

Report No.: PLA-13-2019

Meeting Date: March 20th, 2019

Submitted by: Kelly Henderson, Planner

Subject: Application for Draft Plan of Subdivision; 39T-MC-1801; 10114 Oxbow Drive

Recommendation:

THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for a period of three years for County File No. 39T-MC1801, subject to the conditions of draft plan approval included in Attachment 5 of the report;

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a Draft Plan of Subdivision application for a property located on the west side of Union Avenue and north of Oxbow Drive.

A location map is included as Attachment 1.

Background:

The subject lands are located within the limits of the Komoka and Kilworth settlement area. The property is surrounded by existing residential development. The lands are currently designated 'Residential' by Middlesex Centre's Official Plan and zoned 'Urban Residential First Density' (UR1) by Middlesex Centre's Comprehensive Zoning By-law. The property currently contains a single detached dwelling that is proposed to be demolished if the subject application is approved.

A pre-application meeting was held on July 17th, 2018 and a formal submission was made by the proponent, with the application deemed complete on October 16th, 2018. Subsequently, staff circulated the proposed application to area residents, including various agencies.

A public meeting of Council was held the evening of Wednesday January 23rd, 2019 in accordance with section 51 of the Planning Act. The purpose of the meeting was to allow the applicant to present the proposal and solicit feedback from members of the public and council. There were no members of the public in attendance during the meeting and no comments received from any members of the public.

The purpose of the Draft Plan of Subdivision is to create 9 building lots for single detached dwellings on 0.6 hectares (1.48 acres) of land that would be accommodated by full municipal services and fronting onto Union Avenue.

A concept plan for the property is included as Attachment 2.

The applicant submitted a Planning Justification Report in support of the proposal. The report is included as Attachment 3.

The applicant also submitted a Functional Servicing Report in support of the proposal. The report is included as Attachment 4.

Policy Regulation:

Provincial Policy Statement (PPS):

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities “shall be consistent with” the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to ‘Healthy Livable and safe communities’ and how they can be sustained. Section 1.1.1b) states that ‘accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs’.

1.1.3.1 Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.1.3.3 of the PPS speaks to ‘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. Intensification and

redevelopment shall be directed in accordance with policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety’.

Section 1.4 of the PPS speaks to ‘Housing’ and the requirement ‘to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents’.

Section 1.6.6. of the PPS outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is municipal services.

County of Middlesex Official Plan:

The principal policies of the County of Middlesex’s Official Plan that are applicable to the proposed development include:

The subject property is designated Settlement Area by the County of Middlesex Official Plan. Section 3.2. of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas.

Section 2.3.7 of the County of Middlesex Official Plan speaks to housing policies, and states that, ‘it is the Policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County.’

The County of Middlesex’s Official Plan in section 2.4.5 discusses the servicing hierarchy similar to those discussed in the PPS.

Middlesex Centre’s Official Plan:

As mentioned above, Middlesex Centre’s Official Plan designates the subject property as ‘Residential’ and indicated that the subject property is within the settlement area boundary. The principal policies of Middlesex Centre’s Official Plan that are applicable to the proposed development include:

Section 5.2.1 of Middlesex Centre’s Official Plan speaks to General Residential Policies, section 5.2.1 a) states, ‘The Municipality will provide and encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements for the Municipality’s current and future residents. Section 5.2.1 e) states, ‘The Municipality shall support opportunities to increase the supply of housing through intensification, while considering issues of municipal servicing capacity, transportation issues, and potential environmental considerations.’

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.

The Komoka-Kilworth area has a Secondary Plan which provides a statement of objectives and policies and a land use plan intended to guide and direct the nature of land development within the community. One of the goals of the Komoka-Kilworth Secondary Plan is to provide for an appropriate range and mix of housing types and densities. As well as to minimize the consumption of prime agricultural areas.

Section 5.7.4 of the Secondary Plan speaks to the Komoka-Kilworth Residential Area Policies. Specifically section 5.7.4 states

'c) 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.

d) Private garages for residential development shall not be located closer to the street than the habitable portion or porch on the main floor of the building and may be subject to maximum width and other requirements within the Municipality's Zoning By-law to limit the visual and streetscape impacts of garages and encourage a positive street frontage oriented to pedestrians, and shall have regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

e) Entrance features to new residential neighbourhood development shall be encouraged, provided that the features are landscape-related and require minimal maintenance.'

Middlesex Centre's Comprehensive Zoning By-law:

The applicant is proposing to continue with the 'Urban Residential First Density' (UR1) zone. This zone permits: accessory uses, home occupations and single detached dwellings. The following are the parent standards within the UR1 zone:

Minimum Lot Area	450.0 m ² (4,844 ft ²)
Minimum Lot Frontage	15.0 m (49 ft)
Minimum Front Yard Setback	6.0 m (20.0 ft)
Minimum interior yard setback	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side
Exterior side yard is adjacent to a front yard of an abutting lot	6.0 m (20 ft) on the side abutting the street and 1.5 m (5 ft) on the other side
Rear yard is adjacent to a rear yard of an abutting yard	4.0 m (13 ft) on the side abutting the street and 1.5 m (5 ft) on the other side
Minimum rear yard setback	8.0 m (26 ft)

Maximum lot coverage for main building	35%
Maximum lot coverage for all buildings including accessory buildings	38%

Consultation:

Notice of the application 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 were received from any members of the public.

Agency Comments:

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

The Municipality's Director of Building Services/Chief Building Official has reviewed the subject application and has no objections to the application, however as a condition of the Draft Plan of Subdivision, lot grading plans shall be required, as well as the removal of the concrete pads, utilities and retaining wall and the fencing be extended.

The Municipality's Director of Corporate Services has reviewed the subject application and would require as a condition of the Draft Plan of Subdivision to pay any outstanding taxes owing to the Municipality.

The Municipality's Public Works and Engineering Department reviewed the subject application and would note that the proposed lots were contemplated as part of the original design of the Union Ave subdivision, therefore servicing is not intended to be an issue. However, the department does request that the standard draft conditions should apply to this proposed subdivision if it is approved.

Enbridge Pipelines has reviewed the subject application and has no concerns with the proposal.

Hydro One has reviewed the subject application and has no concerns with the subject application.

Union Gas Limited has reviewed the subject application and request that as a condition of final approval that the owner/developer provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas.

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

Canada Post has reviewed the subject application and requires centralized community mail boxes, among other developer requirements as part of the application.

Canadian National Railway has reviewed the subject application and notes that it is outside of their proximity.

Canadian Pacific Railway has reviewed the subject application and has noted that the proposed development is located in close proximity to our Windsor Subdivision, which is classified as a principle main line. Canadian Pacific Railway is not in favour of residential developments adjacent to or near our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities. However, to ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, we request that the following requirements be included as Conditions of Approval:

1. Dwellings must be constructed such that the interior noise levels meet MOE criteria. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivisions and to recommend mitigation measures if required. The Railway may consider other measures recommended by the study.
2. In addition to the warning clauses indicated in the noise report, a clause should be inserted in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling within 300m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations

Conseil Scolaire Viamonde has reviewed the subject application and has not comments and/or concerns.

Analysis:

Following the public meeting, staff considered the applicable planning policies and technical issues, including servicing details, road improvements and conditions of draft

plan of subdivision approval that would be appropriate if the development is to be approved by the County of Middlesex.

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.

As mentioned above, all the Planning Policies have a servicing hierarchy and the preference in all documents is to utilize full municipal services. The subject proposal, if approved, would utilize municipal water and sanitary services, and therefore would meet this requirement.

The subject property abuts a municipal road, and therefore no road extension is required. There are also existing municipal services within the road allowance extending along Union Avenue.

The proposed lot creation is compatible given the surrounding land uses, as the proposed development is surrounded by residential and institutional uses, with a Municipal park to the south west. The proposed lot configuration is compatible with the development within the subdivision to the north. Therefore, it is planning staff's opinion that the proposed development is compatible with the surrounding land uses.

The Urban Residential First Density (UR1) zone that applies in the area stipulates a minimum lot frontage of 15.0 metres (49 ft) and a minimum lot area of 450 square metres (4,844 square feet). The lots proposed to be created meet the minimum standards under the Urban Residential First Density Zone.

Subject to the conditions of draft plan approval included in Attachment 5, staff are satisfied that the draft plan of subdivision is consistent with the Provincial Policy Statement, conforms to both the County and Middlesex Centre Official Plans and constitute sound land use planning.