ within settlement areas like the Komoka-Kilworth area. The ‘Residential’ designation permits a range of housing, institutional uses, municipal uses, parks or open space and group homes. The Municipality is to provide and encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements. The Municipality shall provide opportunities to increase the supply of housing through intensification while considering issues of municipal servicing capacity, transportation issues and potential environmental considerations. Specifically, the Municipality shall require that 15 percent of all development occur by way of intensification.

Residential development should also reflect a high quality of residential and neighbourhood design and have regard for the Municipality’s Site Plan Manual and Urban Design Guidelines. This includes promoting a development that is designed to be sustainable and support public transit and oriented to pedestrians.

The Municipality shall also encourage housing accessible to lower and moderate income households. In this regard the County of Middlesex through its Official Plan will require that 20 percent of all housing be affordable.

Further, on Schedule A-2 identifies Hazard Lands on the subject land. This can include flood plain, flood prone areas, or slope hazards as mapped and/or regulated by a conservation authority. Additional study may be required to demonstrate that development or site alteration will not increase risk to life and property, and there will be no impact on flooding, slope stability, upstream or downstream properties, aggravation of existing natural hazard processes, or natural features or functions.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas provides direction when considering multiple dwellings, including four plexes, townhouses and low/medium rise apartments. Locations should be proximate to adequate open space or park areas, schools, or Village Centre areas, like Komoka, where possible. Densities proposed should be compatible with adjacent densities when proposed adjacent to or within existing residential areas. Apartment dwelling should be located in proximity to a major roadway, or roadway suitable for carrying higher than average volume of traffic. The excessive clustering of multiple dwellings shall be avoided, and a general integration and distribution of such uses at appropriate locations within neighbourhoods or settlements is

encourages. The siting of multiple dwellings adjacent to or in proximity to Village Centres is encouraged. Lastly, townhouses and apartments shall be subject to the site plan approval requirements of Section 41 of the *Planning Act* and Section 10.5 of the Official Plan, and have regard for the site plan manual and urban design guidelines.

Section 5.7.4 – Komoka-Kilworth Residential Area Policies summarized below apply to lands designated ‘Residential’ and ‘Medium Density Residential’ in Schedule A-2 of the Official Plan.

The types of housing, density of development and targeted 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 – Policies for Multiple Unit Dwellings in Residential Areas.

Development proposals within areas designated as ‘Medium Density Residential’ shall provide for a diverse mix of multi-unit housing forms and choices to accommodate the needs and lifestyles of people at different stages throughout their life.

Further, 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.

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.

Lastly, entrance features to new residential neighbourhood development shall be encouraged where features are landscape related and require minimal maintenance.

Section 5.7.11 – Komoka-Kilworth Servicing Policies identify that all land use and development proposals require full municipal services. This includes sanitary sewage collection and treatment, stormwater management and water distribution.

Section 6.3 – Design Policies-Site Plans and Infill Developments provide additional direction to guide infill development to ensure there is compatibility with existing residences and neighbourhoods. High quality site design and architectural design is encouraged for new medium density residential development. Setbacks, massing, location of parking, architecture and other design elements will be carefully reviewed to ensure new development is in keeping with the character of the neighbourhood.

Section 8.4 – Parks and Recreation Policies requires the municipality to receive 5% of lands to be developed or redeveloped for residential purposes be conveyed for public park or recreational purposes. Alternatively, at the Municipality's discretion, a parkland dedication may be required at a rate of one hectare for each 300 dwelling units proposed in the context of a plan of subdivision application. In the case of such parkland dedications, lands to be conveyed shall be of adequate size, dimension, drainage and grading for their intended recreational use, and will be of an appropriate size and shape to meet the needs and goals of the Municipality.

Stormwater detention areas and drains in this Plan shall not be accepted in fulfilment of this requirement, however, they may be accepted as an adjunct to a functional park area.

Connecting walkways and pedestrian grade separations, sidewalks and protective buffer areas between conflicting land uses shall not be considered as a portion of a parkland dedication.

Council may, at its discretion, accept payments of cash-in-lieu of parkland dedication in cases where park and recreational facility sites in the vicinity of the lands to be developed are adequate for present and future needs, or where parklands of adequate size could not be achieved, even in combination with adjoining lands. Cash-in-lieu of parkland payments shall be placed in a separate account and used for the acquisition or development of parkland within the Municipality.

Section 9.3 – Municipal Infrastructure and Services Policies identify that primary municipal services (water supply, sewage disposal and stormwater management) are present in Komoka. It is the policy of the Official Plan that future development in settlement areas proceed on the basis of full municipal services which is consistent with the Provincial Policy Statement, 2020 and County Official Plan policies for servicing.

Section 9.4 – Municipal Transportation Structure establishes policies for the road network within the Municipality. Policies within this section address appropriate setbacks and location of driveway accesses to minimum visual traffic hazards and provide opportunities for roadway widening of rights-of-way extensions.

Middlesex Centre Zoning By-law:

The subject land is zoned 'Extractive Industrial (M4)' within Middlesex Centre's Comprehensive Zoning By-law.

The application to amend the zoning by-law creates several new site specific zones for the lots and blocks, and are described below. A rezoning map provided by the applicant is also shown in Attachment 3.

- Phase 1: the proposed single detached lots fronting on Oxbow Drive to a Site-specific Urban Residential First Density (UR1-42) zone., with the site-specific regulations permitting a reduced minimum lot area, reduced minimum lot frontage for lots fronting on Oxbow Drive, reduced minimum front yard setback, and increased maximum lot coverage for main buildings and accessory buildings;

A summary of the site-specific request is in the table below:

	Proposed UR1-42 zone (Phase 1)
Permitted Uses	Accessory Use Home Occupation Single Detached Dwelling
Minimum Lot Area	380 m ² (4, 090 ft ²)
Minimum Lot Frontage	12 m (39.4 ft)
Minimum Front Yard Setback	8 m (26.3 ft)
Minimum Side Yard Setback	1.2 m (3.9 ft.) on an interior lot line 2.5 m (8.2 ft.) to habitable portion abutting a public street (exterior lot line) 6.0 m (19.7 ft.) to attached garage abutting a public street (exterior lot line)
Maximum Lot Coverage	46% for the main use 49% for all buildings including accessory buildings subjection to

	Section 4.1 (a) of the zoning by-law
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- Phase 2 and Phase 3: the remainder of proposed single detached lots internal to the subdivision to a site-specific Urban Residential First Density (UR1-43) zone, with the site-specific regulations permitting a reduced minimum lot area, reduced minimum lot frontage for lots fronting on Oxbow Drive, reduced minimum front yard setback, and increased maximum lot coverage for main buildings and accessory buildings;

A summary of the site-specific request is in the table below:

	Proposed UR1-43 zone (Phase 2 and Phase 3)
Permitted Uses	Accessory Use Home Occupation Single Detached Dwelling
Minimum Lot Area	380 m ² (4, 090 ft ²)
Minimum Lot Frontage	12 m (39.4 ft)
Minimum Front Yard Setback	4.5 m (14.8 ft) to porch or habitable portion 6.0 m (19.7 ft) to attached garage
Minimum Side Yard Setback	1.2 m (3.9 ft.) on an interior lot line 2.5 m (8.2 ft.) to habitable portion abutting a public street (exterior lot line) 6.0 m (19.7 ft.) to attached garage abutting a public street (exterior lot line)
Maximum Lot Coverage	48% for the main use 51% for all buildings including accessory

	Proposed UR1-43 zone (Phase 2 and Phase 3)
	buildings subjection to Section 4.1 (a) of the zoning by-law

- Phase 3: the proposed townhouses block rezoned to a site-specific Urban Residential Third Density (UR3-16) zone, the regulation permitting a reduced minimum lot depth and increased maximum lot coverage for main buildings and accessory buildings.

A summary of the site-specific request is in the table below:

	Proposed UR3-16 zone (Phase 3)
Permitted Uses	Accessory Use Apartment Dwelling Multiple Unit Dwelling Street Townhouse Dwelling Townhouse Dwelling
Minimum Lot Depth	29 m (95.1 ft)
Minimum Side Yard Setback	1.2 m (3.9 ft.) on an interior lot line 2.5 m (8.2 ft.) to habitable portion abutting a public street (exterior lot line) 6.0 m (19.7 ft.) to attached garage abutting a public street (exterior lot line) No side yard setback required between common walls dividing dwelling units
Maximum Density	35 units per hectare

	Proposed UR3-16 zone (Phase 3)
Maximum Lot Coverage	55% for the main use 58% for all buildings including accessory buildings subject to Section 4.1 (a) of the zoning by-law

- The remnant parcel containing the borrow pit and retained by the Owner, and not subject to the Draft Plan of Subdivision, rezoned to the Open Space (OS) and Urban Residential First Density (UR1) zones.
- The trail and stormwater management pond area rezoned to the Open Space (OS) zone.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

Prior to the public meeting in December 2020 staff received the following comments from area residents:

- Concern about the additional stormwater runoff resulting from this subdivision.
- Is there potential for lawn chemicals, road salt, etc. from these subdivisions finding its way into the ground water in the areas especially where residents are on well systems? Chemicals may also find their way into the Oxbow creek drainage.

Further, at the public meeting the following comments were received:

- Any fill and grading of the lands needs to be stable as there is a significant grade drop west of Union Avenue
- The geotechnical report raises some flags given the slope of the lands
- Given the amount of engineering and fill required for the lands, the lots may be expensive and may not meet the Official Plan policies for affordable/attainable housing and need.

Agency Comments:

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has reviewed the applications and has concerns of the settlement of soil within the lots which used to be a pond. It's recommended that a Hold symbol be applied to lots that were formerly a pond, in whole or in part, until a geotechnical investigation shows that the lands are suitable and safe for development.

The Municipality's Public Works and Engineering Department did not provide comments at the time of the public meeting in December 2020. However, comments were provided later related to the detailed design of the site.

The Municipality's Director of Community Services reviewed the application and note the trail provided on the plan of subdivision. During preconsultation in 2019 the conceptual plan shows a trail extending the entire southern boundary connecting the Komoka Park to the abutting property to the east. The trail shown on the 2019 conceptual plan is preferred in consideration of future development to the east of the subject lands. Further, there is a significant elevation change from Oxbow Drive to the water tower area. A connection point from the subject lands to the park should be considered.

Bell Canada recommends the following conditions of Draft Plan Approval:

"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

Canada Post reviewed the proposal and advised the applicant to consult with Canada Post to determine a suitable permanent location for a community mailbox and that the applicant agrees to provide a walkway, curb and base pad for the community mailbox. Canada Post requests to be notified of any changes or approval to the plan of condominium.

Conseil Scolaire Viamonde has not comment regarding the applications.

County of Middlesex – Emergency Services provided comments related to the proposed naming and addressing of the subdivision, location of fire hydrants, and visibility of addressing signage. Detailed comments have been provided to the proponent.

Enbridge Gas reviewed the proposal and requests the following condition of Draft Plan Approval:

"That the Owner/Developer provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for the project, in a form satisfactory to Enbridge Gas Inc."

Hydro One has no comments or concerns with the applications at this time.

Rogers has no comments or concerns with the applications at this time.

The Thames Valley District School Board have stated they have no comments or concerns with the applications.

The Upper Thames Region Conservation Authority (UTRCA) has no objections to the applications and recommend the following condition of Draft Plan Approval:

“That the owner submit for review and approval a Stormwater Management Plan, and Sediment and Erosion Control Plan and Final Detailed Servicing and Grading Plans prepared to the satisfaction of the Upper Thames River Conservation Authority and the Municipality of Middlesex Centre.”

Analysis:

The plan of subdivision is generally supported by the PPS and the County Official Plan. To consider the appropriateness of the proposed plan of subdivision it must conform to the policies of the Middlesex Centre Official Plan:

- a) 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 to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required. 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.**

A total of 48 lots for single detached dwellings, 1 block for 8 townhouse dwellings, 3 blocks for future residential use, a stormwater management pond, a trail and municipal roads are proposed. A plan of subdivision is an appropriate method to subdivide the land, and address the creation of open space and parkland, trails, and extension of municipal roads.

- b) When considering plans of subdivision applications, the review is to consider whether the proposed development is premature. One key consideration of this review relates to the availability of appropriate services and capacity. Other relevant factors may also be considered.**

Full municipal services are provided within the community of Komoka. Municipal staff have advised that there is sufficient servicing capacity to accommodate the proposed plan of subdivision.

- c) The review of plans of subdivision within the Municipality will be based in part on consideration of design policies included in Section 6.0 of this Plan and the Municipality’s Urban Design Guidelines.**

In conformity with the Official Plan and Secondary Plan for the Komoka-Kilworth area, the development of single detached dwellings and townhouse dwellings will need to consider the municipality's Urban Design Guidelines. Additionally, private garages for new residential development shall not be located closer to the street than the habitable portion or porch on the main floor of the building to limit the visual and streetscape impacts of garages and encourage a positive street frontage oriented to pedestrians.

Further review of the development of blocks for medium density development will consider the urban design guidelines to ensure the development is appropriate and does not conflict with the surrounding low-density development. Additionally, review by the public and agencies are reflected into the design of the plan of subdivision and lot fabric that better integrates the plan of subdivision into the existing community and supports connectivity with future development surrounding the subject lands.

- d) Where possible, plans of subdivision within the Municipality will incorporate a mixture of housing types and levels of affordability in keeping with policies included in Residential policies included in Section 5.2 of this Plan.**

A majority of the developable lands are for single detached dwelling. However, the applicant has requested to rezone Block 49 to permit street townhouse dwellings to provide a mixture of housing options for current and future residents.

- e) All lots within a proposed plan of subdivision must have frontage on a public road which is or will be opened and maintained on a year round basis, and constructed to an acceptable Municipal standard.**

Lots 1 to 48, and Block 49 will have direct frontage onto Oxbow Drive or proposed Streets A and B which will be public right-of-ways. Future development on blocks 50, 51 and portions of Block 49 are proposed to have frontage onto Oxbow Drive or Street B when the lands have direct access to the public rights-of-way.

- f) Plans of subdivision that respect natural contours and topography will be encouraged. All unique natural features and assets, as well as heritage features, should be preserved and integrated into the subdivision design.**

The plan of subdivision does not consider development in the location of the existing borrow pit.

Engineered fill is proposed to grade the lands appropriately to accommodate new residential development. Through the conditions of draft plan approval, final approval of the plan of subdivision will be given when the Owner provides the Municipality with documentation from a qualified professional engineer

certifying that the fill areas have been compacted and completed under inspection, and that the lots are suitable and safe for residential development. Additionally, the developer will need to provide each prospective lot buyer and homeowner with information and extent of the fill area, and the fill map will be registered on title.

There are no natural heritage features on the subject lands.

g) For large plans of subdivision, consideration of appropriate staging or phasing will be included.

The proposed plan of subdivision is proposed to have three phases of development. Phase 1 will be the creation of residential lots along Oxbow Drive. Phase 2 will be the creation of residential lots and blocks for stormwater management and a trail along proposed Streets A and B. Phase 3 will be the creation of residential lots and blocks along Street B. Further subdivision of blocks in Phase 3 will create lots along Street B and Oxbow Drive when lands have direct access to the public right-of-way.

h) It is the policy of this Plan that all new plans of subdivision be subject to a subdivision agreement between the Municipality and the owner / developer. This agreement shall address various matters pertaining to the plan of subdivision, as determined by the Municipality.

The applicant will be required to enter into a subdivision agreement with the municipality prior to final plan approval each phase of the development. Each phase may result in separate or combined agreements. The subdivision agreement will need to address all draft plan conditions seen in Attachment 8.

i) Park land dedication provided to the Municipality in keeping with Section 9.5 of this Plan, must be considered suitable for park land purposes and acceptable to the Municipality. Under no circumstances shall Municipal Council be obligated to accept park land which is being offered by an applicant for a proposed plan of subdivision. Park land dedications shall be reviewed in the context of public realm policies included in Section 6.0 of this Plan.

The applicant will convey up to 5% of the land included within the plan of subdivision. The conveyance includes Block 53 (walkway/trail) but does not include Block 54 (stormwater management pond). Additionally, the municipality can accept cash-in-lieu of all or a portion of the conveyance.

The walkway/trail will extend along the southern perimeter of the lands and is intended to connect to Komoka Park and eventually lands to the west.

j) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.

The proposed plan of subdivision optimizes existing infrastructure and developable land available while maintaining a consistent lot fabric with the surrounding community.

k) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

The plan of subdivision is applicable to a majority of the property and site plan control is not contemplated for future residential development. The plan of subdivision addresses a number of matters including the design of the subdivision, construction, the orderly development of lands, infrastructure and servicing, conformity with municipal standards and conveyance of land.

l) That highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary.

The proposed trail will be a public trail along the southern perimeter of the subject lands and connects the subdivision to the existing park to the south, and to future development to the east. Pedestrian pathways, sidewalks, and rights of ways are to be dedicated to the municipality. This includes Streets A and B on the proposed plan of subdivision.

Staff reviewed the proposed rezoning request and are generally satisfied with the proposed site-specific zones as they are generally consistent with low-density and medium-density development within the Kilworth and Komoka area. Staff recommend the following revisions to the requested zoning:

- The existing site-specific 'Urban Residential First Density exception 41 (UR1-41)' zone will apply to Block 55 to facilitate the merger with the lot to the west and be consistent with the existing zoning.
- The new site-specific 'Urban Residential First Density exception 42 (UR1-42)' zone will have: a revised minimum front yard setback of 8 m (26.2 ft) to the habitable portion of the dwelling and the garage will not extend into the front yard to avoid snout houses; a revised maximum lot coverage of 38% for the dwelling and 41% for all buildings.
- The new site-specific 'Urban Residential First Density exception 43 (UR1-43)' zone will have a revised maximum lot coverage of 43% for the dwelling and 46% for all buildings;
- The new site-specific 'Urban Residential Third Density exception 16 (UR3-16)' zone will: permit only street townhouse dwellings and accessory uses; and have a revised side yard setback between common walls.

The Ministry of the Environment, Conservation and Parks (MECP) has requested further study of chloride levels within the groundwater which can have multiple sources including storm runoff. A special draft plan condition is included to address chloride levels as part of the hydrogeological study and overall stormwater management plan.

A majority of the runoff from the lands is intended to be directed to groundwater. However, the remainder of the runoff that is not generated from roof areas will be directed to oil grit separators for treatment. The stormwater management facility will receive runoff generated from the controlled areas which represents a majority of the development. In the event of a 25-year storm, runoff flows will spill over into the adjacent borrow pit.

Street B is proposed to temporarily terminate as a turning circle on the eastern portion of the land in Phase 3. The turning circle is to be constructed to a permanent standard, however, the intention is to extend Street B east at the time of future development and convert the turning circle into lots for residential development. The details of turning circle will be addressed through the Phase 3 subdivision agreement.

Staff have also recommended a special condition to include traffic calming measures on Street A and/or Street B in recognition of the vehicle speeding in neighbourhood areas.

Given the above and review by the public, agencies and council, planning staff is satisfied that the subject applications are consistent with the PPS, 2020, and in conformity with both the County of Middlesex and Middlesex Centre Official Plans and comprehensive zoning by-law. As such, it is appropriate that Middlesex Centre recommend draft plan approval subject to the attached draft plan conditions and approval of the zoning by-law amendment, as amended.

This opinion is provided as a result of the public meeting and with the benefit of receiving comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the 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:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Proposed Plan of Subdivision

Attachment 3 – Planning Justification Report

Attachment 4 – Final Servicing Report

Attachment 5 – Transportation Impact Study

Attachment 6 – Stormwater Management Report

Attachment 7 - Stage 1 and 2 Archaeological Assessment

Attachment 8 – Proposed Draft Plan Conditions