



Meeting Date: October 27, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-83-2021

Subject: Applications for Plan of Condominium (39T-MC-CDM2101), Official Plan Amendment (OPA 57) and Zoning By-law Amendment (ZBA-16-2021) for lands known as 6, 10, and 14 Elmhurst Street (Kilworth); Filed by LDS Consultants Inc. (Anthony Gubbels) on behalf of Swe

Recommendation:

THAT Report PLA-83-2021 regarding Zoning By-law Amendment application (ZBA-16-2021), Official Plan Amendment application (OPA 57), and Plan of Condominium application (39T-MC-CDM2101) filed by LDS Consultants Inc. on behalf of Sweid Holdings Inc., for lands known as 6, 10, and 14 Elmhurst Street in Kilworth be RECEIVED FOR INFORMATION.

Purpose:

This report is to provide information regarding applications for a plan of condominium, official plan amendment and zoning by-law amendment on the land on the west side of Elmhurst Street and south of Glendon Drive (County Road 14) in Kilworth. The subject lands are legally described as Concession 1 S Part Lot 10 and Concession 1 Part Lot 10 RP 33R12238 Part 1, Municipality of Middlesex Centre (geographic Township of Lobo), Middlesex County.

A location map is included as Attachment 1.

Background:

The purpose and effect of the plan of condominium application is to create fifty-six (56) dwelling units within a vacant land condominium. Twenty-Eight (28) units will be for the development of single detached dwellings, and twenty-eight (28) units will be for the development of townhouse dwelling units.

The purpose of the official plan amendment application is to redesignate the lands to 'Medium Density Residential' to permit the proposed condominium development and permit development within and in proximity to lands designated 'Natural Environment' and lands that contain Significant Woodland.

The purpose of the zoning by-law amendment application is to rezone the lands from 'Urban Residential First Density exception 3 (UR1-3)' to a new site-specific 'Urban Residential Third Density (UR3-x)' zone.

The applicant has also applied for site plan approval (File: SP05-2021) concurrently with the above noted applications.

Staff met with the applicant and agent on for preconsultation on January 31, 2020 and October 27, 2020. Applications were received for site plan approval, zoning by-law amendment, and official plan amendment in August 2021 and deemed complete on August 26, 2021. The plan of condominium application was received by the County and deemed complete on September 21, 2021.

The subject lands are made up of three parcels at 6, 10 and 14 Elmhurst Street. Combined, the parcels are approximately 2.03 ha (5.03 ac) and have a frontage of 109.5 m (359.2 ft) along Elmhurst Street. The depth of the combined parcels is approximately 186 m (610.2 ft). Each parcel currently contains a single detached dwelling. The dwellings will be removed to accommodate the proposed development.

Existing low-density residential lands are located to the north, east, south and west of the lands. An existing commercial plaza on Glendon Drive is within proximity to the north-west. The subject lands also contain some and abut Significant Woodland and natural heritage features that are located to the north.

As mentioned, the effect of these applications would permit the proposed development of single detached and townhouse dwelling units on the 2.03 ha (5.03 ac) parcel. The principle design features of the proposed development include the following:

- Two accesses and driveways will be off Elmhurst Street
- 28 single detached dwelling units will be located along the property lines and back onto existing residential properties that surround the subject lands. The single detached dwelling unit lots range in size from 411.5 m² (4, 434 ft²) to 948 m² (10, 204 ft²)
- The overall gross density for the development is 28 units per hectare (UPH)
- The single detached dwellings are proposed to be 1 storey in height
- 2 blocks will contain back-to-back townhouse units (Units 1-14 and 15-28)
- The townhouse units are proposed to be 2 storeys in height
- Each dwelling unit is proposed to have 2 parking spaces – 1 located in the driveway and the other within the garage
- All lots and units will front onto an internal private road

- Block 29 is an amenity area located between the townhouse blocks in the centre of the development. This area will also contain a centralized mailbox and snow storage
- 20 visitor parking spaces are proposed to be located to the north and south of the amenity area. No on-street parking is proposed on the internal private road since it is a fire route.
- The proposed development will be serviced by municipal water and municipal sanitary services that will be extended to the subject lands along Parklands Place and Elmhurst Street
- Stormwater runoff will be directed to catchbasins proposed throughout the development. The stormwater management system is a combination of surface ponding, a perforated/oversized storm sewer network and an infiltration gallery underneath the private internal road.

No outlet is proposed for the subject lands As such, all flow will be contained within the site boundaries to avoid adverse effects to the surrounding environment. Runoff from the backyards of the single detached dwellings will flow to open bottom catchbasins located in the rear yards. Runoff from the fronts of houses and townhouses will flow to the private internal road and catchbasins.

- The landscaping plan proposed trees to be planted on both sides of the internal road in front of the dwelling units. Additionally, trees will be planted along the frontage of Elmhurst Street
- Lighting along the internal private road is proposed
- A 1.2 m high wrought iron decorative fence is proposed along the frontage of Elmhurst Street. A 1.8 m high privacy fence is proposed along the southern, western and northern perimeter of the subject lands
- No sidewalks are proposed within the development

The applicant submitted the following reports and plans to support the applications:

- Plan of Condominium (Attachment 2)
- Site Plan (Attachment 3)
- Planning Justification Report (Attachment 4)
- Planning Justification Report Addendum (Attachment 5)
- Landscaping Plan (Attachment 6)

- Lighting Plan (Attachment 7)
- Geotechnical Investigation (Attachment 8)
- Stormwater Servicing Brief (Attachment 9)
- Servicing Plan (Attachment 10)
- Grading Plan (Attachment 11)
- Parklands Place profile (Attachment 12)
- Elmhurst Street and Kilworth Park Drive profiles (Attachment 13)
- General Notes and Details (Attachment 14)
- Pumping Station Details (Attachment 15)
- Scoped Development Assessment Report (Attachment 16)

Policy Regulation:

When reviewing these applications the following planning instruments are applicable to guide development within settlement areas. The Provincial Policy Statement provides planning direction for growth and a variety of uses within settlement areas and contains specific policies to ensure development is appropriate. The property is identified as part of the Kilworth ‘Settlement Area’ in Middlesex County’s Official Plan and designated as ‘Residential’ and ‘Natural Environment’ within Middlesex Centre’s Official Plan. The property is zoned ‘Urban Residential First Density exception 3 (UR1-3)’ by Middlesex Centre’s Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the land.

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.

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 of the PPS 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 1.1.2 requires municipalities to accommodate an appropriate range and mix of land uses to meet projected land needs for a time horizon of up to 25 years. Within settlement areas land is to be made available through intensification and redevelopment.

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, redevelopment, and the efficient use of land. 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 2.1 – Natural Heritage does not permit development and site alteration in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features of their ecological functions.

Middlesex County’s Official Plan:

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

Section 2.3.8 – Growth Management-Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including commercial, industrial and residential uses. These areas are intended to have the highest concentration and 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 – Growth Management-Housing Policies encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents. Municipalities are responsible to determine and encourage a range of housing types, densities and options through local official plans that meet current and future needs. This can also include intensification and redevelopment in appropriate locations.

Section 2.3.10 – Natural Heritage Features in concurrence with Schedule C identifies lands that have natural environment functions and significance which should be considered when development proposals are reviewed. When an application for development within a Natural Heritage Feature, including Significant Woodland, or within the adjacent lands, the applicant is required to submit a development assessment report in accordance with policies of section 2.2.1.2.

Section 2.4.2 – Transportation Network in concurrence with Schedule B identifies Glendon Drive, a County road, within proximity to the subject lands. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic movement along the County road system. The County shall ensure that development proposals that are likely to generate significant traffic are accompanied by a transportation study addressing the potential impact on the transportation network and surrounding land uses.

Section 3.2 – 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. The County Plan defers to the municipality to provide detailed direction on a variety of areas including addressing land supply and policies for land uses within urban areas including residential and commercial.

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) shows the land located within the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 and designated 'Residential' and 'Natural Environment'.

Section 3.3 - Natural Environment Areas Designation states that all development or site alteration shall be prohibited, save and except those permitted in Section 3.5 of the Official Plan. Features within the designation contain boundaries which may be more precisely defined through environmental evaluations such as a development assessment report prepared to the satisfaction of the Municipality and appropriate agencies.

Development may be permitted in adjacent lands subject to the completion and findings of a development assessment report acceptable to the Municipality. Such developments must not result in a negative impact on the natural areas and functions or ecological processes of the feature in question.

Section 5.2 – Residential Areas states that municipalities shall encourage a wide variety of housing types, sizes and tenures to meet the demographic and market requirements for current and future residents. The Municipality should encourage alternative forms of housing and support at least a three year supply of draft approved and registered plan of subdivision lots within the Municipality.

The Municipality shall support opportunities to increase the supply of housing through intensification, while considering issues of municipal service 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 including intensification should reflect a high quality of residential and neighbourhood design, in keeping with the design policies included in Section 6.0 of this Plan and having regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas permits townhouses, low and medium rise apartments and other forms of multiple dwellings subject to 6 criteria including location and proximity to parks and schools, compatible densities, proximity to major roadways, avoidance of clustering, proximity to village centres, and requirement for site plan approval.

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 5.7.9 - Komoka-Kilworth Natural Environment, Natural Heritage Enhancement and Natural Hazard Area Policies require that development assessment reports are prepared for development proposals on adjacent lands to Natural Environment Areas in accordance with sections 3.8 and 10.2.3 of the Official Plan. The development assessment report shall include an Environmental Management and Monitoring Plan identifying the necessary steps to be followed in order to protect the natural features and ecological functions from adverse effects of developing the adjacent lands.

Section 9.3.1 – Settlement Area Municipal Services and Section 5.7.11 – Komoka-Kilworth Servicing Policies both require full municipal services for all land use and development proposals within the urban settlement area. Services and utilities shall be provided in an orderly and coordinated manner.

The applicant has requested to amend the Official Plan by re-designating the land from 'Residential' and 'Natural Environment' to 'Medium Density Residential' on Schedule A-2. The following policies will apply to the land.

Section 10.1 - Amendments to this Official Plan provides direction for municipalities when considering applications to amend the Official Plan. The municipality must consider all relevant issues relating to public interest, and notify the general public and agencies in accordance with the *Planning Act*.

At a minimum, the Municipality shall consider the following criteria:

- a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?
- b) Is there a demonstrated need or justification for the proposed change?
- c) Is the amendment in keeping with Provincial and County policy?
- d) What are the effects of the proposed change on demand for Municipal services, infrastructure and facilities?
- e) Can the lands affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?
- f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?

The Municipality is also directed to undertake a five year review of the Official Plan to revise the plan as necessary.

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.
- 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; and for the development along Glendon Drive, provide building orientation, façade and landscape treatments that create an attractive streetscape. Back-lotting of units will be strongly discouraged along Glendon Drive. Improvements to Glendon Drive may include upgrades to hard infrastructure (e.g. stormwater system, bike lanes, sidewalks) and may be a required as 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.

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.

Middlesex Centre Zoning By-law:

The subject lands are currently zoned site-specific 'Urban Residential First Density exception 3 (UR1-3)' and permits a single detached dwelling, home occupation and accessory uses. Additional site-specific zoning standards apply such as minimum lot area, minimum lot frontage, minimum front yard setback, and minimum side yard setbacks.

The requested amendment would rezone the property to a site specific 'Urban Residential Third Density exception x (UR3-x)' zone to reflect the proposed 56-unit development consisting of single detached dwelling units and townhouse dwelling units.

The proposed standards are shown in the table below and may change based on information and comments received from the public, Council, agencies and staff:

	Current UR1-3 Zone	Proposed UR3-x Zone
Permitted Uses	Accessory Use Home Occupation Single Detached Dwelling	Accessory Use Home Occupation Single Detached Dwelling Townhouse Dwelling
Minimum Lot Area	930.0 m ² (0.23 ac)	(i) Single Detached Dwelling 405.25 m ² (4362 ft ²) (ii) Townhouse Dwelling 100.63 m ² (1083.2 ft ²) per dwelling unit
Minimum Lot Frontage	24.0m (79 ft)	(i) Single Detached Dwelling 12.4 m (40.7 ft) (ii) Townhouse Dwelling 7.0 m (23.0 ft)
Minimum Front Yard Setback	8.0 m (26 ft)	(i) Single Detached Dwelling 6.0 m (19.7 ft) (ii) Townhouse Dwelling 6.0 m (19.7 ft)
Minimum Side Yard Setback	(i) interior lot 3.0 m (10 ft) (ii) corner lot 8.0 m (26 ft) on the side abutting the road and 3.0 m (10 ft) on the other side	(i) Single Detached Dwelling (a) interior lot 1.5 m (4.9 ft) (b) corner lot 4.5 m (14.8 ft) on the side abutting a public road and 1.5 m (4.9 ft) on the other side. (ii) Townhouse Dwelling (a) interior lot 0.0 m side yard setback between the common wall dividing units

	Current UR1-3 Zone	Proposed UR3-x Zone
		(b) exterior lot 4.5 m (14.8 ft) on the side abutting a public or private road
Minimum Rear Yard Setback	8.0 m (26 ft)	(i) Single Detached Dwelling 12.0 m (39.4 ft) (ii) Townhouse Dwelling 0.0 m (0.0 ft)
Maximum Lot Coverage	(a) Main building 35% (b) All buildings including accessory buildings subject to Section 4.1 a) 38%	(i) Single Detached Dwelling (a) Main Building 35% (b) All buildings include accessory buildings subject to Section 4.1 a) 38% (ii) Townhouse Dwelling (a) Main Building 66%
Minimum Floor Area	90.0 m ² (969 ft ²)	(i) Single Detached Dwelling 137 m ² (1,474.6 ft ²) (ii) Townhouse Dwelling 69.2 m ² (744.9 ft ²)
Maximum Height	12.0 m (39.4 ft)	(i) Single Detached Dwelling 1 storey approximately 4.5 m (14.8 ft) (ii) Townhouse Dwelling 2 storeys approximately 9.0 m (29.6 ft)
Maximum Number of Dwellings per Lot	One single detached dwelling	One dwelling unit per lot
Maximum Density	-	28 Units Per Hectare for entire site

	Current UR1-3 Zone	Proposed UR3-x Zone
Parking Spaces	2 spaces per unit	2 spaces per unit
Visitor Parking	-	20 visitor spaces

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 this report, staff did not receive comments from area residents.

Agency Comments:

The Municipality’s Chief Building Official did not provide comments prior to the public meeting. However, comments were made during the preconsultation and requested that the applicant review the size of the buildings, turnarounds and fire routes to meet OBC standards, amenity spaces, improvements to Glendon Drive, parking summary, garbage collection and on-site amenities, and the height of the buildings that were originally proposed. Additional detailed comments will be provided during review of the site plan application.

The Municipality’s Public Works and Engineering Department reviewed the application and will provide detailed comments during review of site plan application. Initial comments related to the servicing of the site and extension of services from the areas west of the subject lands. Staff continue to review the reports and plans provided by the applicant.

The Municipality’s Director of Emergency Services – Fire Chief did not provide comments prior to the public meeting. However, comments were made during the preconsultation and requested that the applicant review hydrant locations, turnarounds for fire trucks, road width and street parking and review the density of the site.

The County Engineer did not provide comments prior to the public meeting. However, comments were made during the preconsultation related to the intersection of Elmhurst and Glendon Drive. The intersection was reviewed as part of the Glendon Drive Environmental Assessment, and the developer would be required to construct the road improvements as shown to the proponent. Detailed design should include a right-turn lane or tape and to consider the cycling route along the paved shoulder.

County Planning Staff note concern with compatibility of the proposed development and the surrounding low density community. While infill and medium density development is encouraged, where appropriate, the number of units and lot fabric proposed may be incompatible with the existing community, road network, amenities and public services within the immediate area.

Staff will provide additional comments during review of the site plan application to ensure the development of the site meets the needs of current and future residents of Kilworth.

The Upper Thames River Conservation Authority (UTRCA) has not provided comments at the time of writing this report.

Next Steps:

Staff will continue to receive comments from the public following the public meeting in light of the information presented and discussion. Staff will consider comments and feedback, and review the site plan application in conjunction with official plan, zoning by-law and plan of condominium applications. Comments will be provided to the proponent for review and revision. At a later date, which is yet to be determined, staff will return to Council with a recommendation for the applications.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 - Plan of Condominium

Attachment 3 - Site Plan

Attachment 4 - Planning Justification Report

Attachment 5 - Planning Justification Report Addendum

Attachment 6 - Landscaping Plan

Attachment 7 - Lighting Plan

Attachment 8 - Geotechnical Investigation

Attachment 9 - Stormwater Servicing Brief

Attachment 10 - Servicing Plan

Attachment 11 - Grading Plan

Attachment 12 - Parklands Place profile

Attachment 13 - Elmhurst Street and Kilworth Park Drive profiles

Attachment 14 - General Notes and Details

Attachment 15 - Pumping Station Details

Attachment 16 - Scoped Development Assessment Report