



Staff Report

Report No.: PLA-12-2019

Meeting Date: February 20th, 2019

Submitted by: Kelly Henderson Planner

Subject: Application for Consent (B-01/19 and B02/19) and Zoning By-law Amendment (ZBA 01 2019); Drewlo Holdings Inc.; 15 Elmhurst

Recommendation:

THAT Consent Applications B-01/19 and B02/19, filed by Paul Hinde, on behalf of Drewlo Holdings Inc. in order to sever two residential lots with one severed to have a frontage of approximately 22 metres (72.18 feet) with an area of approximately 2156 m² (0.53 acres) and the other severed is proposed to have a frontage of approximately 21 metres (68.89 feet) with an area of approximately 2058 m² (0.51 acres), the retained is to have a frontage of approximately 21 metres (68.89 feet) with an area of approximately 2058 m² (0.51 acres) on a property legally described as Lot 1, Plan 909 (geographic Township of Lobo), Municipality of Middlesex Centre, known municipally as 15 Elmhurst; be **GRANTED**.

FURTHER THAT Consent B-01/19 and B02/19 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-01/19 and B02/19 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

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5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-01/19 and B02/19 be paid in full.
7. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, to address among other matters: all financial, legal, planning and engineering matters including but not limited to payment of the Municipality's engineering, legal and planning review costs, entrance locations and construction, works within the road allowance, lot grading and drainage plans, building envelopes, septic systems and 100% contingency areas and potable wells, all to the satisfaction of the Municipality.
8. That the Owner provide a lot grading plan showing potential building, septic, contingency and well locations for all properties to the satisfaction of the Municipality.
9. The Owner be required to complete a Stormwater Management Report to the satisfaction of the Municipality and the Conservation Authority
10. The Owner be required to complete a Groundwater Impact Assessment.
11. That existing buildings and structures be removed from the subject lands subject to any necessary permits to the satisfaction of the Municipality.
12. The applicant be required to pay for future road upgrade cost. Based on the frontage of the lots, this cost will be \$17,700.00.
13. That the Owners pay \$1,000 cash-in-lieu of parkland dedication for each proposed lot of Consent B-01/19 and B02/19.

AND FURTHER THAT the reasons for granting Consent application B-01/19 and B02/19 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

AND FURTHER THAT the Zoning By-law Amendment application, filed by Paul Hinde on behalf of Drewlo Holdings Inc. for the severed and retained lands of Consent B-01/19 and B02/19, be **APPROVED**.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to create two new residential lots along Elmhurst Street and re-zone the properties to a site specific Urban Residential zone.

A location map is included as Attachment 1.

Background:

The purpose and effect of the consent application is to create two new residential lots for the purposes of constructing one single-detached dwelling on each. Lot #1 is proposed to have a frontage of approximately 22 metres (72.18 feet) with an area of approximately 2156 m² (0.53 acres). Lot #2 and Lot #3 are proposed to have a frontage of approximately 21 metres (68.89 feet) with an area of approximately 2058 m² (0.51 acres).

The purpose and effect of the Zoning By-law Amendment is to rezone the subject lots from site-specific Urban Residential First Density (UR1-3) to site-specific Urban Residential First Density (UR1-40) in order to recognize that the subject properties will be serviced by private services, whereas the Comprehensive Zoning By-law requires new development to be serviced by full municipal services. Furthermore, the application proposes the site-specific zone to recognize a reduced lot frontage of 20 metres, whereas the Comprehensive Zoning By-law requires 24 metres.

An illustration of the proposal is included as Attachment 2.

The subject land currently contains a single detached dwelling, that is proposed to be demolished if the subject applications are approved. The lands are surrounded by residential development in the form of detached dwellings.

Given the subject property is serviced by private services the applicant submitted a Servicing Assessment, which is included as Attachment 3.

Policy Regulation:

The subject property is located within a Settlement Area according to the County of Middlesex Official Plan and is designated Residential by the Middlesex Centre Official Plan. The land is zoned Urban Residential First Density (UR1).

Provincial Policy Statement (PPS):

Section 3 of the Planning Act requires all decisions made under the Act “to be consistent with” the Provincial Policy Statement (PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 1.1.3 of the PPS speaks to Settlement Areas, which identifies settlement areas as the focus of growth and development. Section 1.1.3.3 of the PPS states, ‘Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 speaks to ‘appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.6 of the PPS speaks to servicing. The PPS has a hierarchy for services, where municipal services are the preferred form of servicing. Section 1.6.6.1a) states ‘Planning for sewage and water services shall direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services’.

County of Middlesex Official Plan:

The County of Middlesex Official Plan speaks to settlement areas in section 2.3.8. This section states ‘urban areas and community areas shall be the focus for future growth including residential, commercial and industrial development’. The County Official Plan also has a similar servicing hierarchy as the PPS, and prefers full municipal services within urban areas.

Section 4.5.3.3 of the County Official Plan speaks to Settlement Areas and promotes infilling development in built-up areas, where the proposed lots are compatible with the lot area, frontage and density patterns of the surrounding area and the application represents orderly and efficient use of land, and its approval would not hinder future development of the retained lands.

Middlesex Centre Official Plan:

Middlesex Centre's Official Plan designates the subject lands as 'Residential'. Within this designation residential dwellings are permitted in a variety of forms, including single detached dwellings.

Section 9.3 of the Local Official Plan speaks to municipal infrastructure and servicing policies. These policies have a similar hierarchy as the PPS and the County Official Plan.

Section 10.3 of Middlesex Centre's Official Plan speaks to lot creation and states,

- a) Severances shall only be granted if a plan of subdivision is not necessary for the proper and orderly development of the land. 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 proposed to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required for the orderly development of the land. 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.
- b) Where individual wells and septic systems are proposed, lot areas must be of a size and configuration to accommodate an appropriate septic system, sewage envelope and contingency area. For a conventional septic system, a storage envelope consists of the area occupied by the tile bed and mantle. The size of the storage envelope will vary depending on the projected water use of the anticipated use and the soils and slope of the subject site. The contingency area will be equal in size to the tile bed and sewage mantel.
- c) All lots must front on and have access to an existing public road maintained on a year round basis and at a reasonable standard of construction. Direct access to and from County or Provincial roads will be limited in accordance with the policies and regulations established by the agencies having jurisdiction over these roads.
- d) An adequate and potable water supply must be available for any proposed lots created by consent. An exception to this policy may be made if it can be shown that the purpose for which the lot(s) in question is to be used does not require a water supply.



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- e) All lots created by severance must be suitable or capable of being made suitable to support a sewage disposal system.
- f) Severances may be permitted for the purposes of making a lot boundary correction provided that such corrections are minor in nature.

Consultation:

Notice of the applications has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

Bell Canada has reviewed the subject application and has not comments and/or concerns as there are no services in this area.

The Municipality of Middlesex Centre's Director of Corporate Services and Fire Chief have reviewed the subject application and have no concerns.

The Upper Thames River Conservation Authority has reviewed the subject applications and has no concerns and/or requirements.

The Municipality's Department of Public Works and Engineering have reviewed the subject application and requires that if the subject applications are approved, it is recommended that a groundwater impact assessment be completed, that the costs of future road upgrades be a condition of the subject applications, as well as a storm water management report to the satisfaction of the Municipality and the Conservation Authority.

Hydro One has reviewed the subject application and had no concerns and/or requirements.

Analysis:

The Provincial Policy Statement, County Official Plan and the Municipality's Official Plan generally permit lot creation within Settlement Areas, subject to servicing and compatibility.

The Planning Policies have a servicing hierarchy and contemplate private services provided site conditions are suitable. The proposed lots are proposed to be serviced by private services, and are of a size to accommodate private services. The proposed residential development for the severed and retained lands is compatible with the surrounding land uses and there are no anticipated negative impacts from the subject applications.

The subject property abuts a Municipal road, and therefore no road extension is required.

Both the County and the local Official Plan speak to lot creation via the consent process versus a plan of subdivision and contemplate three lots being permitted via the consent process where no extension of infrastructure is required. Given that only three lots are proposed on an existing road, staff find the subject applications to comply with the consent policies.

The proposed infill development is supported by the policies of the Provincial Policy Statement, the County of Middlesex Official Plan and the Middlesex Centre Official Plan. This type of development is the preferred form, because it promotes more efficient use of land and infrastructure and reduces the need for expansion of settlement area boundaries. The subject property is in an appropriate location for intensification as it would promote a more compact form and more appropriate development standards for residential lots that can accommodate private services.

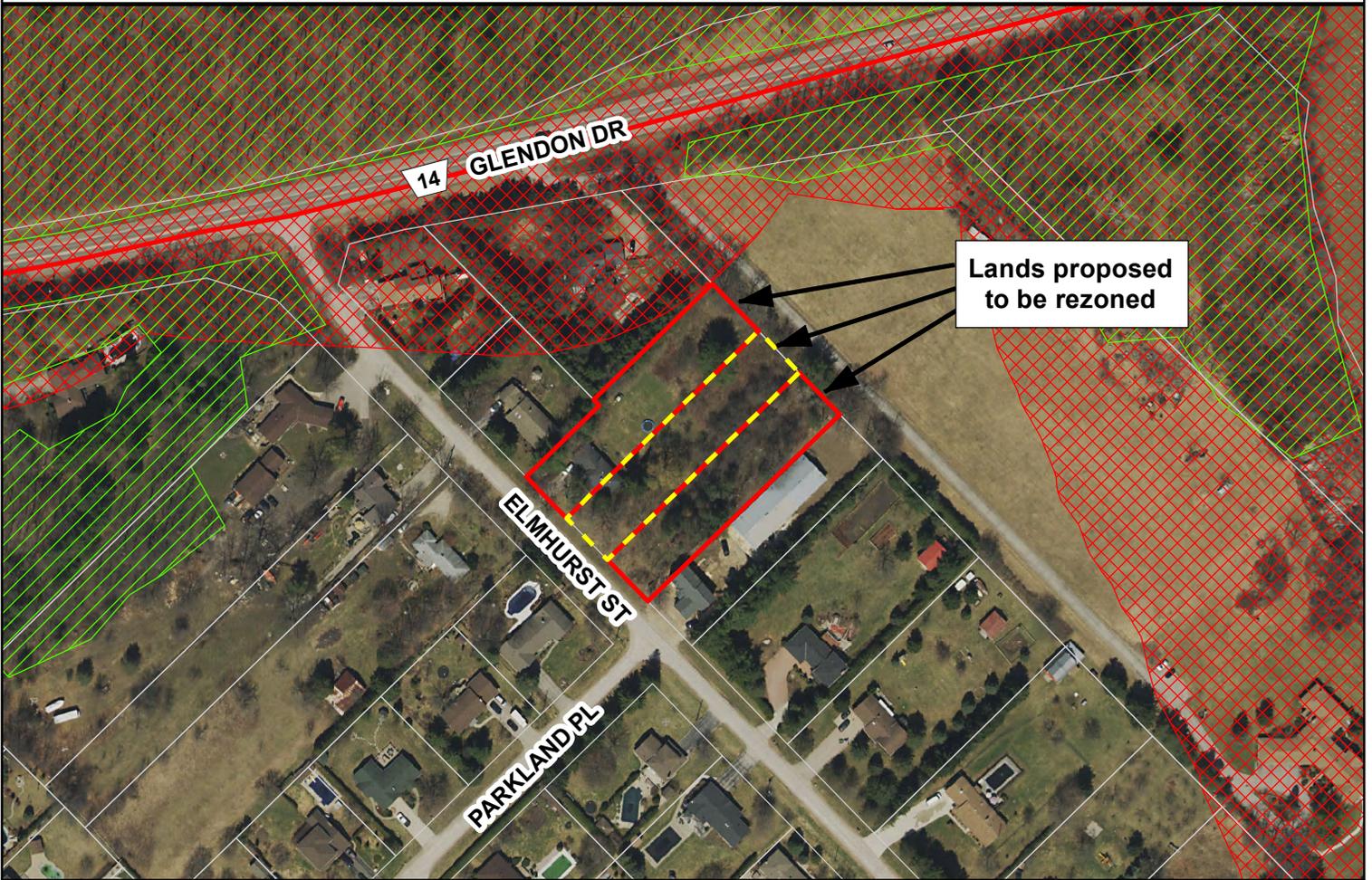
The site-specific Urban Residential First Density (UR1-3) zone that applies in the area stipulates a minimum lot frontage of 24.0 metres (79 ft) and a minimum lot area of 930.0 m² (0.23 ac), and new development is required to be located on full municipal services. The lots proposed to be severed and retained do not meet the minimum standards of the UR1-3 zone, therefore a new proposed site-specific zone is requested, which proposes a reduced lot frontage of 20 metres (65.6 feet) and will be serviced by private services, which is common in the area. Since the minimum required lot area will be met, and as demonstrated in the servicing assessment report the proposed lots can accommodate private services, planning staff recommend that the Zoning By-law Amendment be approved.



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Given the above, planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.



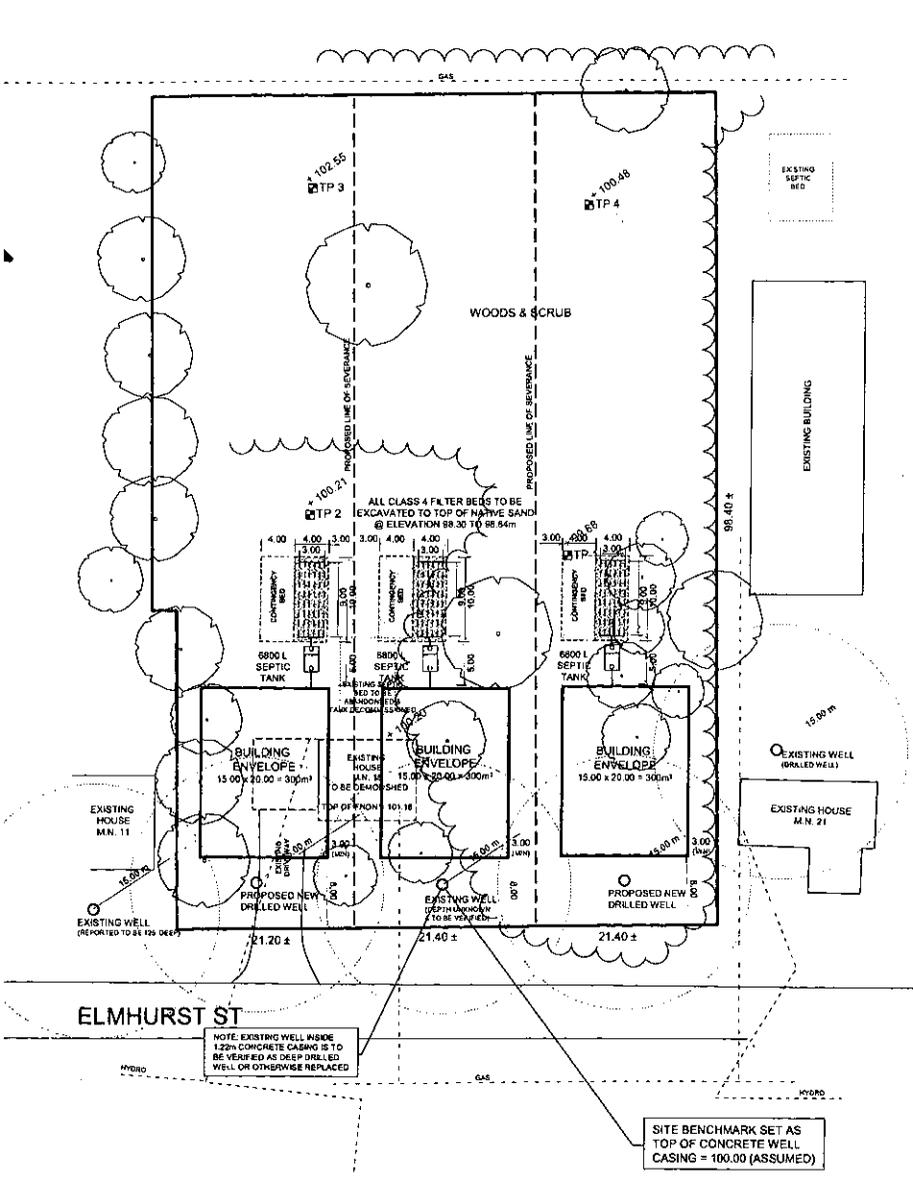
Legend

TYPE

- Lands proposed to be conveyed
- Lands proposed to be retained
- Parcels
- Significant Woodland (MNHS 2014)
- CA Regulated Area

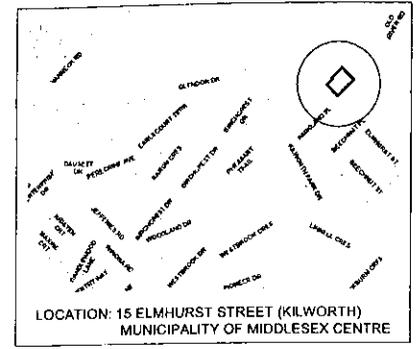
Road Classification

- Four Lane Arterial



LEGEND

- CB = STANDARD CATCH-BASIN
- 99.00 = EXISTING ELEVATION (M)
- 100.00 = PROPOSED ELEVATION (M)
- = EXISTING PROPERTY BOUNDARY
- - - = CLOSED DRAIN
- - - = ROAD CENTRELINE
- - - = PROPOSED SEPTIC SYSTEM SAND BASE
- - - = CORRUGATED STEEL PIPE
- - - = HYDRO
- MH = MANHOLE/CATCH-BASIN MANHOLE
- = WATER MAIN OR SERVICE
- = DRAINAGE DIRECTION OR SWALE
- TP = TEST PIT LOCATION
- = TREE(S)/SHRUB(S) (APPROXIMATE)
- = EXISTING CONTOUR @ 50m INTERVAL
- HP = UTILITY POLE
- = DRY WELL
- X = FENCE
- = SWALE



SOIL TEST INFORMATION (BOS ENGINEERING TESTING: Nov 2, 2018)

TEST PIT	DEPTH (cm)	SOIL TYPE	TEST PIT	DEPTH (cm)	SOIL TYPE
TP 1	0 - 30	TOPSOIL	TP 3	0 - 20	TOPSOIL
Elev. 99.88	30 - 104	Clayey SILT (T > 50 min/cm)	Elev. 102.55	20 - 91	Clayey SILT (T > 50 min/cm)
104 - 211		SP Sand (T = 2 to 8 min/cm)	91 - 305		ML Fine Sandy SILT (T = 20 to 50 min/cm)
		TOP OF SAND @ 98.64			TOP OF SAND NOT REACHED @ 99.80
TP 2	0 - 30	TOPSOIL	TP 4	0 - 20	TOPSOIL
Elev. 100.21	30 - 191	Clayey SILT (T > 50 min/cm)	Elev. 100.48	20 - 213	Clayey SILT (T > 50 min/cm)
191 - 241		SP Sand (T = 2 to 8 min/cm)	213 - 275		SP Sand (T = 2 to 8 min/cm)
		TOP OF SAND @ 98.30			TOP OF SAND @ 98.35

TOP OF SANDY LAYER INFERRED AT ELEVATION 98.30 TO 98.64

BOS Engineering & Environmental Services

Project: Natick Soil
 Date: 15 Dec 2018
 Client: 15 Elmhurst St
 City: Wrentham, MA 01905
 Date: Nov 3 2018

CHART DATA

Grain Size	Min. Cont. Mass	Max. Cont. Mass	U.S. No.	% Passing
4.75	0	0	10	100
7.5	0	0	20	100
15	0	0	40	100
30	0	0	60	100
60	0	0	120	100
125	0	0	250	100
250	0	0	500	100
500	0	0	1000	100
1000	0	0	2000	100
2000	0	0	4000	100
4000	0	0	8000	100
8000	0	0	16000	100
16000	0	0	32000	100
32000	0	0	64000	100
64000	0	0	128000	100
128000	0	0	256000	100
256000	0	0	512000	100
512000	0	0	1024000	100
1024000	0	0	2048000	100
2048000	0	0	4096000	100
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BOS Engineering & Environmental Services Inc.

46 Donnybrook Road London ON N5X 3C8 Ph: (519) 850-9987 Fax: (519)663-8057 e-mail: a.bos@sympatico.ca

November 27, 2018

Att: Mr. Paul V. Hinde, BES Planner

Ironstone Building Company
320 Dundas Street, Unit 1
London, ON
N6B 3R8

Dear Sir: **RE: Servicing Assessment for Proposed Land Division – 15 Elmhurst Street, (Kilworth) Municipality of Middlesex Centre**

It is proposed to divide the 1.6acre (0.65ha) parcel known as 15 Elmhurst Street into three lots each with approximately 21.3m frontage. On November 2nd, staff of BOS Engineering attended the site with a contracted backhoe and logged four test pits across the site.

The enclosed sketch (drawing 1) indicates the approximate locations of the test pits and presents the soil test pit logs and soil grain size analyses. Test pit elevations were related to an assumed site benchmark set as the top of the concrete well cover at the front of the property (assumed as 100.00m).

Three of the four test pits indicated the presence of sandy soils with an estimated percolation time of 2 to 8 min/cm. The top of the underlying suitable sand is relatively level, ranging from elevation 98.30 to 98.64m. It is inferred that the sand layer was not reached at test pit 3 due to the much higher ground elevation at this location.

Septic Systems

Based on the native soils, the septic beds may be constructed as small filter beds. Assumptions were made for typical homes in this area and related daily sewage loading as listed on drawing 1. Based on 4-bedroom homes with living area of 290m², the daily sewage design load is 2900 L/day. This can be facilitated by 4.00m x 10.00m filter beds that reach the native sand on each lot. In Middlesex Centre, at the time of new lot creation, it is required to indicate a contingency area of equal capacity. Drawing 1 indicates both main filter beds and contingency areas on each lot together with concrete septic tanks with a capacity of 6800 L, as required.

Water Supply

Water supply in this existing subdivision is provided by individual onsite wells. Existing wells on adjacent lots on each side of the subject property are drilled and cased. Deep

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drilled wells in the front yards of the proposed lots will easily meet minimum setbacks required by the Ontario Building Code. There is an existing well on the subject property that may be suitable for the centre lot if it is deep and cased; however this was not verified. If not suitable, it should be decommissioned and appropriately replaced.

Conclusions

This assessment confirms that development of these lots with onsite servicing is possible.

The proposed lot frontage for each lot (21.2 to 21.4m) is short of the minimum 24.0m required by the current UR1-3 zoning. Hence a variance may be required.

An individual plot plan, topographical plan, lot grading plan and septic system design should be submitted at the building permit stage for each lot.

Sincerely,

BOS Engineering & Environmental Services Inc.



Art W. Bos P. Eng.
Attach/ Drawing