

Meeting Date: August 8, 2023
Department: Building, By-law and Planning
Report No.: BBP-2023-91
Submitted by: Tim Williams, Senior Planner
Approved by: Jennifer Huff, Director of Building and Planning
William (Bill) Dakin, Director of IT/Finance-Treasurer- Acting CAO

SUBJECT: Application for Zoning By-law Amendment –
22182 Adelaide Road, Mt. Brydges
Applicant: Gold Leaf Properties Inc.

RECOMMENDATION: THAT: ZBA 20-2021 be approved subject to a holding provision.

SUMMARY HIGHLIGHTS

- This is an evaluation report that provides background, analysis of the application and recommendation on the proposal.
- The application proposes to develop a 32-unit townhouse complex with access to Allen Road.
- Since the public meeting there was a boundary line discussion with the adjacent neighbour. This process has been resolved.
- The application seeks to amend the zoning for the subject lands from “Future Development (FD) zone” to “High Density (R3-19-H-9) zone”, the site-specific zone provisions would recognize the proposed rear yard setbacks of the units and lot frontage along Allan Road.
- An Open House was held on March 10, 2022 and Statutory Public Meeting was held on May 2, 2022. Area residents attended and raised concerns regarding the proposed rezoning relating to: the loss of privacy with the number of units along perimeter of the site, traffic and lighting.
- Staff have not identified concerns or objections with the application.

STRATEGIC PLAN ALIGNMENT

This matter is in accord with the following strategic priorities:

- 1) *Economic Development:* Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.
- 2) *Growth Management:* Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.
- 3) *Destination Building:* Strathroy-Caradoc will provide distinct experiences that celebrate its past and future by prioritizing innovative new ideas that set the community apart.

PURPOSE

The purpose of the zoning by-law amendment application is to permit the construction of a 32-unit rental townhouse development with associated parking and outdoor amenity area. It proposes to rezone the lands from Future Development (FD) zone to a site-specific High Density Residential (R3-19-H-9) zone.

BACKGROUND:

The subject lands are approximately 1.67 ha (4.13 ac) in size with approximately 18.29 m (60 ft) of frontage along Allen Road and approximately 100 m (328 ft) of frontage along Adelaide Road. The lands currently contain one driveshed building on the south end of the property. From a servicing perspective, municipal water and sanitary services are accessible along Adelaide Road with stormwater proposed to be connected to future Parkhouse Drive storm sewer. The surrounding land uses include predominately-residential uses to the north with a vacant commercial block directly to the north of the site. A mix of residential, agricultural and industrial uses are found to the east and south. To the west is a vacant commercial block that is zoned for highway commercial uses. Allen Road is a collector road under Strathroy-Caradoc jurisdiction and Adelaide Road is a County road (County Road #81) under the jurisdiction of the County of Middlesex (see location map).

Complete applications for Zoning By-law amendment and Site Plan Approval were made on February 7, 2022 with the filing of a Planning Justification Report. In addition to the application form, the submission included the following support documents:

- Site plan, dated May 4, 2022, by LDS Consultants Inc.;
- Building elevations, dated November 2020, by Henry Swinkels Architect
- Planning Justification Report, February 7, 2022 by Knutson Development Consultants Inc.;
- Functional Servicing Brief and associated plans dated December 24, 2021 by LDS Consultants Inc.
- Environmental Noise Assessment dated December 23, 2021 by LDS Consultants Inc.
- Landscape Plan dated January 7, 2022 by Ron Kouidy's Landscape Architects Inc.

The development proposes 32 units in 7 blocks with a single private driveway entering from Allen Road (as shown on the Site Plan attached below). The proposal is designed with the units facing inward to the site and rear yards of the units to the perimeter. The development includes a common amenity

area that is in excess of 640 m². The visitor parking and community mailbox are found adjacent to the amenity area near the middle of the site.

The zoning by-law amendment application has been filed to rezone the subject lands from 'Future Development (FD) zone' to site-specific 'High Density Residential (R3-19-H1-10) zone' in order to facilitate the townhouse complex with a reduced rear yard setback and lot frontage of 18.29m along Allen Road. The development would be constructed in one phase.

POLICY AND REGULATION BACKGROUND AND ANALYSIS

The subject lands are within a Settlement Area. The Provincial Policy Statement (PPS), the County Official Plan, and the Strathroy-Caradoc Official Plan all encourage intensification in settlement areas on full municipal services provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure.

Planning Act

Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions, "shall be consistent with" all policy statements issued under the Act.

Section 36 (1) of the Planning Act, provides for Council to pass a holding symbol "H" in conjunction with any use designation to limit the uses on the property until such time in the future as the holding symbol is removed by amendment to the by-law.

Provincial Policy Statement (2020)

The PPS encourages the intensification of residential properties within settlement areas while ensuring compatibility with adjacent land uses. The PPS also encourages the efficient use of infrastructure both municipal service as well as community services.

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 including accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) as well as 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'.

Further, Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources as well as being 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 1.4 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 1.5 speaks to Public Spaces, Recreation, Parks, Trails and Open Space and specifically section 1.5.1 states 'Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

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

Comments on Consistency with the Provincial Policy Statement 2020

- The proposal is located within a designated growth area of a settlement area, on lands identified for residential development within the Strathroy-Caradoc Official Plan.
- The residential dwellings will be fully serviced and provide for the efficient use of existing infrastructure and public service facilities.
- The engineering staff have confirmed that sufficient existing water and sanitary capacity is available to service this development. The stormwater connection has been proposed but not constructed as such it would be appropriate for holding provision to be included to in the zoning until such time as the storm sewer infrastructure is constructed to the site.
- The proposal will make use of a site that has been left vacant and is an appropriate location for an infill development.
- The proposal includes 32 dwellings that act as appropriate use as traffic transitions from outside the settlement area to within.

Given the above, it is staff's opinion that the application is consistent with the Provincial Policy Statement.

Middlesex County Official Plan

The subject property is designated 'Settlement Area' by the County of Middlesex Official Plan. County of Middlesex Official Plan policies that are most applicable to the proposed development include:

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.'

Section 2.4.5 discusses the servicing hierarchy similar to those discussed in the PPS. Specifically, the County encourages new development to proceed based on full municipal services.

County Council adopted Amendment No. 3 to the County official plan on July 19, 2022, OPA 3 was then approved by the Province on July 7, 2023. The purpose of the Amendment was to update the Official Plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Policy Statement (PPS), and reflect changing community needs for the next 25-years. Given the application was submitted prior to the approval planning staff have considered them but are not determinative for the purposes of this planning application.

One such policy is in Section 2.4.2.2 l) that requires all new residential developments have a minimum of two access points to the existing road network. The policy allows for exceptions to this policy provided the proposed street pattern is approved by the local Municipality, emergency service provider(s) and the County Engineer, where applicable;

Comments on the Conformity with the County of Middlesex Official Plan

- As noted above the property is within a designated growth area of a settlement area, and will be fully serviced and provides for the efficient use of infrastructure and public service facilities.
- The development will be compact and is an infill condition that will increase the variety of housing types in this neighbourhood.
- The proposed townhouse dwellings is a built form that is appropriate given that it fronts onto the major arterial (Adelaide Road).
- The proposal will be proceeding on full municipal services.
- The proposal result in the orderly development of this infill lot.
- Municipal staff along with County have reviewed the proposal and while the property has a single access, municipal services will not be from Allen Road but rather Adelaide Road. Further, while not ideal, Adelaide Road is directly adjacent to the site and the units are a minimum of 6 metres from the property line and there are no planned obstructions allowing access from the Adelaide frontage. Lastly it is acknowledged that the Clergy Principle will apply for this file (application is reviewed relative to the policies in place at the time that a complete application was made and not to the changes to policy after the complete application was made).

Given the above, it is staff's opinion that the application conforms to the County Official Plan.

Strathroy-Caradoc Official Plan

The subject lands are designated 'Settlement Area' and 'Residential' according to *Schedule A: Structure Plan* and *Schedule F: Land Use & Transportation Plan*, respectively. The Strathroy-Caradoc Official Plan provides direction for housing both generally and specifically to Mt. Brydges. Section 2.4 is the general housing policies for Strathroy-Caradoc and speak to the goals and objectives being a wide variety of housing types to meet community need, increased density in settlement areas, encourage residential intensification and redevelopment where compatible with existing development and infrastructure is appropriate. Section 2.4.2 seeks to expand the types and tenure of housing within the community.

The Mt. Brydges residential policies direct that residentially designated properties shall be used for residential purposes including a range of housing types and densities from single unit dwellings to small-scale apartment buildings (Section 4.3.1.1). The density and form should complement the village character of Mt. Brydges. As per Section 4.3.1.4 of the Official Plan intensification development proposals including infilling in existing developed areas, is considered desirable to make more efficient use of underutilized lands and infrastructure. Proposals are to be evaluated against the established residential character and ensure an appropriate 'fit'. Appropriate services shall be capable of being provided. Section 4.3.1.5 speaks to the medium density housing such as the proposed townhouses, which are encouraged to be located directly on major roads and where commercial areas and/or parks and open space are close-by.

Comments on Conformity to the Strathroy-Caradoc Official Plan

- The proposal is located within a settlement area, within the Strathroy-Caradoc Official Plan.
- The proposal will be fully serviced and provides for the efficient use of infrastructure and public service facilities. Given the stormwater connection has yet to be constructed in the municipal right of way it is appropriate to include a hold on the zoning until such time as the connection is available.
- As noted above the development proposes a housing type that is less common in Mt. Brydges, as such the development will increase accessibility to this dwelling type.
- The proposed layout represents an efficient use of lands.
- The proposed development is townhouse development that will transition with adjacent uses to the south and east and future uses to the north and west.
- The test of compatibility is not that a proposed development that is the same or even similar to existing development. The primary test of compatibility is that proposed development and existing development are capable of 'existing together in harmony'. Nothing in the submitted material leads staff to conclude that the proposed development is incompatible with the existing dwellings in the area or the future development properties in the area.

Given the above, it is staff's opinion that the applications conform to the Strathroy-Caradoc Official Plan.

Strathroy-Caradoc Zoning By-law

With respect to the Zoning By-law, the existing "Future Development (FD) Zone" permits a limited range of agricultural uses, existing use, and forestry use. The proposal submitted seeks a zone change to place the subject lands into a site-specific "High Density Residential (R3-19-H-9) Zone" which includes lot development provisions that reflect the proposed lot configuration and required building envelope. The "High Density Residential (R3) Zone" permits the proposed townhouse dwellings as well as Multi-unit, grouped housing and apartments on the subject lands. More specifically the following chart identifies a highlight of the zoning provisions applicable to the site and the R3 zone as well as the proposal.

Provision	High Density Residential (R3) zone (Townhouse)	Proposed (April 2021)
Lot Frontage (min)	6 m per unit (192 m)	18.29 m (60 ft)
Lot Area (min)	210m ² per unit (6,720 m ²)	15,536 m ²
Front Yard Depth (min)	4.5 m	8.95 m
Side Yard Width (min)	2 m	2.25 to 9.14 m
Rear Yard Depth (min)	9 m	6 to 7.5m
Maximum Lot Coverage	45%	36.28%
Minimum Landscaped Open Space	30%	44.49%
Parking:		
- Location	Rear or side yard or driveway	Driveway and side yard
- Maximum Coverage	25%	Less than 10%
- Number of spaces per unit	1.5 parking spaces per unit (48 spaces) Visitor – 0.15 spaces per unit (5 spaces)	64 spaces 6 spaces
- Size	2.6m by 5.4m with 7.3 m aisle	2.6m by 5.4m with 7.3 m aisle
Outdoor Common Amenity Area	20m ² per dwelling unit (640 m ²)	Greater than 640m ²

- Bold added to the provisions that do not meet the zoning standards.

Comments on the Zoning By-law and amendments

- As noted in the chart, there are two provisions that will not be in compliance, lot frontage 6m per unit is required however, a total of 13.5 m along Allen Road is proposed, and the rear yard depth of each of the units varies from 6 to 7.5 m however the by-law requires 9 metres.
- The frontage requirement is technical in nature and would normally be attributed (or assigned) to each unit but this will be a rental property so there will be no frontage at each lot. Each of the individual units will have a width greater than 6 metres so the intent of the provision is being met.
- The rear yard setback of 9 metres is to address massing, privacy and overlook matters that would come from a denser built form, however, the application is proposing 6 units per block and 1 storey units so the greater setback is not required.
- The 'H-9' is for a Hold, the hold is to be released once a stormwater outlet has been constructed the hold can be removed. The 'Hold' is used to ensure that future development occurs in an orderly fashion and only existing uses are permitted on the subject lands until a stormwater outlet is constructed.

CONSULTATION

Open House

A Virtual Neighbourhood Open House was held on March 10, 2022. There were members of the public in attendance at the meeting and comments from the public were received. The comments from the

meeting that were received at the open house ranged from concerns about privacy and the building setbacks, traffic, lighting, of the property. More specifically, questions were raised about the traffic on Allen Road as well as Adelaide Road and the need for pedestrian infrastructure including sidewalks. A traffic light was discussed at the corner of Adelaide Road and Parkhouse Drive, the municipality noted that it currently does not meet the warrants however, it is being carefully reviewed and the municipality has recently completed a Transportation Master Plan that outlines the priority intersections for traffic improvements. This Master Plan has been endorsed by Council and this intersection has been identified and would be improved once the traffic meets the required warrants. The requirement for sidewalks will be secured through the site plan process.

Residents also raised concerns that the speeds of the cars traveling on Allen Road are not conducive to adding an entrance for a 32 unit residential development and the need for clear sightlines. The noise and light from the site was raised as a concern by the adjacent neighbours. Requests for fencing and landscaping were raised during the meeting to the north and east to help mitigate the impact to the neighbours. The commercially designated property was raised as a compatibility issue for the units backing on to these units.

In response to the above comments the applicant has indicated that they are resistant to placing a fence on the property line, however this would be an item to be addressed at site plan so staff will address it at that time. The traffic has been reviewed by staff and deemed to be within the capacity of the road design. The landscaping and other items will be a matter for the site plan process and staff noted these comments.

Statutory Public Meeting

The application has been circulated to agencies and the public in accordance with the requirements of the Planning Act. The Statutory Public meeting was held on May 2, 2022.

Comment: The request for a fence to be located along the westerly property line (behind units 1 to 20).

Response: The applicant has indicated that they would be resistant to providing fencing along this property line. Staff would note that this could be addressed at site plan approval

Comment: The request for a construction fencing to be installed on the property line to reduce construction debris from leaving the site.

Response: The applicant has indicated that they are interested in keep the site and surround area clean during construction.

Comment: Landscaping of the property is an important component of this development and should be high quality.

Response: The applicant has provided landscaping details as part of the site plan process and to the extent possible the site plan approval will secure this.

Comment: It is important for the property to have a sidewalk access.

Response: The development standards require this sidewalk so this will be added and secured in during the site plan approval process.

Comment: It is important for the site plan to have visitor parking spaces spread across the property.

Response: The current (revised) plan has added two additional parking spaces further west on the site creating a second location on the property where there are visitor parking spaces.

Department and Agency Comments

The following departments and agency comments were received:

Chief of Police advised of no concerns with the rezoning.

The Fire Chief has advised of no concern with the zoning by-law amendment application. Further, fire has reviewed the site plan and note that two fire hydrants are within the complex, it appears the distance between them, and the locations are suffice. The turnaround SE of the visitor parking and the road width seems to be in compliance as well.

The Director of Engineering and Public Works has advised that they have no objection to the rezoning. The applicant is advised the connections to services will be at the developers cost. The water and sanitary service run within the Adelaide Road allowance however the stormwater services will need to extended from Parkhouse Drive which is anticipated to be covered the owner. There are also number of site plan related matters that will need to be secured through the site plan approval process including but not limited to:

- sidewalks along street frontages and internal to increase pedestrian connectivity so that the development is in conformity with the development service standards,
- servicing infrastructure
- grading details
- lighting details

The Director of Building and Planning advised that the Strathroy-Caradoc Strategic Plan 2019-2029 includes, as a key strategy to address the Municipality's housing affordability challenge, the support for the provision of attainable housing options. The dwelling type proposed as part of this application will help address the need in Strathroy for a more diversified housing stock. The future site plan approval will need to adequately address the required financial, legal, planning and engineering matters of interest to the Municipality, including a requirement to make a contribution to the cost of the Parkhouse Drive reconstruction project related to the stormwater management outlet.

County Engineer/ Land Ambulance advised that, as conditions of site plan approval, the County will require dedication of road widening up to 18 metres from centreline for the Adelaide Road right of way along with a 1 foot reserve along this frontage. No stormwater will be permitted to drain from the development onto the County road and the stormwater management plan will need to be reviewed as part of the site plan approval process. The County would also be seeking as part of the site plan approval the confirmation that that utilities are kept out of the driveways to ensure that there is perpetual

emergency access. The noise study is acceptable, and as condition of site plan approval the County Engineer would be seeking a notice be placed on future lease/rental agreements contain a warning clauses about the road noise so that residents are making an informed decision.

County Safety and Standards Officer advised that; 1) That the property be assigned an Allen Road Municipal Address and that each unit be assigned a unit number to the satisfaction of the Municipality in consultation with the County of Middlesex. This shall include permanent and temporary 9-1-1 Municipal address signage at the entrance at Allen Rd and each dwelling unit during all stages of construction, which shall be required through the townhouse development agreement. All permanent unit numbering shall be located in the same location of each dwelling unit for ease of unit identification for emergency responders to easily see. 2) That a permanent sign be posted to the access/road entrance when the development is nearing completion prior to occupancy where it is visible and unobstructed for emergency responders to locate the proposed 4 units 29, 30, 31 and 32 location. These two items will be addressed as part of the submitted site plan application.

Union Gas/Enbridge Gas has advised that they do have service lines running within the area, which may or may not be affected by the proposed Site Plan. Should the proposed site plan affect these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

Bell Canada advised that an easement might be deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost. These comments can be addressed in during the site plan process.

Planning Comments

Planning staff had noted, in the Information Report, 3 areas that needed to be addressed in order to gain staff support. The following are the items and how they were addressed:

- 1) Side yard setback and porch overhangs - the setback rear yards of each of the units have been modified to have a 7.5 m setback adjacent to the Commercial designated property to the west (corner of Parkhouse and Adelaide),
- 2) Lighting for security is needed for the development- the lighting will be secured through the site plan approval.
- 3) Visitor parking - The zoning by-law requires 6 visitor parking space and that revised proposal The revised site plan includes 6 visitor parking spaces in full compliance with the zoning by-law requirements.

SUMMARY

Based on the above analysis staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement, in conformity with the County of Middlesex Official Plan, Strathroy-Caradoc Official Plan and represents good planning.

A zoning by-law amendment has been prepared for Council's consideration.

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

Location Map

Site Plan

(On the agenda, Application form, supporting reports and plans including the site plan)

Location Map



