



Meeting Date: October 27, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-92-2021

Subject: Applications for Plan of Subdivision (39T-MC0204) and Zoning By-law Amendment (ZBA 2017); Springer Pond Developments Inc.; 45 Springer Street

Recommendation:

THAT Report PLA-92-2021 regarding the proposed Plan of Subdivision (File: 39T-MC0204) and Zoning By-law Amendment (File: ZBA 2017) for lands known as 45 Springer Street, be RECEIVED FOR INFORMATION.

Purpose:

The purpose of this report is to provide Council with information regarding a Plan of Subdivision and Zoning By-law Amendment for a property located on the east side of Springer Street and north of Glendon Drive (County Road 14) in Komoka.

A location map is included as Attachment 1.

Background:

The lands are approximately 6.82 ha (16.8 ac) in area and has frontage on Glendon Drive, Springer Street and Queen Street. The proposed plan of subdivision application is only applicable to an area of 0.94 ha (2.3 ac) with 207.58 m (681 ft) of frontage on Springer Street. The lands are surrounded by residential uses to the east, north and west. Ponds and a parks and reactional areas are located on the south side of Glendon Drive.

The owner submitted a draft plan of subdivision application in 2002 (County of Middlesex File No. 39T-MC0204) for the purposes of creating lots for single-detached dwellings on the east side of Springer Street and the west side of Queen Street in Komoka. The proposal also included the creation of future development blocks on the north side of Glendon Drive (County Road 14). Since this time, the applicant withdrew the subdivision proposal for that portion of the property along Queen Street and Glendon Drive (County Road 14) and is pursuing development approvals for land along Springer Street.

The purpose and effect of the draft plan of subdivision application is to facilitate the development of 8 lots for single-detached dwellings (shown as Lots 1-8 on the attached draft plan of subdivision) and two lots that would accommodate either single detached dwelling or semi-detached dwelling units (shown as Lots 9 and 10). The lot line separating the Lots 9 and 10 is proposed to be established along the dividing wall of an existing single-detached dwelling and an attached garage at the residence known municipally as 45 Springer Street. The applicant has also indicated that the existing single detached dwelling could be completed separated and create two single detached dwelling units on Lots 9 and 10 instead of semi-detached dwelling units.

The lots proposed to accommodate single-detached dwellings would have lot frontages of 21.4 metres (70.2 ft) and lot areas of 978.4 m² (0.24 ac). The lots proposed to accommodate the two semi-detached dwelling units would be comprised of the following: Lot 9 – lot frontage of 19.91 m (65.3 ft) and lot area of 910.3 m² (0.22 ac); Lot 10 – lot frontage of 16.46 m (54 ft) and lot area of 752.6 m² (0.19 ac). All lots will front onto Springer Street and, therefore, no internal roads or parks and open spaces are proposed. Stormwater runoff will outlet into the existing pond to the east of the subject lands until a future connection a storm sewer system along Glendon Drive is provided.

The proposed draft plan of subdivision is included in Attachment 2.

The applicant applied for a zoning by-law amendment in 2017. The purpose of the zoning by-law amendment is to rezone the subject land from the site-specific 'Urban Residential First Density (UR1-3)' zone to a new site-specific 'Urban Residential First Density (UR1-#)' zone in order to permit the development of Lots 1-8, and a new site-specific 'Urban Residential Second Density (UR2-#)' zone in order to accommodate flexibility for single detached units or semi-detached units on Lots 9 and 10.

A zoning map is included as Attachment 3.

Supporting documents submitted by the applicant include:

- Planning Justification Report, October 2016 (Attachment 4)
- Geotechnical Assessment, May 11, 2016 (Attachment 5)
- Slope Stability Assessment, October 17, 2018 (Attachment 6)
- Conceptual Engineering Report, April 2016 (no digital attachment)
- Hydrogeological Assessment, (no digital attachment)

The applications were before Council at a public meeting in January 2017. A summary of the comments are located below in the report. At this meeting Council directed staff to prepare a report recommended draft plan conditions for the proposed development of 8 lots for single-detached dwelling units and 2 lots for semi-detached dwelling units along Springer Street as proposed by Springer Pond Developments. Inc., and that it be presented for Council's consideration. Additionally, Council recommended that the zoning

by-law be revised for consideration of approval following the delineation of an appropriate setback from the pond in consultation with the Upper Thames River Conservation Authority.

A peer review of the geotechnical and hydrogeological study was undertaken by Stantec Consulting Limited in 2018. These reports are included to this report as follows:

- Peer review of Geotechnical Report, July 4, 2018 (Attachment 7)
- Peer review of Hydrogeological Assessment, June 29, 2018 (Attachment 8)

Other supporting studies were completed including a local survey of potable wells (Exp Services) and a Preliminary Lot Grading Plan (SBM Engineering) (no digital attachments provided).

The land is currently designated 'Residential' and designated 'Settlement Commercial' for the lands abutting Glendon Drive in the Komoka-Kilworth Urban Settlement Area & Secondary Plan. The pond in the centre of the lands consume a majority of the lands and is considered Hazard Lands. The property is split zoned 'Urban Residential First Density exception 3 (UR1-3)' and 'Existing Use (EU)'. The 'Existing Use (EU)' zone is only applicable to the lands abutting Glendon Drive. A majority of the lands are regulated by the Upper Thames River Conservation Authority.

As several years have passed since the public meeting in 2017, staff decided to bring forward the applications for Council and the public for review and comment prior to making a recommendation. In addition to the applicant's submission, staff have provided preliminary draft plan conditions that have been reviewed by the proponent. The preliminary draft plan conditions are included as Attachment 9.

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 'Settlement Commercial', and contains Hazard Lands within Middlesex Centre's Official Plan. The subject property is currently zoned 'Urban Residential First Density exception 3 (UR1-3)' and 'Existing Use (EU)' 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.

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 3.1 – Natural Hazards directs development outside of hazardous lands adjacent to a river, stream and small inland lake systems that are impacts by flooding or erosion hazards.

Section 3.2. – Human Made Hazards states that development on 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 suspects hazards are under way or have been completed.

Middlesex County’s Official Plan:

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

Section 2.3.8 – 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’ and ‘Settlement Commercial’ within the Komoka Settlement Area on Schedule A-2: Komoka-Kilworth Urban Settlement Area & Secondary Plan and contains an Hazard Lands overlay on the pond.

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 5.7.4 – 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 designation 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.

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.

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.

Middlesex Centre Zoning By-law:

The subject land is split-zoned ‘Urban Residential First Density exception 3 (UR1-3)’ and ‘Existing Use (EU)’ within Middlesex Centre’s Comprehensive Zoning By-law.

The application to amend the zoning by-law does not affect the lands zoned ‘Existing Use (EU)’ which front onto Glendon Drive. The application seeks to create a new site-specific ‘Urban Residential First Density (UR1-x)’ zone for Lots 1-8 and ‘Urban Residential Second Density (UR2-x)’ zone for Lots 9-10.

The proposed zoning standards in the current and proposed zones are shown in the table below:

	Current UR1-3 zone	Proposed UR1-x (Lots 1-8)	Proposed UR2-x (Lots 9-10)
Permitted Uses	Accessory Use Home Occupation Single Detached Dwelling Unit	Accessory Use Home Occupation Single Detached Dwelling Unit	Accessory Use Home Occupation Single Detached Dwelling Unit Semi-Detached Dwelling Unit
Minimum Lot Area	930.0 m ² (0.23 ac)	900.0 m ² (0.22 ac)	750.0 m ² (0.19 ac)
Minimum Lot Frontage	24.0 m (79 ft)	20.0m (65.6 ft)	15.0 m (49.2 ft)
Minimum Front Yard Setback	8.0 m (26 ft)	8.0 m (26 ft)	8.0 m (26 ft)
Minimum Side Yard Setback - Interior	3.0 m (10 ft)	1.5 m (4.92 ft)	1.5 m (4.92 ft) provided that 0.0 m side yard setback between the common wall dividing semi-detached dwelling units
Minimum Side Yard	8.0 m (26 ft) on the side abutting the road	-	-

	Current UR1-3 zone	Proposed UR1-x (Lots 1-8)	Proposed UR2-x (Lots 9-10)
Setback – Corner Lot	and 3.0 m (10 ft) on the other side		
Minimum Rear Yard Setback	8.0 m (26 ft)	8.0 m (26 ft)	8.0 m (26 ft)
Maximum Lot Coverage	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%
Minimum Floor Area	90.0 m ² (969 ft ²)	90.0 m ² (969 ft ²)	65.0 m ² (699 ft ²)
Maximum Height	12.0 m (39.4 ft)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

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:

At the time of writing this report staff did not receive comments from the public.

Prior to the public meeting in January 2017 staff received the following written and verbal comments from area residents:

- Concern about the semi-detached dwellings building form and compatibility with surrounding community
- Conversion of present structure to semi-detached home – including parking, existing neighbourhood, precedent for more semi-detached
- Construction related to infrastructure and road works
- Request for a traffic study to be completed

- Number and size of lots
- Impact on aquifer of fill, longer term water quality monitoring, impact on hydrostatic flows and water levels
- Pond – use by new residents, existing residents, water quality, wildlife
- Water displacement from filling pond
- Filling of lots 1-3 will affect private properties
- Loss of trees
- Devaluation of properties
- Uniqueness of location will be destroyed
- Soil stability
- Installation of sewer and water will affect neighbouring properties
- Concern of property damage to other residents in the community
- Excavation of Springer Street for sewers
- Final road surface between Erie and Thames Streets
- Request deferral until additional documentation received
- Environmental impact assessment
- Age of geotechnical report – 1998
- Infrastructure upgrades
- Shore erosion/mitigation responsibilities
- Property maintenance consistency
- Ownership liability of the pond
- Engineering report regarding the separation of the existing residence due to pile driven foundation
- Establishment of a fund to compensate neighbouring properties in the event of water or liability related issues
- Concern with future phasing

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 the conversion of the existing house. The CBO questions the ability to convert the existing single-detached home into a semi-detached dwelling unit. The conversion should be addressed as a condition of draft plan approval. The following condition could be applied: "that the developer obtain a building permit and complete the conversion of the existing home into a semi-detached home, prior to the creation of the lots associated with this proposal."

The Municipality's Public Works and Engineering Department did not provide comments at the time of the writing this report. The previous Municipal Engineer provided the following comments in 2017 related to the reconstruction of Springer Street in Komoka: the proponent shall fund 50% of the costs to reconstruct Springer Street in Komoka along the entire property frontage to the Municipality's satisfaction, and fund 100% of the cost to install the required sanitary and storm sewers complete with the required individual private drain connections, sidewalks and street lighting fronting the subject property".

Canada Post reviewed the proposal in 2017 and provided the following comments: Canada post will provide mail delivery service to the subdivision through centralized Community Mail Boxes. The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes and agrees to display a map on the wall of the sales office to indicate the location of Community Mail Boxes to prospective buyers. The developer must agree to provide a walkway, curb depression for wheelchair access and a concrete pad to the satisfaction of the Municipality and Canada Post.

County of Middlesex – County Engineer reviewed the current submission in 2020 and advised that there are turning lanes at the intersection of Springer Street and Glendon Drive which is sufficient to handle the extra development.

Upper Thames River Conservation Authority reviewed the applications, and slope stability, hydrogeological and geotechnical reports provided by the applicant. The UTRCA is satisfied with the reports and will require permits at the time of development. The UTRCA has also requested to review the stormwater management plan prior to final approval of the plan of subdivision.

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 – Proposed Plan of Subdivision

Attachment 3 – Proposed Zoning Map

Attachment 4 – Planning Justification Report

Attachment 5 – Geotechnical report

Attachment 6 – Slope Stability Assessment

Attachment 7 – Peer review of Geotechnical Report

Attachment 8 – Peer review of Hydrogeological Report

Attachment 9 – Preliminary Draft Plan Conditions