



Staff Report

Report No.: PLA-38-2019

Meeting Date: May 22nd, 2019

Submitted by: Kelly Henderson, Planner

Subject: Application for Consent (B-07/19) filed by Leonardo Mistretta; PLAN 109 BLK 14 PT LOTS 3,4, 5.

Recommendation:

THAT Consent Application B-07/19, filed by Leonardo Mistretta in order to sever a residential lot from a 2,553 square metre (0.63 ac) residential property in order to create a new residential lot for the purpose of constructing one single detached dwelling on the severed and retained lot. The lot to be severed is proposed to have a frontage of approximately 17.05 metres (55.9 feet), a depth of 34.64 metres (113.6 feet) and an area of 590.59 metres squared (0.15 acres); from a property legally described as Plan 109 BLK 14 Parts 3, 4, and 5, (geographic Township of Lobo), Municipality of Middlesex Centre; be **GRANTED**.

FURTHER THAT Consent B-07/19 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 this consent and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

4. That the Owner's 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.
5. That the Owner's 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-07/19 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, servicing, all to the satisfaction of the Municipality.
8. That upon Condition 7 of Consent B-07/19 being satisfied, the owner shall install separate water and wastewater service connections for the severed and retained parcels of Consent B-07/19, and that these connections be installed to the satisfaction of the Municipality's Public Works and Engineering Department.
9. That the Owner submits a Storm Water Management Report of the satisfaction of the Municipality.
10. That the Owner submits a lot grading plan for the severed and retained lands, to the satisfaction of the Municipality
11. That the Owner pay a \$1,000 cash-in-lieu of parkland dedication to the Municipality for the severed parcel of Consent B-07/19.
12. That the Owner apply for a Zoning By-law Amendment for the severed and retained lands and that this By-law be in full force and effect.

AND FURTHER THAT the reasons for granting Consent application B-07/19 include:

- The proposal is consistent with the Provincial Policy Statement;



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- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- Subject to the conditions, the proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to create a new residential lot on a property that is located on the east side of Queen Street and South of Oxbow Drive in Komoka.

A location map is included as Attachment 1.

Background:

The purpose and effect of the subject application is to create a new residential lot for the purpose of constructing one single detached dwelling on the severed and retained lot. The lot to be severed is proposed to have a frontage of approximately 17.05 metres (55.9 feet), a depth of 34.64 metres (113.6 feet) and an area of 590.59 metres squared (0.15 acres). The retained lot is proposed to have a frontage of approximately 17.05 metres (55.9 feet), a depth of 34.64 metres (113.6 feet) and an area of 590.59 metres squared (0.15 acres).

An illustration of the proposal is included as Attachment 2.

The subject land is currently vacant and the lands are surrounded by residential development in the form of detached dwellings, and the Municipal Park to the south.

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 site-specific 'Urban Residential First Density' (UR1-3).

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 application.



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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.
- 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 Municipality's Chief Building Official (CBO) has reviewed the subject application and recommends that if the subject application is approved, that the lots be serviced prior to stamping the deed, and that a lot grading plan be provided for these lots.

The Municipality's Public Works and Engineering Department have reviewed the subject application and recommends that if the subject application is approved, the lots are serviced with water and sanitary prior to consent be given, and that a storm water management report/brief is prepared to the satisfaction of the Municipality.

The Municipality' Director of Corporate Services has reviewed the subject application and recommends that if the application is approved that the Owner be required to pay their taxes as a condition of the severance.

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

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.

Given the size of the subject property, the proposed infill development represents a more efficient use of land within the village of Komoka that will utilize municipal water and sanitary sewer services that are available in the area. Intensification is encouraged by provincial policy as well as the County and Middlesex Centre official plans and is the preferred form of development because it promotes more efficient use of land, makes use of existing infrastructure and reduces the need for expansion of settlement area boundaries. Planning staff is of the opinion that the subject property is suitable for intensification within the village and would promote compact form and more appropriate development standards for residential lots having access to full municipal services.

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 one lot is being contemplated on an existing road, staff find the subject application complies with the consent policies.

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 application.

The proposed development would occur within a built-up area of the village of Komoka and would be adjacent to existing residential development. 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). The existing Zoning requirements reflects development on private services which is no longer the case, as full municipal services are now available in this area. The requested lot frontages and lot areas for the parcels proposed to be severed and retained do not meet the minimum requirements in the area, however they meet the zoning of the residential lots across the road, as well as the parent Urban Residential First Density (UR1) Zone. Therefore, if the subject application is approved a Zoning By-law Amendment would be required as a condition of consent.

Planning staff is satisfied that the above-noted items, as well as other matters identified through the review of the subject proposal, can be adequately addressed through conditions of consent; thus ensuring that the development would be consistent with the Provincial Policy Statement, conform to the Middlesex Centre and County of Middlesex Official Plans, comply with the Middlesex Centre Comprehensive Zoning By-law and represents sound land use planning.

Given the above, planning staff are recommending that the subject application 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, Council is advised to take such information into account when considering the application.



Description: Mistretta Consent
 File Number: B-7/2019
 Created By:
 Date: 4/25/2019
 Scale: 1: 1,128

Legend

 Assessment Parcels

OXBOW DRIVE

PART 2

PART 3

PART 1

LOT A
PROPOSED HOUSE

LOT B
PROPOSED HOUSE

QUEEN STREET

STREET LINE

STREET LINE

STREET LINE

7.000

17.110

61.423

17.110

34.635

34.776

8.0m REAR YRD. SETBACK

8.0m REAR YRD. SETBACK

2.5m INT. YRD. SETBACK

8.0m REAR YRD. SETBACK

1.5m INT. YRD. SETBACK

1.5m INT. YRD. SETBACK

8.0m REAR YRD. SETBACK

6.0m FRONT. YRD. SETBACK

6.0m FRONT. YRD. SETBACK

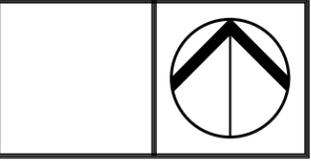
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34.917

17.052

17.052

1	ISS. FOR APPROVAL	19.03.19
NO.	REVISIONS	DATE



PROJECT
SITE SEVERANCE
QUEENS STREET
 KOMOKA, ONTARIO

TITLE
SITE PLAN

1 **SITE PLAN**
 SP-1 SCALE: 1 : 250

DRAWN BY/CHECK BY D.O.N/	SP-1
DATE MAR 18, 2019	
SCALE 1 : 250	