



**Meeting Date:** October 27, 2021

**Submitted by:** Marion-Frances Cabral, Planner

**Report No:** PLA-81-2021

**Subject:** Applications for Official Plan Amendment (OPA 46) and Zoning By-law Amendment (ZBA 20 2019); Filed by Ric Knuston, on behalf of 1571145 Ontario Limited c/o Todd and Cole Powell; 22447 Komoka Road.

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**Recommendation:**

THAT Report PLA-81-2021 regarding the Official Plan Amendment (OPA 46) and Zoning By-law Amendment (File: ZBA 20 2019) for lands known as 22447 Komoka Road, be RECEIVED FOR INFORMATION.

**Purpose:**

The purpose of this report is to provide Council with information regarding an Official Plan Amendment and Zoning By-law Amendment for a property located on the west side of Komoka Road (County Road 16) and south of Glendon Drive (County Road 14) in Komoka

A location map is included as Attachment 1.

**Background:**

The subject land is approximately 5.9 ha (14.6 ac) in area and has a frontage of 301.8 m (990 ft) along Komoka Road. The lands are located on the southwest corner of Komoka Road and Glendon Drive within the Komoka Urban Settlement Area and are vacant of any development but contain a pond on the southern portion. Residential uses (single detached and townhouse dwelling units) exist immediately to the west, commercial uses immediately to the north, and ponds and agricultural lands to the south and east. Commercial and residential uses exist on the north side of Glendon Drive.

The purpose of the Official Plan Amendment is to amend the land use designation from 'Parks and Recreation' to 'Medium Density Residential'. The purpose of the Zoning By-law Amendment is to re-zone the subject property from the 'Restricted Agricultural (A2)' zone to the 'Urban Residential Third Density (UR3)' zone.

The effect of both these applications is to facilitate the development of two 5-storey apartment buildings with a total height of 17 m (55.8 ft) containing 152 units. The applicant provided a conceptual plan which is subject to change. The conceptual plan and supporting reports show that the units are for seniors and units are proposed to be 1 and 2 bedroom suites. Approximately 166 surface parking spaces are provided for future residents, and 5 parking spaces for visitors. The development will have an internal driveway and access to Komoka Road. No development is proposed on the pond and will remain as part of the open space area. The western building that sides onto abutting residential uses may be located approximately 10 m (32.8 ft) from the property line and is proposed to have some landscaping along the property line to increase privacy and separation. All proposed setbacks are subject to change and will be confirmed through site plan approval.

The applicant advises that the proposed density for the development is approximately 26 units per (gross) hectare and will have a maximum lot coverage of 5%. The lot coverage only considered the building footprint and does not consider the hard-surface parking or internal roads.

The applicant proposes that the development will access full municipal services. Detailed matters such as stormwater management, garbage collection, and on-site amenity areas would be further detailed by the applicant during the site plan approval process.

A concept plan is included as Attachment 2.

The subject lands are designated 'Parks and Recreation' in Middlesex Centre's Official Plan and zoned 'Restricted Agricultural (A2)' in Middlesex Centre's Comprehensive Zoning By-law. A portion of the subject lands are regulated by the Upper Thames River Conservation Authority.

A pre-application meeting was held on March 26, 2019. A formal submission was subsequently made, with the application deemed complete on July 17th, 2019. Consequently, staff circulated the proposed application to area residents, and various agencies.

A public meeting of Council was held on August 14, 2019 for the purpose of presenting the proposal and soliciting feedback from members of the public. A summary of the comments received by staff are provided below.

The applicant provided a subsequent submission in March 2021 and the following reports were provided:

- Planning Justification Report (Attachment 3)
- Geotechnical Investigation, March 2021 (Attachment 4)
- Geotechnical Design Brief, May 2019 (Attachment 5)

## **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 land is designated as 'Parks and Recreation' within the Komoka-Kilworth Urban Settlement Area and Secondary Plan in Middlesex Centre's Official Plan. Further, the land is currently zoned 'Restricted Agricultural (A2)' and contains regulated area 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 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, and promote water conservation and water use efficiency. Servicing and land use considerations shall be integrated at all stages of the planning process. Further, 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 is integrated with planning for sewage and water services and ensures that systems are optimized, feasible and financially viable over the long term; 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; maximizes the extend and function of vegetative and pervious surfaces; and promotes stormwater management best practices such as low impact development, water conservation and stormwater attenuation.

Section 3.1 – Natural Hazards generally directs development to areas outside of hazardous lands which are impacts by flooding hazards, erosion hazards and/or dynamic beach hazards.

Section 3.2 – Human-Made Hazards states that development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

### **Middlesex County's Official Plan:**

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

Section 2.2.4.5 – Hazard Policies states that development on, abutting or adjacent to lands affected by former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known hazards are underway or have been completed.

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 2.3.11 – Natural Hazards states that no buildings or structures, nor the placing or removal of fill of any kind whether originating on the site or elsewhere, nor grading shall be permitted in an area subject to the Conservation Authorities Fill, Construction and Alteration to Waterways Regulations, except where such buildings, structures or fill are intended for floor or erosion control or maintenance and management of the natural environment, recreational purposes or non-residential accessory farm buildings; and are approved by the County and the Conservation Authority.

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 sanitary sewers and water services.

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 along the southern boundary of the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 and designated 'Parks and Recreation'.

Section 3.6 – Floodplain Areas details policies for the floodplain system, and requirements when development is proposed in the area. Applicants are required to provide a Development Assessment Report that demonstrates no increased risk to life and property and no impact on the flood conveyance, upstream or downstream levels or aggravation of existing natural hazard processes such as slope stability.

Section 5.7.1 – Komoka-Kilworth Secondary Plan Goals establish the need to find a balance between a mix of land uses that serve key functions of a complete and vibrant community. Land uses include housing with different densities, local businesses, employment, institutions and recreation.

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 5.7.7 – Komoka-Kilworth Parks and Recreation area Policies and Section 8.0 – General Parks and Recreation Areas seek to enhance connectivity with passive and active transportation modes, and provide recreational facilities for all residents. Land designated within the Parks and Recreation Areas immediately surrounded and jacekent to the existing aggregate ponds as shown on Schedule A-2 shall be planned and designed for compatible forms of public or private outdoor recreation including the consideration for both land- and water-based recreation. The dedication of land for Multi-Use trails in these areas shall be required as a condition of development, and additional lands within these areas may be considered as part of the mandatory parkland dedication subject to the policies of Section 8 and/or Section 9.4.6 of this Plan as the case may be.

Section 5.7.8 – Komoka-Kilworth Community Gateway Policies for Komoka-Kilworth are intended to promote a strong visual and signal of entry into the community. As such, these areas are intended to have landmark features such as signage and special landscape

treatments that have visual prominence, and be considered when there are proposals for new development.

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.

Sections 5.7.12 – Komoka-Kilworth Transportation Policies and Section 9.4 – Municipal Transportation Structure establishes policies for the road network within the Municipality. Komoka Road (County Road 16) is an arterial road with a planned function to serve high volumes of local and regional traffic at medium and high speeds. Access will generally be limited to public road intersections to preserve through-traffic movement. Additionally, 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’s Comprehensive Zoning By-law:**

The subject lands are currently zoned ‘Restricted Agricultural (A2)’ which permits all agricultural uses except the keeping of livestock and storage of manure due to proximity to the urban settlement area.

The zoning by-law amendment seeks to rezone the lands to the general ‘Urban Residential Third Density (UR3)’ zone. The proposed zoning standards are shown in the table below. Where information is not provided and represented by a “-“ means the zoning standard is not applicable to an ‘Apartment Dwelling’ (the proposed use) and removed to increase legibility of the zoning standards in this report:

Zone Regulations	Proposed UR3 Zone
Permitted Uses	Accessory Use Apartment Dwelling Multiple Unit Dwelling Street Townhouse Dwelling

<b>Zone Regulations</b>	<b>Proposed UR3 Zone</b>
	Townhouse Dwelling
<b>Minimum Lot Area</b>	(a) -  (b) 250 m <sup>2</sup> (2, 691 ft <sup>2</sup> ) for each of the first four (4) dwelling units and 100 m <sup>2</sup> (1, 076 ft <sup>2</sup> ) for each additional dwelling thereafter
<b>Maximum Lot Frontage</b>	(a) 30.0 m (98 ft) for townhouse, apartment or multiple unit dwelling  (b) -
<b>Minimum Lot Depth</b>	35.0 m (115 ft)
<b>Minimum Front Yard Setback</b>	(a) In accordance with 4.18 of this by-law  (b) 6.0 m (20 ft) for all other roads
<b>Minimum Side Yard Setback</b>	(a) -  (b) 10.0 (33 ft) for apartment or multiple unit dwelling
<b>Minimum Rear Yard Setback</b>	8.0 m (26 ft)
<b>Minimum Floor Area</b>	(a) -  (b) 40.0 m <sup>2</sup> (431 ft <sup>2</sup> ) per bachelor dwelling unit; 55.0 m <sup>2</sup> (592 ft <sup>2</sup> ) per one bedroom dwelling unit; 65.0 m <sup>2</sup> (700 ft <sup>2</sup> ) per two bedroom dwelling unit; 85.0 m <sup>2</sup> (915 ft <sup>2</sup> ) per three bedroom dwelling unit; 85.0 m <sup>2</sup> (915 ft <sup>2</sup> ) plus 9.0 m <sup>2</sup> (97 ft <sup>2</sup> ) per each bedroom in excess of three (3) dwelling units containing more than three (3) bedrooms for apartment, multiple unit dwelling
<b>Maximum Height</b>	20.0 m (66 ft)
<b>Maximum Density</b>	30 units per hectare



<b>Zone Regulations</b>	<b>Proposed UR3 Zone</b>
<b>Minimum Outdoor Amenity Area</b>	45.0 m <sup>2</sup> (484 ft <sup>2</sup> ) per dwelling unit
<b>Maximum Lot Coverage</b>	(i) main building – 35%  (ii) all buildings, including accessory buildings and structures subject to Section 4.1 a) – 38%
<b>Parking</b>	1.5 spaces per unit

**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 were received from the public regarding this proposal.

Prior to the public meeting in August 2019 staff received the following written and verbal comments from area residents:

- Reduced green space and parkland; the lands should remain for Parks and Recreation
- Additional congestion on the street and in businesses
- Wildlife habitat destruction
- Loss of privacy
- Result in a cookie-cutter feel to the community
- Additional senior housing is not needed
- Impacts on stormwater drainage and management
- Too much density
- Questions about fire suppression capacity

- Questions about site plan details such as garbage disposal and setback to the pond
- Lack of on-site and off-site amenities for seniors
- Preference to see buildings capped at 3 storeys or less
- Proposal should be supported as it does not take away from active farmland
- Suites can potentially provide housing for individuals with disabilities
- Provides options close to local businesses
- Poor water quality of the pond
- Loss of parkland
- Incompatible uses between a 5-storey building and high water table
- Retirement communities should be located near amenities and hospitals
- Komoka should not be an area for medium density development due to lack of transportation options and proximity to existing low-density development
- Location is appropriate
- Proposed units are great for those downsizing
- The lands should remain for Parks and Recreation
- Proposal does not reflect small town atmosphere
- Proposal provides options for long-time residents to stay within the community

**Agency Comments:**

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

The Upper Thames River Conservation Authority (UTRCA) has reviewed the subject applications in 2019 and provided the following comments.

- Portions of the subject property are affected by the Authority's Regulation Limit which is comprised of the riverine flooding hazard due to the existing pond on site (former aggregate operation). Ontario regulation 157/06 requires the landowner to obtain written approval from the UTRCA prior to undertaking any works including filling, grading, construction and/or alteration to a watercourse in the regulated area.

- The following policy sections from the UTRCA Environmental Planning Policy Manual is applicable to the subject property: General Natural Hazard Policies (3.2.2), Riverine Flooding Hazard Policies (3.2.3) and Riverine Erosion Hazard Policies (3.2.4).
- Given that the pond located on the subject property is not being interfered with (save and except for an anticipated dock structure in the future); and no filling of the pond is being proposed, the Authority can advise that a 15m setback from the existing top-of-bank will sufficiently address our concerns as they relate to any associated floodplain and/or erosion hazard associated with the pond, while also protecting any potential fish and aquatic habitat. Any proposed trails located outside of the pond will need to be located a minimum of 6m from the stable top of bank, and a Section 28 permit will be required for same.
- The UTRCA provided site servicing brief comments related to runoff quality and quantity, water quality, groundwater fluctuation, and the drainage outlet for some sites west of Komoka Road.
- The UTRCA can advise that in general, we have no objection to the proposed applications for Official Plan Amendment and Zoning By-law Amendment. We would ask that a response to our comments regarding the Site Servicing Strategy be addressed, and that a drawing confirming the minimum 15m setback between the pond and the proposed development will be achieved.

No additional comments have been provided by the UTRCA at the time of writing this report.

The Municipality's Chief Building Official reviewed the applications and does not have comments at this time. Additional comments will be provided at the time of site plan review for any proposed development.

The Municipality's Public Works and Engineering Department reviewed the applications and has no concerns with the proposal. Detailed comments on engineering matters including stormwater management and management of the existing pond will be provided through the detailed design review of any development on site.

The Municipality's Fire Chief provided general comment related to apartment building proposals within the Municipality. Generally a few low to mid-rise apartments will not impact the Fire Department's ability to suppress fire or hazards with existing equipment. Per the Ontario Building Code, the types of taller buildings are built with internal and structural fire safety features and considerations are made to the design of the building including type, building materials, and height.

The Middlesex County Engineer reviewed the applications and does not have comments at this time. Additional comments will be provided at the time of site plan review for any proposed development.

## Next Steps

Following the initial meeting outlining the intended change of the property, staff will take all comments into consideration from internal and external stakeholders and report back at a future date on the application.

## **Financial Implications:**

None.

## **Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

## **Attachments:**

Attachment 1 – Location Map

Attachment 2 – Concept Plan

Attachment 3 – Planning Justification Report

Attachment 4 - Geotechnical Investigation, March 2021

Attachment 5 - Geotechnical Design Brief, May 2019