



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-048-22

FILE: 39T-TC-CDM2201, O2-22 & Z9-22

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: September 19, 2022

**RE: APPLICATION FOR DRAFT PLAN OF CONDOMINIUM AND
OFFICIAL PLAN & ZONING BY-LAW AMENDMENTS
WES AND DARLENE FOX (OWNER)
KNUTSON DEVELOPMENT CONSULTANTS INC. (AGENT)
233 UPPER QUEEN STREET, THORNDA**

1. PURPOSE

The purpose of this report is to provide Council with background information regarding the subject proposal which is scheduled to be heard at a public meeting of Municipal Council on September 19, 2022.

This proposal has been circulated to property owners within 120 m (400 ft) of the subject lands and to prescribed agencies under the Planning Act. The purpose of the public meeting is to facilitate feedback from the community. Following the public meeting, staff will consider all public and agency comments and provide an evaluation report including a recommendation for Council's consideration at a future meeting.

2. BACKGROUND (see attached map)

The subject property is an 0.96 hectare (2.36 ac) parcel of land located on the south side of Upper Queen Street just east of Agnes Street in the village of Thorndale. The lands contain a single detached dwelling and a detached accessory building. Full municipal services are available along Upper Queen Street. According to the Thames Centre Official Plan, the lands are designated Residential and zoned Residential First Density (R1) pursuant to the Thames Centre Comprehensive Zoning By-law.

Surrounding land uses include residential uses to the north (Upper Queen Street) in the form of single detached dwellings, parkland to the south and east; and residential uses to the west (Agnes Street) in the form of single detached dwellings and mobile homes.

3. PROPOSAL

The purpose of the proposed plan of condominium, as shown on the attached plan, is to facilitate the development of the subject lands to accommodate a total of 38 units to support residential development in the form of townhouse dwellings on full municipal services. This development is to be accessible by a private road from Upper Queen Street which would form a common element feature of the condominium (including all underground infrastructure) along with four (4) visitor parking spaces. Along Upper Queen Street, there are three (3) units proposed to back onto the street.

Six (6) studies/reports have been provided in support of the subject proposal, namely: planning justification; traffic impact; noise assessment; preliminary servicing; archaeological; and, geotechnical investigation.

To allow medium density residential uses in the form of townhouse dwellings, the applicant has applied for an Official Plan Amendment. The Official Plan only allows such form of development if two of the following four evaluation criteria are met: frontage on an arterial road; abutting a major public park; abutting a commercial area; and, overall development application involves a land area of at least 2 hectares. Although the site is adjacent to a major public park, none of the remaining criteria are capable of being satisfied. As such, an Amendment to the Plan is required to allow this form of housing.

To allow the development of the condominium, a Zoning By-law Amendment has been submitted to rezone the subject lands from the Residential First Density (R1) Zone to a site-specific Residential Third Density (R3-#) to allow townhouse dwellings subject to the following special provisions:

Requirement	Existing	Proposed
Front yard depth	10 metres	8 metres
Interior side yard width	10 metres	2 metres
Rear yard depth	10 metres	6.6 metres

Other regulations pursuant to the parent R3 zone would apply.

3.1 Agency Comments

In the circulation of the notice of public meeting to prescribed agencies, the following comments were received:

3.1.1 County of Middlesex Engineer:

No comment on the OPA or ZBA.

There are concerns with emergency response for a long single loaded road as proposed. The owner should be required to construct all underground services outside of the travelled portion of the road such that at least one lane of traffic can be maintained for service repairs or reconstruction. The road should also be designed such that emergency response vehicles including fire trucks can maneuver in and out of the proposed condominium development.

3.1.2 County Emergency Services:

1. That the condominium development be assigned the present Upper Queen Municipal 9-1-1 Address of 233 and that each condominium unit be assigned a unit number to the satisfaction of the Municipality of Thames Centre in consultation with the County of Middlesex. This shall include temporary and permanent address/unit signage during all stages of construction which shall be required through the condominium development agreement. Also a temporary and permanent Municipal 9-1-1 address sign be installed at the entrance of 233 Upper Queen St to the condominium development and once inside the development a temporary and permanent sign be installed indicating unit number directions. All permanent condominium unit numbering shall be located in the same location of each condominium unit facing the road access inside the development for emergency responders to easily locate. Note; all temporary and permanent unit numbers/911 municipal address must all be visible and unobstructed.
2. That the appropriate infrastructure be in place for connecting to 911 call agency prior to occupancy of any structure.
3. That there be consultation with the Municipal Fire Chief having jurisdiction ensuring fire hydrant locations meet firefighting purposes.
4. That a permanent "No Exit" sign be posted immediately inside the entrance of the condominium development when the development is nearing completion so it is visible and unobstructed for those entering the development indicating that it is not a through road.

3.1.3 Canadian National Railway (CN):

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.

2. The following clause should be inserted 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.”

3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a Noise and Vibration study taking into consideration CN development guidelines.

3.1.4 Upper Thames River Conservation Authority: No objection.

3.1.5 Canada Post:

Canada Post: Mail delivery for the development is to be provided through centralized Community Mail Boxes (CMBs). Should this development be approved, Canada Post wishes to be notified of new civic addresses as soon as possible. Canada Post is also requesting the implementation of standard developer requirements.

3.1.6 Enbridge:

A formal response will be provided if this development is in proximity to a transmission pipeline. Proposals not in proximity will not receive a response.

3.1.7 Bell Canada:

Request that as a condition of draft plan approval, that the following standard clauses be included:

The Owner acknowledged and agrees to convey any easements as deemed necessary by Bell Canada to service this new development and at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current or 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.

3.1.8 Hydro One: No comment.

3.1.9 Public Works Director:

There are concerns that the proposal does not allow sufficient area for a stormwater management facility.

3.1.10 Chief Building Official:

Fire route must extend to provide access to all units. Indicate entire length of fire route as well as indicate sign locations and show turning radius on plans (not a note on the plan). Provide a sign at the entrance showing a map of the complex with all unit locations and numbers.

3.2 **Public Comments**

In the circulation of the notice of public meeting to surrounding property owners, written submissions were received which are appended to this report.

Key Areas of concern include:

- Traffic.
- Loss of privacy
- Decrease property values.
- Losing small town feel with the amount of development proposed.

4. RECOMMENDATION

THAT Report No. PDS-048-22 dated September 19, 2022 related to Application for Draft Plan of Condominium (39T-TC-CDM2201), Application for Official Plan Amendment (O2-22) and Application for Zoning By-law Amendment (Z9-22) for lands known municipally as 233 Upper Queen Street, Thorndale and owned by Wes and Darlene Fox, be received;

AND THAT the Director of Planning and Development Services provide a subsequent report evaluating the said Applications, taking into account all public and agency comments received, with a recommendation for Council's consideration at a future meeting.

Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: Mike Henry, Chief Administrative Officer



LOCATION MAP

Description:
UPPER QUEEN CONDOMINIUMS
DRAFT PLAN OF CONDOMINIUM
MUNICIPALITY OF THAMES CENTRE

File Number:
39T-TC-CDM2201

Prepared by: Planning Department
The County of Middlesex, July 07, 2022.



LEGEND

SUBJECT LANDS



1:1,500
0 30 60
Meters

