

Meeting Date: November 15, 2021
Department: Building, Planning and Waste Management
Report No.: BBP-2021-78
Submitted by: Tim Williams, Senior Planner
Approved by: Jennifer Huff, Director of Building and Planning
Fred Tranquilli, Chief Administrative Officer/ Clerk
SUBJECT: Application for Zoning By-law Amendment (ZBA 13-2021) –
22661 Troops Road, Owner – 2410172 Ontario Ltd.

RECOMMENDATION: THAT: the Zoning By-law amendment application be approved.

PURPOSE

The purpose of the Zoning By-law amendment application is rezone four new residential building lots created by provisionally approved consent applications (File No. B05-06-07-08-2021). The lots will be rezoned from 'General Agricultural (A1) Zone' to a site-specific 'Rural Residential (R5-6)' zone to facilitate the construction of single detached dwellings on the lots. The remaining lands will be rezoned from 'General Agricultural (A1) Zone' to a site-specific 'General Agricultural (A1-19) Zone' to recognize a reduced lot area and frontage.

SUMMARY HIGHLIGHTS

- The Zoning By-law Amendment proposes to rezone four new residential buildings lots from 'General Agricultural (A1) Zone' to 'Rural Residential (R5-6) Zone' with site-specific provisions to recognize a reduced lot area and frontage for the lots, and to establish the setback from the CN rail line for one of the residential building lots. The rezoning also amends the zoning for the remaining lands by rezoning from 'General Agricultural (A1) Zone' to a site-specific 'General Agricultural (A1-19) Zone' to recognize a reduced lot area and frontage.
- Consent applications (File No. B05-B06-B07-B08-2021) were approved by the Committee of Adjustment of the Municipality of Strathroy-Caradoc on October 7, 2021 to create the four residential building lots subject to this 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.

BACKGROUND:

The subject property is located on the southwest side of Troops Road, lying between Parkhouse Drive and the CN rail line, and municipally known as 22661 Troops Road (see Location Map).

The subject lands are approximately 19.3 ha (47.7 ac) in area with approximately 235.3 m (772 ft) of frontage along Troops Road. The property is currently in agricultural production and contains an existing single detached dwelling and two agricultural accessory buildings associated with the agricultural operation. The lands are currently accessed by a driveway along Troops Road and are serviced with a private well/septic system. Troops Road is classified as a 'Local Street' under the jurisdiction of the Municipality of Strathroy-Caradoc.

The lands subject to the rezoning application are approximately 0.86 ha (2.13 ac) in area with approximately 143.3 m (470.2 ft) of frontage along Troops Road. The lots are currently in agricultural production and do not contain any buildings/structures.

The purpose of the Zoning By-law amendment is to rezone the four new residential building lots from 'General Agricultural (A1) Zone' to a site-specific 'Rural Residential (R5-6) Zone' to permit the rural residential uses with site-specific zoning provisions to permit reduced lot area and frontage for each of the lots.

The residential building lots subject to the Zoning By-law amendment are detailed below:

Lot	Lot Area	Frontage (Troops Rd)
1	2,440.3 m ² (0.2439 ha)	42.693 m
2	2,044 m ² (0.2044 ha)	33.545 m
3	2,044 m ² (0.2044 ha)	33.545 m
4	2,044 m ² (0.2044 ha)	33.545 m

The second purpose of the Zoning By-law amendment is to rezone the remaining agricultural lands from 'General Agricultural (A1) Zone' to a site-specific 'General Agricultural (A1-19) Zone' to permit the reduced lot area and frontage.

Surrounding land uses are agricultural to the west and south, rural residential to the northeast opposite Troops Road, and industrial uses to the north opposite the CN rail line.

For Council's information, four consent applications received provisional approval by Strathroy-Caradoc's Committee of Adjustment on October 7, 2021 (File No. B05-2021 to B08-2021) to create the four residential building lots subject a number of conditions including the subject Zoning By-law amendment application. As conditions of the consent applications, the owner is required to rezone the lands to permit single detached dwellings with site-specific provisions to recognize a reduced lot area and lot frontage and address the retained land's lot area and frontage deficiency.

POLICY AND REGULATION BACKGROUND

The Provincial Policy Statement, Middlesex County Official Plan, and Strathroy-Caradoc Official Plan permit rural residential uses within designated 'Rural Areas', provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure.

Provincial Policy Statement 2020

The subject lands are located within a designated 'Rural Area' according to the 2020 Provincial Policy Statement (PPS).

Section 1.1.4.1 of the PPS establishes that healthy, integrated, and viable rural areas should be supported by:

- Building upon rural character, and leveraging rural amenities and assets;
- Promoting regeneration, including the redevelopment of brownfield sites;
- Accommodating an appropriate range and mix of housing in rural settlement areas;
- Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- Using rural infrastructure and public service facilities efficiently; and,
- Conserving biodiversity and considering the ecological benefits provided by nature.

Section 1.6.6 provides the hierarchy for sewage and water services and establishes that municipal water and sewage services are the preferred form of servicing for development areas to support protection of the environment and minimize potential risks to human health and safety.

Comments on Consistency with the Provincial Policy Statement 2020

- The proposed residential dwellings are located within a designated 'Rural Area' which permits residential uses such as single detached dwellings.
- The residential building lots will be serviced using private wells/septic systems and staff are of the opinion that the lots are appropriately sized to accommodate the private services.
- The new residential lots have been setback from the significant woodland and are not anticipated to have negative impacts on the feature or its ecological function.

- Appropriate setbacks and noise mitigation measures have been proposed to address any noise concerns resulting from the proximity of the lands to the CN rail line.

Given the above, it is staff's opinion that the Zoning By-law amendment application is consistent with the Provincial Policy Statement.

County of Middlesex Official Plan

The subject lands are located within the 'Agricultural Areas' designation according to *Schedule A: Land Use*, as contained within the Middlesex County Official Plan. Further, a rear portion of the property contains a 'Significant Woodland' according to *Schedule C: Natural Heritage Features*.

Section 2.3 (Growth Management) establishes that the County shall direct the majority of growth to designated settlement areas, and further, within agricultural areas, development by consent will be limited and shall only take place in accordance with the consent policies contained in Section 4.5.3. Fragmentation of farm holdings within the Agricultural Area is discouraged (s.2.3.9).

Section 2.3.7.3 states that the County and local municipalities shall support opportunities to increase the supply of housing through intensification and redevelopment in appropriate locations, taking into account the municipal services, transportation, and environmental considerations. Further, County Council shall encourage residential intensification and redevelopment in areas designated for residential uses which comply with the following criteria:

- The physical potential of the existing building stock or sites to accommodate the identified forms of residential intensification;
- The existing or planned physical services to support new households in the area; and,
- Physical compatibility with the existing built form.

Section 2.3.10 (Natural Heritage Features) provides policy direction for significant woodlands and establishes that a Development Assessment Report (DAR) is required for development within 50 m of a significant woodland. Further, the expansion of farming operations and non-farm uses and clearing of forested lands, site regrading, and drainage schemes will be discouraged where, in the opinion of agencies having jurisdiction, ground and surface water resources, including groundwater recharge and storage areas, would be seriously altered or diminished.

Section 2.4.2.2 directs that the County shall ensure, where possible, compatible land uses adjacent to rail corridors and rail terminal facilities, and that new development may be required to provide appropriate safety measures such as setbacks, intervening berms, security fencing, and noise and vibration studies satisfactory to the local municipality and in consultation with the railway company.

Comments on Conformity with the County of Middlesex Official Plan

- The proposal is located within the designated 'Agricultural Area' according to the Middlesex County Official Plan which permits rural residential uses such as single detached dwellings.
- The proposal will provide additional housing options for current and future residents of the County and represent an efficient use of lands designated for residential purposes.

- The natural heritage feature on the property is located approximately 180 m from the residential building lots, which planning staff have determined to be appropriate to ensure there are no negative impacts to the features, its ecological functions.
- Appropriate setbacks and noise mitigation measures have been provided between the proposed residential lots and the CN rail line, and further, CN rail line has identified conditions to ensure appropriate development of the lots.
- Given the size of the residential building lots, staff anticipate that the lands will be able to be appropriately graded/drained through the development of a grading/drainage plan.
- The residential building lots have similar lot areas and frontages to the surrounding rural residential lots and appear to be an appropriate size to maintain the character of the area.
- Vehicular access for the new residential dwellings can be appropriately accommodated along Troops Road.

Given the above, it is staff's opinion that the Zoning By-law amendment conforms to the Middlesex County Official Plan.

Strathroy-Caradoc Official Plan

The subject lands are within the 'Rural Area' designation according to *Schedule A: Structure Plan*, as contained within the Strathroy-Caradoc Official Plan. Further, the lands are designated as 'Rural Residential' according to *Schedule H: Land Use & Transportation Plan*.

Lands designated as 'Rural Residential' are intended for low density residential development including single detached dwellings on relatively large lots through infilling and rounding out, as well as accessory uses to the main residential use (s.5.3.6.1). Section 5.3.6.2 provides evaluation criteria for new residential development, as follows:

- Adequate water supply shall be available;
- Lots shall be sufficiently large and soils shall be suitable to enable the property functioning of private, independent sanitary sewage systems;
- Soils and drainage shall be suitable;
- Vehicular access shall be suitable;
- The natural amenity and scenic quality of the lands being developed shall be maintained and, wherever feasible, enhanced;
- A development assessment report be submitted, where required; and,
- The lot frontage, depth and size of the lot shall be sufficient to be compatible with existing lots in the vicinity.

A portion of the property contains a designated 'Woodland' according to *Schedule I: Natural Heritage Features*, identified as a 'Significant Woodland' (MNHSS, 2014).

The property is within the '1 km – Noise Sensitivity Zone' and '300 m – Noise Sensitivity Zone' associated with Highway No. 402 according to *Schedule L: Land Use & Development Sensitivity Areas*.

Section 2.7 (The Natural Environment) establishes the policy framework for the respect, protection, restoration, and where necessary, improvement of the quality of natural heritage features and areas. New development, site alteration, or the expansion of existing development and the provision of public facilities and infrastructure will not result in negative impacts on the natural heritage features or their ecological functions. Development and site alteration may be permitted within a designated woodland where it is demonstrated there will be no negative impacts on the woodland or its ecological functions (s.5.3.2.3).

Comments on Conformity with the Strathroy-Caradoc Official Plan

- The proposal is located within a designated 'Rural Area' which permits residential development such as single detached dwellings
- The proposed residential building lots have been required to provide as part of the consent application information about adequate servicing using private water and sanitary infrastructure and staff are of the opinion that adequate drainage/grading can be accommodated to facilitate the construction of the proposed dwellings.
- The proposed site-specific provisions will allow for the construction of single detached dwellings that represents an efficient use of residential lands consistent with existing residential development in the area.
- The proposal includes adequate buffering from the CN rail line as well as noise mitigation measures to minimize adverse impacts from the rail line to the future residents of the proposed single detached dwellings.
- Vehicular access to the residential buildings lots can be provided along Troops Road to provide access to the proposed dwellings.
- With respect to natural environment, the new residential lots are located approximately 180 m from the significant woodland and are not anticipated to negatively impact the natural heritage feature, its ecological functions, or the scenic quality of the lands.
- The private services proposed are considered appropriate given the size and configuration of the lots and staff are of the opinion that rezoning of the lands to permit the construction of four single detached dwellings for rural residential purposes is appropriate.

Given the above, it is staff's opinion that the Zoning By-law amendment conforms to the Strathroy-Caradoc Official Plan.

Strathroy-Caradoc Zoning By-law

The subject lands are currently zoned 'General Agricultural (A1) Zone' according to the Strathroy-Caradoc Zoning By-law.

The 'A1' zone permits various agricultural uses and single detached dwellings and requires a minimum lot area of 40 ha, minimum lot frontage of 150 m, minimum front yard depth of 20 m, minimum side yard width of 15 m, minimum rear yard depth of 30 m, minimum lot depth of 500 m, and maximum lot coverage of 20%.

The Zoning By-law amendment proposes to rezone the four new residential building lots to a site-specific 'Rural Residential (R5-6) Zone' to permit the rural residential uses with site-specific zoning

provisions to permit a reduced lot area and lot frontage, and further to establish the side yard setback for 'Lot 4' to the CN rail line.

The 'R5' zone permits single detached dwellings and secondary suites and requires a minimum lot area of 1 ha, minimum lot frontage of 50 m, minimum front yard depth of 15 m, minimum side yard width of 5 m, minimum rear yard depth of 5 m, maximum lot coverage of 10%, and minimum landscaped open space of 70%.

More specifically the following chart identifies a highlight of the zoning provisions applicable to the proposed 'R5-6' zone:

Provision	Rural Residential (R5) Zone	Proposed (Lot 1)	Proposed (Lots 2-4)
Lot Frontage (min)	50 m	42.693 m	33.545 m
Lot Area (min)	1 ha	2,440.3 m² (0.2439 ha)	2,044 m² (0.2044 ha)
Front Yard Depth (min)	15 m	15 m	15 m
Side Yard Width (min)	5 m	5 m	5 m
Rear Yard Depth (min)	15 m	15 m	15 m
Lot Coverage (max)	10%	10%	10%
Landscaped Open Space (min)	70%	70%	70%

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

Staff note that the residential building lots are proposed to be serviced using private wells/septic systems and the applicant is to provide information confirming the size and configuration of the proposed dwellings are appropriate. As a condition of the previously noted consent applications, the applicant will be required to provide evidence that suitable on-site private services will be available. Staff also note that the size of the lots are smaller than the minimum size in the zoning by-law. It is planning staff's position that while these lots are in the rural area and should be to the scale of the surrounding community as well as be large enough to accommodate private services, this needs to be balanced with efficient use of land and limiting the extension into agricultural lands.

A site-specific provision is proposed to recognize that the minimum north side width of 'Lot 4' will be the greater of 7.14 m to the side lot line or 30 m from the lot line of a railway right-of-way.

The rezoning proposes a site-specific 'General Agricultural (A1-19) Zone' to permit a reduced lot area and frontage to recognize the smaller agricultural parcel.

In light of the foregoing, staff are of the opinion that the proposed Zoning By-law amendment to rezone the new residential lots to 'Rural Residential (R5-6) Zone' with the noted site-specific provisions is appropriate to facilitate the development of four residential dwellings as well as addressing the remaining agricultural properties lot area and frontage.

CONSULTATION

Notices have been circulated to agencies and the public in accordance with the requirements of the *Planning Act*. At the time this report was completed, the following comments were received:

The Strathroy-Caradoc Director of Building and Planning advised that there are no concerns with the application as consent application addressed planning matters or will be addressed through clearance of the consent conditions.

The Director of Engineering Public Works advised that they had previously required the road to be constructed and reconstructed along Troops Road. Staff have reviewed the constructed works and deem the acceptable. The applicant is also required to petition for a 3 way stop at the intersection and supply the signage at their cost.

CN Railway in correspondence received October 25th CN confirmed that their September 30th correspondence was still applicable which stated the following:

“The attached plan is the point of reference for CN comments. With reference to the attached site plan and cross section, the below mentioned points are acceptable for CN:

- The proposed safety setback;
- The location, proposed slopes and height of the safety berm; and,
- The noise attenuation wall (can compensate for the safety fence along the mutual CN property line). The proposed grading of the parcels to direct storm waters away from CN right of way.

Finally, CN asks for the side yard and back yard of the parcel closest to the rail way to be fenced in as well and, for the inclusion of the following warning clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

The ‘attached plan’ referred to above is attached to the subject report for the Council’s reference (see Site Sketch).

Given the above comments, planning staff can confirm that all CN concerns are satisfied for this application with the inclusion of a site specific setback to the CN property line within the zoning by-law and that CN has no further comments.

Canada Post has advised that they have not comments.

At the time of preparing this report, no concerns or comments have been received from the public.

ANALYSIS:

The purpose of the Zoning By-law amendment application is to rezone the four new residential buildings lots created by approved consent applications B05-B06-B07-B08-2021 from 'General Agricultural (A1) Zone' to a site-specific 'Rural Residential (R5-6) Zone' to facilitate the development of four single detached dwellings with site-specific provisions related to lot frontage, lot area, and setback from 'Lot 4' to the rail line.

As residential uses, including single detached dwellings, are permitted within the 'Rural Area' designation, and the lands can be appropriately serviced, staff are of the opinion that the proposed development is consistent with the PPS policies and conform to the County of Middlesex Official Plan and Strathroy-Caradoc Official Plan policies respecting development on lands designated for rural residential uses.

In accordance with the evaluation criteria contained in Section 5.3.6 of the Strathroy-Caradoc Official Plan, staff offer the following comments:

- The private services proposed are considered appropriate given the size and configuration of the proposed lands to be severed.
- Given the size of the subject lands, staff anticipate that the lands will be able to be appropriately graded/drained through the development of a grading/drainage plan.
- Vehicular access for the new residential lots can be appropriately accommodated along Troops Road.
- Appropriate setbacks and noise attenuation measures have been provided between the proposed residential lots and the CN rail line, and further, CN rail line has identified conditions to ensure appropriate development of the lots.
- The new residential lots proposed are approximately 180 m from the significant woodland and are not anticipated to negatively impact the natural heritage feature, its ecological functions, or the scenic quality of the lands.
- Frontage and area of the lots to be severed appear to be of an appropriate size given the fact that similar lots exist in the immediate vicinity.
- It is staff's opinion that the application conforms with the intent and purpose of the Strathroy-Caradoc Official Plan.

CONCLUSION:

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

A Zoning By-law amendment has been prepared for Council's consideration.

FINANCIAL IMPLICATIONS

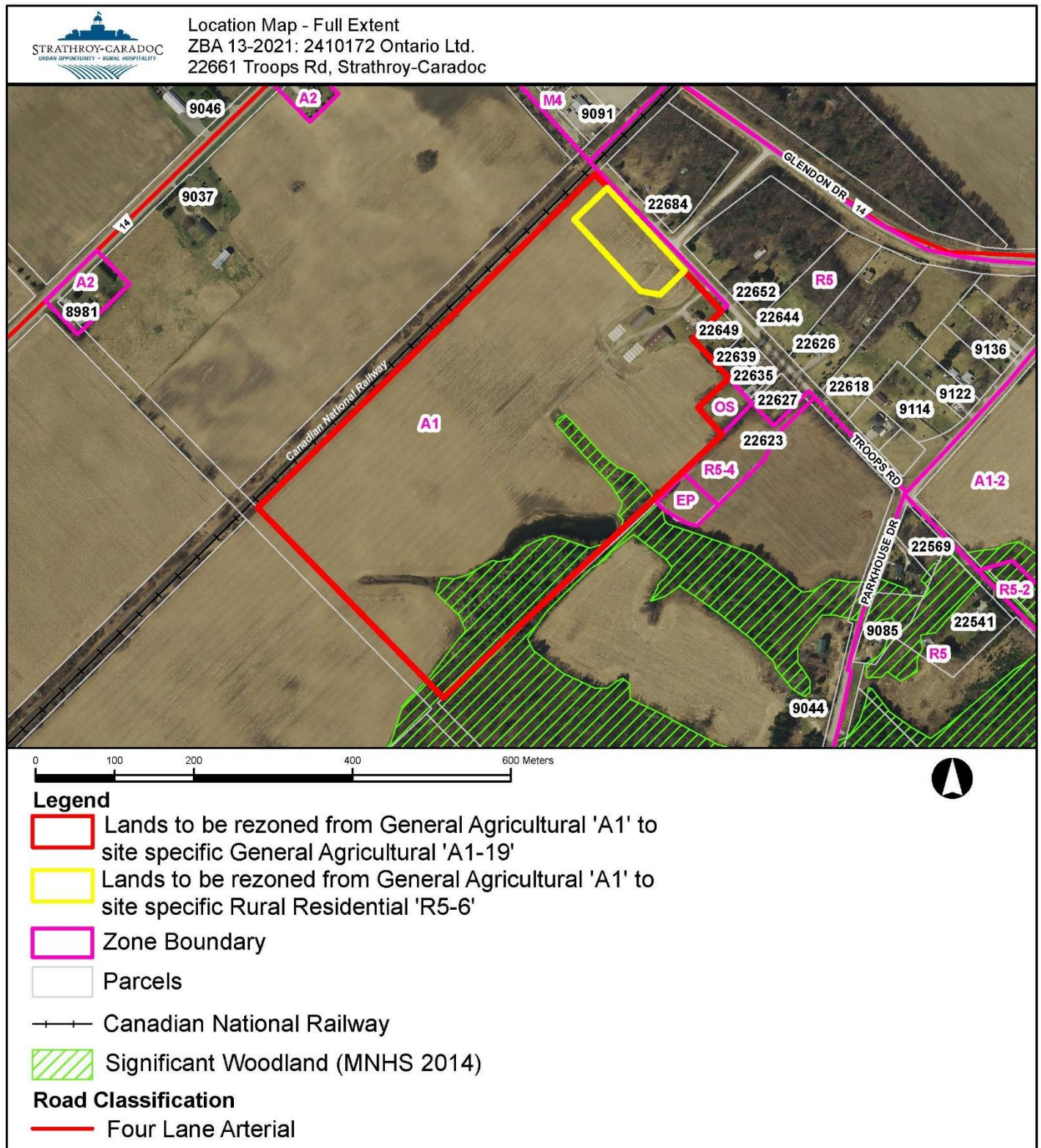
None

ATTACHMENTS

Location Map

Site Sketches

Location Map



Site Sketches



