



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-006-25

TO: Mayor and Members of Council
FROM: A. Kertesz, Planner
MEETING DATE: February 10, 2025
SUBJECT: **Applications for Draft Plan of Condominium (39T-TC-CDM2304) & Zoning By-Law Amendment (Z34-23); 1732435 Ontario Limited (Owner); Stewart Findlater (Agent); 21829 Nissouri Road, Thorndale**

RECOMMENDATION:

THAT the Municipality of Thames Centre **RECOMMENDS** the issuance of draft plan of condominium approval to the County of Middlesex for Application for Draft Plan of Condominium (File. No. 39T-TC-CDM2304) requested by 1732435 Ontario Limited and subject to the draft plan conditions attached to Report No. PDS-006-025);

AND THAT Application for Zoning By-law Amendment (File No. Z34-23) **BE APPROVED** in principle and that upon the granting of draft plan of condominium approval (File No. 39T-TC-CDM2304) by the County of Middlesex, that the implementing Zoning By-law Amendment be forwarded to Thames Centre Council for consideration of approval;

AND THAT no further notice be required pursuant to Section 34 (17) of the *Planning Act* in regards to the revised to the standards of the site-specific R3-# Zone;

PURPOSE:

The purpose of this report is to provide an evaluation of the subject applications to facilitate the development of a townhouse condominium. This proposal was first presented at a public open house held on February 7, 2024 in alignment with the Community Communications and Engagement goal outlined in the 2024-2027 Strategic Plan. This proposal was presented at a public meeting of Municipal Council on February 26, 2024. This report includes a summary of the public and agency consultation process along with a recommendation for Council's consideration.

NOTE: The County of Middlesex is the delegated approval authority for draft plans of condominium. Before the County makes a decision, this proposal is considered by Thames Centre Council and subject to a community engagement process. The community engagement processes for this development proposal occurred in 2024.

BACKGROUND:

The subject property is a 3.6 hectare (8.9 ac) parcel of land located on the west side of Nissouri Road (County Road 27) and on the north side of Thorndale Road (County Road 28) in Thorndale. Containing a driveshed, the property is used for agricultural purposes in the form of cultivated land. Full municipal services are available in the area. These lands are located in the Thorndale Settlement Area under the Thames Centre Official Plan and designated Residential. The lands are also zoned site-specific Future Development (FD-4) under the Thames Centre Comprehensive Zoning By-law.

Surrounding land uses include: agricultural uses to the north and west in the form of field crop production; (those same lands to the west are proposed to accommodate a sand and gravel pit); industrial uses to the south on the opposite side of Thorndale Road (County Road 28); and residential uses in the form of single detached dwellings to the immediate east and beyond that, east of Nissouri Road (County Road 27) being the Trails at Wye Creek Subdivision. There are also vacant commercial lands situated at the northeast corner of Nissouri Road and King Street.

PROPOSAL

The purpose of the proposed vacant land condominium (attached) is to facilitate the residential development of the subject lands for the following purposes:

- 91 units to support townhouse dwellings;
- A proposed future public street from Nissouri Road (County Road 27) and aligned with Elliott Trail would be created and from that two points of access for the condominium to support a private road network;
- Full municipal services including municipal water and sanitary sewers would be required to develop the lands;
- A stormwater management facility is proposed at the southwest corner of the site.

Five (5) studies/reports have been provided in support of the subject proposal, namely: planning justification; servicing; geotechnical/hydrogeological; noise; and, archaeological.

To allow the development of the subject lands, a Zoning By-law Amendment has been submitted to rezone the subject lands to the following new category to allow townhouse dwellings. Since this application was originally heard by Municipal Council in February 2024, the applicant's team has made revisions to the proposed lot area (unit area) and lot frontage. The original requested provisions and the revised requested provisions can be found in the table below:

Minimum Requirements	<i>Site-specific Residential Third Density (R3-#) Zone</i>		
	R3 Standard	Original Request	Revised Request
Lot Area	250 m ² per unit	-	210 m ² per unit
Lot Frontage	30 m	7 m per unit	6.98 m per unit
Front Yard Depth	10 m	6.6 m to the building and	Same as original request

		6.89 m to the garage	
Exterior Side Yard Depth	10 m	4.5 m	Same as original request
Interior Side Yard Width	10 m	3 m	Same as original request
Rear Yard Depth	10 m	8.5 m	Same as original request

ANALYSIS:

The Provincial Planning Statement (PPS) states that settlement areas shall be the focus of growth and development. Thorndale is a designated Urban Settlement Area according to both the County and Municipal Official Plans. The PPS also states that municipal water and municipal sanitary sewage services are the preferred form of servicing for settlement areas. The subject property is located in Thorndale where full municipal services are proposed to accommodate this development.

Furthermore, the PPS states within settlement areas, land use patterns should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure. The subject proposal demonstrates an efficient development and land use pattern which will utilize the existing municipal water and sanitary sewage system which the applicant has demonstrated has capacity to accommodate the development.

The PPS also indicates an appropriate range and mix of housing options and densities shall be accommodated to meet the needs of the community and future residents by permitting and facilitating all housing options and types of intensification. The subject proposal offers housing options in the form of townhouses being a housing type that is less common within Thorndale although is starting to emerge through the draft plan approval process for developments within the Municipality and within the community.

The County of Middlesex Official Plan encourages a range of housing types, housing densities and housing options to meet the needs of their share of current and future County residents. This proposed development reflects the foregoing given that it proposes townhouse dwellings, which as noted are less common in Thorndale at this time.

According to the County of Middlesex Official Plan and the Thames Centre Official Plan and consistent with the PPS, policy direction is provided at establishing a land use pattern that ensures services and utilities are efficiently utilized. As noted previously, the proposed development meets this policy direction.

Under the Thames Centre Official Plan, one of the themes repeated throughout the document encourages a mix of housing types to cater to all stages of life and suitable for different age groups, lifestyles, and household structures of existing and future residents. In particular, housing types that promote a continuum of lifestyle and allow residents to remain within the community throughout the course of their lives shall be encouraged. This proposed development provides a housing option in the form of townhouse dwellings which are often more moderately priced compared to single detached dwellings. Housing options refers to a range of housing types to assist with fostering a more sustainable community and encouraging existing residents to stay in the area.

Zoning By-law Amendment

To support this development for medium density residential uses in the form of townhouses, a zoning by-law amendment is required. The Thames Centre Official Plan require that prior to the approval of a zoning by-law amendment, it shall be established to the satisfaction of Council that:

- ***Soil and drainage conditions are suitable to permit the proper siting of buildings;***

A geotechnical report, stormwater management plan, and lot grading plans are required for this development. This is capable of being addressed at the building permit issuance stage.

- ***Services and utilities, whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be the preferred method of servicing development;***

Full municipal services can adequately accommodate the proposed development as indicated by Development Engineering in their Site Servicing Brief and confirmed by municipal staff.

- ***The road system is adequate to accommodate projected increases in traffic;***

The proposed development would have access to Nissouri Road (County Road 27) being an arterial road, intended to facilitate the municipal movement of high volumes of traffic. The County Engineer advised left and right turn lanes will be required at the new municipal road to be developed to provide access of the development at County Road 27.

- ***The land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction and maintenance;***

The development of this condominium will also require a new private road that will tie into the existing public road network. The private road is to be constructed to municipal standards.

- ***Lot frontage and area is suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law;***

Through the requested site-specific Residential Third Density (R3-#) Zone, the applicants are proposing a reduced minimum lot area of 210 square metres per unit, a reduced minimum lot frontage of 6.98 metres, a reduced front yard depth of 6.6 m to the building and 6.89 m to the garage, a reduced exterior side yard depth of 4.5 metres, a reduced interior side yard depth of 3 metres and a reduced exterior side yard depth of 8.5 metres. The proposed development would comply with the requirements and other standards as requested in the site-specific (R3-#) zone and is suitable for the proposed use.

As noted, the applicant has revised the minimum lot area/ unit area and the minimum lot frontage since the public meeting held in 2024. Section 34 (17) of the *Planning Act* states where a change is made in a proposed by-law after the holding of the public meeting, council shall determine whether any further notice is to be given in respect of the proposed by-law. Staff is of the opinion that no further notice should be required as a result of the revised proposed zoning by-law provisions given that the changes to the provisions do not fundamentally alter what was originally proposed in 2024.

- ***Adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural heritage features and functions.***

Unacceptable adverse effects on surrounding uses are not anticipated as the development is located within the settlement area boundary in proximity to existing residential uses. Although the neighbouring lands to the west and the north have obtained an aggregate license under the *Aggregate Resources Act* and will be used for aggregate extraction, mitigation measures for the aggregate pit in relation to existing residential uses and the proposed townhouse development have been considered during the licensing process. It was also indicated within the submission materials that it is intended that the aggregate operation cease operations prior to occupancy being granted for the townhouse dwellings. These neighbouring lands are also used for agricultural purposes.

Additionally, there is an existing industrial establishment adjacent to the proposed development, on the south side of Thorndale Road. As part of the preliminary draft plan conditions attached to this report, staff recommend a condition which speaks to the requirement for warning clauses in all purchase and sale agreements notifying future owners of the existing nearby industrial uses, aggregate operation as well as normal farm practices which occur on agricultural land. Staff recommend a draft plan condition be included which requires that any noise mitigation measures or buffering are implemented within the design of the development.

Other Matters

The Thames Centre Official Plan provides policy direction for the draft plan approval process which requires the applicant enter into an agreement to be registered on title to ensure the proper and orderly development of the lands. Recommended preliminary draft plan conditions are attached for Council's consideration which would generally be implemented through an agreement with the applicant. All comments received have been considered and have been generally addressed or can be appropriately addressed as conditions of draft plan approval.

Under the *Planning Act*, parkland dedication is required at a rate of 5% of the total draft plan area in the case of residential development. Having a total lot area of 3.6 hectare (8.9 ac), the proposed development would require 0.18 hectares (0.44 ac) of parkland. In this case, it would be more practical for the Municipality to receive cash-in-lieu which is included as a recommended draft plan approval condition based on 5% of the value of the land based on a land appraisal conducted by a qualified professional.

The Thames Centre Official Plan indicates that the following criteria also needs to be considered when reviewing rezoning applications to permit medium density residential uses in areas designated as Residential, namely:

- ***General Compatibility with existing uses in close proximity to the proposed development***

The proposed townhouse development is compatible with existing uses in close proximity to the area which include agricultural uses, industrial uses and residential uses and vacant commercial lands in proximity to the development. Through the noise study provided as part of the application submission, it is recommended that noise control measures are incorporated within the design of the development for lots such as noise barriers, forced air ventilation systems designed for the future installation of central air conditioning, as well as warning clauses to inform future resident of the traffic noise excesses.

- ***The capacity of Municipal, County and Provincial roads affected and their ability to handle the expected increases in traffic***

Given that the proposed development would have access off Nissouri Road (County Road 27) via a proposed future street with two points of access for the condominium to support a private road network, staff believe the roads affected will have capacity to handle the expected increases in traffic. It is also important to note that Nissouri Road (County Road 27) is an arterial road designed to accommodate high levels of traffic.

- ***The adequacy of services to serve the proposed development***

Full municipal services can adequately accommodate the proposed development as indicated by Development Engineering Limited in their servicing study and additional

information and confirmed by the Municipality's engineering consultant and Director of Public Works.

- ***Adequacy of off-street parking facilities to serve the proposed development***

The proposed townhouse development will generally have the ability to accommodate the parking of two (2) vehicles with one (1) in the garage and one (1) in the driveway. There are also twenty-one (21) visitor parking spaces proposed. Off-street parking is adequate to serve the proposed development.

- ***The provision of landscaping, buffering and building setbacks adequate to protect the privacy of surrounding residential properties***

To protect the privacy of surrounding properties, as a condition of draft plan approval, the developer will be required to provide privacy fencing and landscaping.

- ***Consistency with the Provincial Planning Statement (PPS)***

Based on the analysis previously provided in the report, consistency with the PPS has been demonstrated with respect to this form of housing.

Based on the foregoing, the subject proposal is consistent with the Provincial Planning Statement and conforms to the Middlesex County Official Plan and Thames Centre Official Plan.

CONSULTATION:

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

County Engineer:

The owner will be required to dedicate lands up to 18.0 m from the centreline of construction of County Road 27 (Nissouri Road) and County Road 28 (Thorndale Road) across the property to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

The owner will be required to dedicate 0.3 m reserves along the common property lines with County Road 27 (Nissouri Road) and County Road 28 (Thorndale Road) save and except across the proposed access road from County Road 27 (Nissouri Road) to the County of Middlesex to restrict access to only the common access road.

Left and right turn lanes will be required at the access to the development at County Road 27 (Nissouri Road). All costs associated with the design and construction of these lanes will be the responsibility of the developer.

The owner will be required to submit a noise study and implement the recommendations of such study to the satisfaction of the County Engineer.

Grading and servicing plans should be submitted to the County for review and approval. Note that no additional storm water flows from the site will be permitted from the property to the County road allowance.

Note that work and/or entrance permits issued by the County of Middlesex are required prior to any works proceeding within the County road allowances.

Director of Public Works:

No comments or concerns at this stage. All concerns have been or will be addressed in the detailed design stage following the issuance of draft plan approval

Drainage Superintendent:

This development will require a sufficient drainage outlet in order to safely discharge storm water from the proposed site.

Chief Building Official:

I have no comments at this time with respect to the above-mentioned applications.

Upper Thames River Conservation Authority:

No objections.

Thames Valley District School Board:

TVDSB has no comments regarding the above noted application at this time. Students will be accommodated at West Nissouri PS. TVDSB has requested an addition at the school through the Ministry of Education's Capital Priorities Funding program and is currently awaiting funding outcomes.

Hydro One:

No comments or concerns.

County of Middlesex Emergency Services:

- 1) That the street name Elliott Trail West that is stated on the proposed draft plan be replaced with a new proposed street name due to it being duplicated in the name and that the current Elliott Trail located east of Nissouri Rd will not accommodate required addressing to meet addressing standards.
- 2) That the new proposed street name replacing Elliott Trail West be submitted to the

satisfaction of the Municipality of Thames Centre in consultation with the County of Middlesex Emergency Services Dept. for approval to ensure the street name is not duplicated in any other County Municipalities including the Municipality of Thames Centre.

3) That the approved street name once approved be erected at all applicable intersections to Municipal standards when the appropriate infrastructure (roads, curb etc.) is in place so emergency responders can better identify the street location. This is a must before issuing building permits to ensure street identification is in place prior to constructing of dwellings.

4) That proposed development have a single municipal 911 property address that fits sequentially to the approved street name and that the proposed municipal 911 property address be submitted to the Municipality of Thames Centre in consultation with the County of Middlesex for approval.

5) The approved municipal 911 property address shall be posted so it is visible and unobstructed temporarily and permanently during all stages of construction at the 2 entrances to the development units to ensure emergency responders can easily identify the Municipal 911 address from the road allowance. The property owner shall maintain and ensure the 911 address sign remains visible and unobstructed after meeting all requirements of the development and the Municipality of Thames Centre in consultation with the County of Middlesex sign off on the agreement.

6) That the appropriate infrastructure be in place for connecting to 911 call agency prior to occupancy of any dwelling structure.

7) That proposed individual unit numbering for this development be submitted to the satisfaction of the Municipality of Thames Centre in consultation with the County of Middlesex Emergency Services Dept. for approval. When approved this shall include temporary and permanent unit number signage installation during all stages of construction which shall be required through the development agreement to ensure emergency responders can identify the unit numbers from the private road allowance. All permanent unit numbering to be located in the same exterior location of all units and must be installed prior to final occupancy being granted.

8) That a temporary (when construction of the dwelling units begins) and a permanent (when development is nearing completion) sign be posted inside the both entrance areas where the interior roads go in different directions to get to the units showing an overview of the unit numbering so emergency responders can see it as entering the development from the private road allowance. The posted unit numbering sign is to be visible, unobstructed and large enough to see from a distance so emergency responders can identify direction to the applicable units that requires their service. Further discussion can be held to where an appropriate location should be found to have the sign located.

9) That a permanent "no exit" sign be posted strategically and that it is visible and unobstructed when nearing completion notifying emergency responders that certain private roads are not a through road.

Canada Post:

In order to provide mail service to this development, Canada Post requests that the owner/developer comply with the following conditions:

The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.

The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.

The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.

The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the Municipality of Thames Centre.

The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.

The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

Bell Canada:

Bell Canada Condition(s) of Approval

The Owner acknowledges and agrees to convey any easement(s) as 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.

Enbridge:

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

To date, one (1) written submission has been received and appended to this report from the following resident:

James Iglesias:

We think that the new housing development is excellent for our community
Affordable homes for hard working young families

FINANCIAL IMPLICATIONS:

None.

STRATEGIC PLAN LINK

Pillar: *Smart Planning*

Goal: *Make smart planning decisions to grow the community , while maintaining a "hometown feel"*

ATTACHMENTS:

Location Map
Proposed Draft Plan of Condominium
Preliminary Draft Plan Conditions
Minutes from the February 26, 2024 Meeting

Prepared by: A. Kertesz, Planner

Reviewed by: A. Storrey, Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer