



Meeting Date: December 16, 2020

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-78-2020

Subject: Application for Draft Plan of Subdivision (39T-MC1901), Official Plan Amendment (OPA 45) and Zoning By-law Amendment (ZBA 14/19); Filed by Doug Stanlake (Stanlake Consulting) on behalf of Brantam Developments Inc.

Recommendation:

THAT report PLA-78-2020 be **RECEIVED FOR INFORMATION.**

Purpose:

The purpose of this report is to provide Council with information for a draft plan of subdivision, official plan amendment and zoning by-law amendment proposal for the property known municipally as 9904 Oxbow Drive and located north Oxbow Drive and West of Komoka Road in the village of Komoka. The land is legally described as LOBO Concession 3 PT Lot 4 RP 33R19922 Parts 1 to 3.

A location map is included as Attachment 1.

Background:

The subject property is located within the Komoka and Kilworth Settlement Area and has access onto Oxbow Drive and Komoka Road (County Road 16). The property is north and west of the existing built up community of Komoka and is bound by Canadian Pacific Railway on the north, active agricultural lands immediately to the west, Canadian National Railway and industrial lands to the south and residential uses to the east. The subject property is irregularly shaped and is approximately 20.77 ha (51.3 ac) in area. Previously a residential use was on the land but the house has been removed. The balance of the land is actively farmed.

The land is currently designated 'Residential' and has an Aggregate Overlay in the Komoka-Kilworth Urban Settlement Area & Secondary Plan. The north-east corner of the property along Komoka Road also falls within the Community Gateway for Komoka and contains Hazard Lands. The property is also at the western periphery of the settlement boundary. Schedule A-2 of the Official Plan also identifies a conceptual location for a

future stormwater management pond on the southern portion of the property closer to Oxbow Drive. The location on Schedule A-2 is approximate and shall be determined as part of the municipality's stormwater management plan. The property is primarily zoned 'Existing Use (EU)' and has a small section that is zoned 'Urban Residential First Density exception 3 (UR1-3)' along Oxbow Drive.

Pre-application for the development proposal was held on April 11, 2018. The applicant initiated a public consultation meeting on March 13, 2019. A formal submission was made by the applicant and the application was deemed complete on June 6, 2019. Staff circulated the applications to area residents and various agencies.

A public meeting of Council was held on July 17, 2019 in accordance with Sections 22, 34 and 51 of the *Planning Act*. The public meeting was to allow the applicant to present the proposal and solicit feedback from Council and the public. Staff also received comments from agencies and the public following the public meeting which was shared with the applicant.

On August 21, 2020 the applicant submitted revised plan of subdivision, official plan amendment and zoning by-law amendment applications. The design features of the plan and revised amendments are noted below:

- One hundred sixty-six (166) lots are proposed for single detached dwellings that will have frontage onto Streets 'A', 'B', 'C', 'D' and 'E'. The total lots will consume 7.847 ha (19.39 ac) of the subject land.
- Five (5) medium density residential blocks for future development are proposed along the southern and northern portions of the property. The blocks range in size from 0.41 ha (1.02 ac) to 1.451 ha (3.59 ac) for a total of 5.306 ha (13.1 ac).
- One (1) block for a parkette 0.2 ha (0.49 ac) in area
- One (1) block for the stormwater management pond located on the southern portion of the property and 0.88 ha (2.19 ac) in area.
- Three (3) open space blocks along the perimeter of the property that will divert pre-development runoff through a channel and empty into a culvert to the west of the property. The blocks total to 3.45 ha (8.53 ac) in area.
- Street 'A' connecting to Komoka Road and Street 'C' connecting to Oxbow Drive. Streets 'B', 'D' and 'E' are all internal roads that will connect to Streets 'A' and 'C'.
- The Official Plan Amendment will: remove the Aggregate Overlay; redesignate one (1) parkette block to 'Parks and Recreation'; redesignate five (5) blocks to 'Medium Density Residential'; relocate the location of the proposed stormwater management pond; and create a special policy area (SPA) for the lands that will

allow the garages on freehold lots to protrude closer to the front lot line than the habitable portion of the dwelling.

- The zoning by-law amendment will rezone the lands from 'Existing Use (EU)' and 'Urban Residential First Density exception 3 (UR1-3)' to: two (2) site-specific 'Urban Residential First Density (UR1)' zones; four (4) site-specific 'Urban Residential Third Density (UR3)' zones; 'Parks and Recreation (PR)' zone; site-specific 'Open Space' zone; and add a new Holding (h) symbol to reflect the noise and vibration impact analysis on the lands adjacent to the CN Railway.

The proposed plan of subdivision is included as Attachment 2 and proposed zoning by-law map is included as Attachment 3.

In addition to the revisions to the plan of subdivision, official plan amendment and zoning by-law amendment applications, the applicant submitted the following reports:

- Revised functional servicing report (Attachment 4)
- Noise Addendum 1 (Attachment 5)
- Revised Noise and Vibration Report (Attachment 6)
- Response to peer review of the Traffic Impact Study (Attachment 7)

Policy Regulation:

The Middlesex County Official Plan identifies Komoka as a settlement area and defers to municipal official plans to delineate the boundaries of the settlement area. The subject property is within the Komoka Settlement Area and is designated as 'Residential' and has an Aggregate Overlay within Middlesex Centre's Official Plan. The subject property is currently zoned 'Existing Use (EU)' and Urban Residential First Density exception 3 (UR1-3)' within the Middlesex Centre's Comprehensive Zoning By-law.

As such, the policies and provisions below are applicable to the lands.

Provincial Policy Statement, 2020:

The Planning Act states that all decisions made by planning authorities/municipalities "shall be consistent with the policy statements issued" under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and those that are applicable to the proposed development are noted below:

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety.

Section 1.0 – Building Strong Healthy Communities establishes policies that support long-term prosperity, environmental health and social well-being within communities.

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns

that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Section 1.1.3 – Settlement Areas establishes that settlement areas can vary in size, population, and diversity and intensity of land uses. The PPS directs growth and development to settlement areas where new development varies in densities and land uses, and there are opportunities for intensification and redevelopment. New development patterns are based on the efficient use of land that minimize negative impacts to the environment, support active transportation and are appropriate for the infrastructure and public service facilities.

Sections 1.1.3.4 and 1.1.3.6 promote intensification, compact development, varying uses and densities where it avoids or mitigates risks to public health and safety and is adjacent to the existing built-up area. Section 1.1.3.5 also allows municipalities to establish a minimum target for intensification within built-up areas subject to local conditions.

Section 1.4 - Housing speaks to the provision of housing within a municipality. The PPS promotes an appropriate range and mix of housing types and densities and directs development of new housing towards areas where there is an appropriate level of infrastructure. Municipalities are to provide opportunities for all forms of housing and intensification to meet the social, health and well-being needs of the current and future community.

In support of healthy and active communities section 1.5 – Public Spaces, Recreation, Trails and Open Space promotes planning public street networks that foster social interaction and active transportation. Additionally, it recognizes the need for a full range of publicly-accessible recreational space such as trails and parklands.

Sections 1.6 – Infrastructure and Public Service Facilities directs that infrastructure and be provided in an efficient manner that also prepares for the impacts of a changing climate. Section 1.6.2 directs municipalities to promote green infrastructure to complement existing infrastructure such as permeable surfaces, green roofs, and street trees.

Section 1.6.6 – Sewage, Water and Stormwater directs future growth and development to efficiently use and optimize existing services such as municipal sewage and water services, when available. Municipal sewage and water services are the preferred form of servicing for settlement areas.

Section 1.6.6.7 promotes planning for stormwater management that minimizes or prevents an increase in negative impacts on the environment and water system; does not increase risks to human health and safety and property damage; and uses best practices, vegetation, and pervious surfaces as part of an effective stormwater management system.

Section 1.6.7 – Transportation Systems directs transportation and land use coordination to be considered at all stages of the planning process. Transportation networks should be safe, energy efficient and facilitate the movement of people and goods. Efficient

development patterns, and a mix of uses and densities should also be promoted to minimize the number of vehicle trips and support active transportation.

Section 2.5 – Mineral Aggregate Resources states that mineral aggregate resources shall be protected for long-term use and shall be identified. Further direction directs that resources as is realistically possible shall be made available as close to markets as possible. If known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if the resource use would not be feasible; or the proposed land use or development serves a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject property as within the Komoka 'Settlement Area'.

Section 2.2.3 – Aggregate Resources recognizes the need to balance competing priorities for the protection of aggregate resources for future extraction and the need to protect agricultural land, the natural system and other sensitive land uses. In areas of significant aggregate resources, uses which do not preclude future resource extraction may be permitted in accordance with the underlying land use designation. All uses which would preclude resource extraction shall be discouraged until such time as the resource has been substantially depleted.

Where supporting documentation is provided that demonstrates that the aggregate resource is of secondary quality and extraction is neither practical nor economically feasible, the subject lands may be used for a land use other than agriculture provided such land use conforms with the local official plan.

Section 2.3.8 – Policy Framework-Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including residential uses. These areas are intended to have a wide range of land uses and full municipal servicing in conjunction with 2.4.5 of the County Plan. Additionally, section 2.3.7 encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents.

Section 2.4.2 – Transportation Network identifies that County Roads such as Komoka Road (County Road 16) generally function as arterial or collector roads and direct private access is controlled through By-law 5783 of the County of Middlesex. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic movement along the County road system. The cumulative impact of individual private accesses to the County Road system compromises the underlying function of this transportation network.

It is a goal of the County that development proposals that are likely to generate significant traffic are accompanied by a transportation study addressing the potential impact on the transportation network and surrounding land uses.

The County Official Plan establishes the minimum right-of-way widths of for collector County Roads constructed to an urban standard within settlement areas of 26 metres. Generally, the setbacks for building or structures adjacent to a County road is 33 metres from the centre line, or as the local zoning by-law stipulates.

Section 3.2 – Detailed Land Use Policies-Settlement Areas provides additional development policies for lands within Settlement Areas. The County Plan further supports that Settlement Areas are developed in a manner that is phased and compact, and preserves the historic character of Settlement Areas and complements the positive elements of the existing built-form. Further, new development will minimize negative affects on the Natural System.

With regard to municipal sanitary sewers and water services, section 2.4.5 – Sanitary Sewers and Water of the County Plan promotes efficient and environmentally responsible development that can be supported by full municipal systems servicing.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) designates the subject lands as 'Residential' within the Komoka Settlement Area on Schedule A-2: Komoka-Kilworth Urban Settlement Area & Secondary Plan and contains an Aggregate Overlay on the southwest portion of the lands. Additionally, the official plan schedule identifies a stormwater management facility on the southwestern portion of the lands, and Hazards Lands and a Community Gateway on the northwest portion of the land.

Section 4.2 – Areas of Aggregate Resource Deposits provide policy direction for aggregate resource areas that have been shown as a policy overlay on Schedule A-2 and for new or expanding operations. For lands that are within or adjacent to resource area delineations, the uses permitted are those of the designations underlying the resource area so long as the use would not preclude or hinder extraction. Where extraction may be hindered or precluded, development may occur only if resource use would not be feasible; or the proposed land uses or development serves a greater long term public interest; and issues of public health, safety and environmental impact are addressed.

Section 5.2 – Residential Areas pertain to lands designated 'Residential' within settlement areas like the Komoka-Kilworth area. The 'Residential' designation permits a range of housing, institutional uses, municipal uses, parks or open space and group homes. The Municipality is to provide and encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements. The Municipality shall provide opportunities to increase the supply of housing through intensification while considering issues of municipal servicing capacity, transportation issues and potential environmental considerations. Specifically, the Municipality shall require that 15 percent of all development occur by way of intensification.

Residential development should also reflect a high quality of residential and neighbourhood design and have regard for the Municipality's Site Plan Manual and Urban Design Guidelines. This includes promoting a development that is designed to be sustainable and support public transit and oriented to pedestrians.

The Municipality shall also encourage housing accessible to lower and moderate income households. In this regard the County of Middlesex through its Official Plan will require that 20 percent of all housing be affordable.

Further, on Schedule A-2 identifies Hazard Lands on the subject land. This can include flood plain, flood prone areas, or slope hazards as mapped and/or regulated by a conservation authority. Additional study may be required to demonstrate that development or site alteration will not increase risk to life and property, and there will be no impact on flooding, slope stability, upstream or downstream properties, aggravation of existing natural hazard processes, or natural features or functions.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas provides direction when considering multiple dwellings, including four plexes, townhouses and low/medium rise apartments. Locations should be proximate to adequate open space or park areas, schools, or Village Centre areas, like Komoka, where possible. Densities proposed should be compatible with adjacent densities when proposed adjacent to or within existing residential areas. Apartment dwelling should be located in proximity to a major roadway, or roadway suitable for carrying higher than average volume of traffic. The excessive clustering of multiple dwellings shall be avoided, and a general integration and distribution of such uses at appropriate locations within neighbourhoods or settlements is encouraged. The siting of multiple dwellings adjacent to or in proximity to Village Centres is encouraged. Lastly, townhouses and apartments shall be subject to the site plan approval requirements of Section 41 of the *Planning Act* and Section 10.5 of the Official Plan, and have regard for the site plan manual and urban design guidelines.

Section 5.7.4 – Komoka-Kilworth Residential Area Policies summarized below apply to lands designated 'Residential' and 'Medium Density Residential' in Schedule A-2 of the Official Plan.

The types of housing, density of development and targeted mix within the Residential and Medium Density Residential designations on Schedule A-2 are as follows:

Use	Housing Mix Targets	Net Density (units per ha)
Low density residential (e.g. singles, semis)	60%	Less than 20
Medium density residential (e.g. townhouses)	40%	20 to 50

The net density refers to the land area to be used for housing as well as the abutting local streets, but does not include major streets and other residentially associated land uses. Notwithstanding the housing mix targets and net density provisions, multiple dwellings

shall be permitted in the Residential designation in accordance with Section 5.2.3 – Policies for Multiple Unit Dwellings in Residential Areas.

Development proposals within areas designated as ‘Medium Density Residential’ shall provide for a diverse mix of multi-unit housing forms and choices to accommodate the needs and lifestyles of people at different stages throughout their life.

Further, all residential development shall ensure appropriate orientation and massing of residential buildings to provide adequate private and public open spaces and to facilitate the penetration of sunlight into these spaces.

In addition to compliance with the urban design guidelines, private garages for residential development shall not project into the front yard than the habitable portion of the building or porch on the main floor in order to limit visual and streetscape impacts of garages.

Lastly, entrance features to new residential neighbourhood development shall be encouraged where features are landscape related and require minimal maintenance.

Section 5.7.8 – Komoka-Kilworth Community Gateway Policies are to promote a strong visual and cultural identity for Komoka-Kilworth, defined community edges, and welcoming features that provide a signal of entry and arrival to the community. Gateway areas shall be in priority areas for civic landmark features, welcome sign and special landscape treatments, and the integration of these community elements in visually prominent locations shall be considered in the planning and design of any future improvements in these areas and in the review of development proposals for lands within or adjacent to these areas.

Section 5.7.11 – Komoka-Kilworth Servicing Policies identify that all land use and development proposals require full municipal services. This includes sanitary sewage collection and treatment, stormwater management and water distribution.

Section 6.3 – Design Policies-Site Plans and Infill Developments provide additional direction to guide infill development to ensure there is compatibility with existing residences and neighbourhoods. High quality site design and architectural design is encouraged for new medium density residential development. Setbacks, massing, location of parking, architecture and other design elements will be carefully reviewed to ensure new development is in keeping with the character of the neighbourhood.

Section 9.3 – Municipal Infrastructure and Services Policies identify that primary municipal services (water supply, sewage disposal and stormwater management) are present in Komoka. It is the policy of the Official Plan that future development in settlement areas proceed on the basis of full municipal services which is consistent with the Provincial Policy Statement, 2020 and County Official Plan policies for servicing.

Section 9.4 – Municipal Transportation Structure establishes policies for the road network within the Municipality. Policies within this section address appropriate setbacks and location of driveway accesses to minimum visual traffic hazards and provide opportunities for roadway widening of rights-of-way extensions.

Middlesex Centre Zoning By-law:

The subject land is primarily zoned 'Existing Use (EU)' and a small portion is zoned 'Urban Residential First Density exception 3 (UR1-3)' within Middlesex Centre's Comprehensive Zoning By-law.

The application to amend the zoning by-law creates several new site specific zones for the lots and blocks, and are described below. A rezoning map provided by the applicant is also shown in Attachment 3.

- Rezoning to 'Parks and Recreation (PR)' for block 167 to accommodate the proposed parkette;
- Rezoning to 'Open Space exception 1 (OS-1)' for blocks 175, 177, 178 and 179 to accommodate future public works for a stormwater diversion channel and a stormwater management facility;
- Rezoning to a site-specific 'Urban Residential First Density exception A (UR1-A)' zone for single detached dwellings. The zoning standards are as follows;

	Proposed UR1-A zone
Minimum Lot Area	360 m ² (3,875 ft ²)
Minimum Lot Frontage	12.0 m (39 ft)
Minimum Front Yard Setback	4.5 m (14.8 ft) to the porch or habitable portion of the dwelling 6.0 m (19.7 ft), but not more than 1.5 m (4.9 ft) closer to the front lot line than the porch or habitable portion of the dwelling
Minimum Side Yard Setback	1.2 m (3.9 ft) for an interior side yard 2.4 m (7.8 ft) to the habitable portion of a dwelling on an exterior side yard, except attached garages 4.5 m (14.7 ft) on an exterior side yard to an attached garage
Minimum Rear Yard Setback	6.0 m (19.7 ft)
Sight Visibility Triangles	On corner lots, notwithstanding any other provisions of this by-law, a sight visibility triangle shall have minimum

	Proposed UR1-A zone
	dimensions of 6.0 m (19.7 ft) by 6.0 m (19.7 ft)
Maximum Lot Coverage	<p>50% for dwelling and attached garage for single storey dwellings</p> <p>53% for all buildings including main building, attached garage, and accessory buildings and structures for single storey dwellings</p> <p>40% for dwelling and attached garage for all other dwelling types</p> <p>43% for all buildings including main building, attached garage, and accessory buildings and structures for all other dwelling types</p>

- Rezoning to a site specific 'Urban Residential First Density exception B (UR1-B)' zone for a proposed vacant land condo single family units on block 172. This proposed zone is to be compounded with a site-specific 'Urban Residential Third Density exception C with Hold (UR3-C) (h-6)'. The Hold (h-6) requires a public site plan review process prior to any development on the land.

The zoning standards are as follows;

	Proposed UR1-B zone
Special Provision	Notwithstanding any other provisions of this By-law, multiple dwellings are permitted on a single lot in advance of the registration of a vacant land condominium plan against the land. All other provisions of this Zoning category must be adhered to as if the vacant land condominium plan, forming part of the condominium agreement that applies to the land is registered. This clause shall not apply after the registration of a vacant land condominium plan against the land.
Minimum Lot Area	360 m ² (3,875 ft ²)
Minimum Lot Frontage	12.0 m (39 ft)

	Proposed UR1-B zone
Special Provision	Notwithstanding any other provisions of this By-law, multiple dwellings are permitted on a single lot in advance of the registration of a vacant land condominium plan against the land. All other provisions of this Zoning category must be adhered to as if the vacant land condominium plan, forming part of the condominium agreement that applies to the land is registered. This clause shall not apply after the registration of a vacant land condominium plan against the land.
Minimum Side Yard Setback	1.2 m (3.9 ft) for an interior side yard 3.0 m (9.8 ft) on the side abutting the road and 1.2 m (3 ft) on the other side for corner lots
Maximum Lot Coverage	40% for dwelling and attached garage 43% for all buildings including main building, attached garage, and accessory buildings and structures

- Rezoning to a site-specific 'Urban Residential Third Density exception C with Hold (UR3-C) (h-6)' zone to permit townhouse dwelling and multiple dwelling units on block 172. This zone is read in conjunction with 'Urban Residential First Density exception B (UR1-B)' noted above for block 172. The Hold (h-6) requires a public site plan review process prior to any development on the land.

The zoning standards are as follows;

	Proposed UR3-C zone
Permitted Uses	Accessory Use Townhouse Dwelling Multiple Unit Dwelling
Minimum Front Yard Setback	4.5 m (14.8 ft) to the porch or habitable portion of the dwelling 6.0 m (19.7 ft) to the attached garage

	Proposed UR3-C zone
Permitted Uses	Accessory Use Townhouse Dwelling Multiple Unit Dwelling
Minimum Side Yard Setback	3.0 m (9.8 ft) for townhouse dwelling
Minimum Rear Yard Setback	6.0 m (19.7 ft)
Maximum Lot Coverage	40% for dwelling and attached garage 45% for all buildings including main building, attached garage, and accessory buildings and structures
Minimum Landscape Open Space	35%
Maximum Density	35 units per hectare

- Rezoning to a site-specific 'Urban Residential Third Density exception D with Hold (UR3-D) (h-6)' zone to permit townhouse dwelling units on blocks 171 and 173. The Hold (h-6) requires a public site plan review process prior to any development on the land.

The zoning standards are as follows;

	Proposed UR3-D zone
Permitted Uses	Accessory Use Townhouse Dwelling
Minimum Side Yard Setback	3.0 m (9.8 ft) on an interior lot 4.5 m (14.7 ft) on the side abutting a street and 3.0 (9.8 ft) on the other side on a corner lot
Minimum Rear Yard Setback	6.0 m (19.7 ft)
Maximum Lot Coverage	40% for dwelling and attached garage 45% for all buildings including main building, attached garage, and accessory buildings and structures

	Proposed UR3-D zone
Permitted Uses	Accessory Use Townhouse Dwelling
Minimum Landscape Open Space	35%
Maximum Density	35 units per hectare

- Rezoning to a site-specific 'Urban Residential Third Density exception E with Hold (UR3-E) (h-3)' zone to permit townhouse dwelling units on blocks 169 and 170. The Hold (h-3) requires the applicant complete a Noise and Vibration Impact Analysis prior to site plan approval due to proximity of railway operations

The zoning standards are as follows; and,

	Proposed UR3-E zone
Permitted Uses	Accessory Use Townhouse Dwelling
Minimum Side Yard Setback	3.0 m (9.8 ft) on an interior lot 4.5 m (14.7 ft) on the side abutting a street and 3.0 (9.8 ft) on the other side on a corner lot
Minimum Setback from Rail Line	60 m (196.85 ft) from the existing railway right of way in the absence of a combination safety berm and acoustical mitigation fence adjoining and parallel to the existing railway right of way, or 30 m (98 ft) in conjunction with a safety berm and acoustical mitigation fence
Minimum Rear Yard Setback	6.0 m (19.7 ft) or 30 m (98 ft) in conjunction with a safety berm and acoustical mitigation fence
Maximum Lot Coverage	40% for habitable building 45% for all buildings including habitable building and accessory buildings and structures

	Proposed UR3-E zone
Permitted Uses	Accessory Use Townhouse Dwelling
Minimum Landscape Open Space	35% Where a yard abuts rail operations, a minimum 15 m (49.2 ft) landscape open space area in width and parallel from the existing railway right of way shall be maintained.
Maximum Density	35 units per hectare

- Rezoning to a site-specific 'Urban Residential Third Density exception F with Hold (UR3-F) (h-A)' zone to permit apartment dwelling units on block 174.

The Hold (h-A) is a new site specific Hold zone that requires “a Noise and Vibration Impact Analysis be prepared by a qualified professional in association with the site plan approval processes for any proposed development on the lands to which the holding symbol applies and that any recommendations for noise or vibration mitigation arising from the Noise and Vibration Impact Analysis have been incorporated into the conditions of site plan approval and the building design such that the proposed development will meet the Ministry of Environment (MOE) noise criteria. The studies are to be completed to the satisfaction of CN Rail.”

The zoning standards are as follows;

	Proposed UR3-F zone
Permitted Uses	Accessory Use Apartment Dwelling
Minimum Side Yard Setback	5.0 m (16.4 ft) on the south side
Minimum Outdoor Amenity Area	N/A – 0
Maximum Density	60 units per hectare
Minimum Landscaped Open Space	30%

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

At the time of writing this report staff received the following comments from area residents at the time of the public meeting in July 2019 and are summarized below

- There is concern about how the draft plan has a road opposite Union Avenue. Residents in the area to the east Komoka Road are concerned about the amount and speed of traffic on Union Avenue. By continuing Union Avenue into the new subdivision it will greatly increase the volume of traffic on the road. Its requested that the new road should be shifted slightly south so it intersects Komoka Road between Union Avenue and Princess Avenue. Alternatively, the municipality should add traffic calming measures to Union Avenue to slow down vehicles travelling there.
- Detailed questions regarding the plan of subdivision, servicing report, planning justification report, noise and vibration and transportation impact study.
- Komoka Creek is one of the healthiest coldwater streams in all of Southern Ontario and directly downstream of this proposed development. It supports a self-sustaining population of wild brook trout, brown trout and rainbow trout along with numerous other threatened, at-risk and endangered species of birds, plants, mammals, turtles and mussels. As a member of the Thames River Anglers we have partnered with adjacent landowners as stewards of this watershed since 1986 operating a hatchery on the Haklander property that provides educational and direct environmental benefits to creeks and rivers not just to Komoka, but throughout the entire upper Thames Region. This creek is already threatened due to pollution and dredging as result of drainage issues in this area. Residents, Members of Council and Staff are very much aware of these issues immediately downstream at Lansdowne Estates. It is inconceivable that Komoka Creek will be able to handle the proposed stormwater diversion channels, additional road salt pollution and plans presented by the Brantam & AGM. Further dredging of the streams/drains between the development and Komoka create to accommodate increased flow is not an acceptable short or long term solution as it would decimate the ecology of Komoka Creek and contravene efforts being made to reduce diluted phosphorus pollution into the Thames River and Great Lakes.

This is a regrettable idea to develop this area and it will critically and permanently impact the local and downstream environment and subsequently numerous other watersheds. It is far easier to destroy a creek than to protect or restore it. There are ample suitable lands within the town Center and between Kilworth & Komoka regions that are far more suitable for this type of residential development.

Council should exercise its voice on behalf of the community, visitors and volunteers to reject this rezoning application and protect the quality of life and local watershed that is valued by so many.

- The size of this project and its impact on Komoka has not been clearly identified. By my calculations this development represents a 70% increase in population and close to that same percentage for housing units. This subdivision reflects about 15% of the total area of Komoka, so density way exceeds the current density of Komoka. There should be metrics comparing the current Komoka to the anticipated subdivision including the medium density blocks. Population, housing types and density should at least be identified to fully understand community impact.
- The size of development will negatively impact water and waste servicing for existing Komoka. The comments from the Developer are too high level to assess this.
- Clarify if the frontage of the UR-1A zone is 49 feet as per the public meeting notification. It also says 12.0 meters which is 39 feet. It is assumed the request is 12 meters / 39 feet. 39 foot frontages are not compatible with existing residences on the east side of Komoka Road bounded by the CN double tracks and Komoka's north boundary. With the exception of a few lots, existing frontages range from 59 ft to 140 ft. The frontages for this subdivision should vary in size to allow different housing styles and better compatibility with existing Komoka. Using existing zoning the frontages should range from 49 ft to 79 ft.
- Komoka Gateway (entering North part of Komoka on Komoka Road): The current design has side lotting and a parallel street to Komoka road. As mentioned at the public meeting by others, the rear lotting of the homes on the east side of Komoka road and south of Union Ave has resulted in a very unattractive weed infested ditch. The Urban Design Guideline changes minimize rear lotting to create an attractive visual experience. There are 52 residential driveways on Komoka Road. Let's push back on the County to get approval to front lot homes on the west side of Komoka Road. There is room for about 10 homes on larger lots which would complement the neighborhood and enhance the Gateway roadway. This is the last chance to do it right.
- Driveways and snout houses: consultants tend to selectively pull out wording from documents to support their case. As per the Urban Design Guidelines: "Ensure cluster townhouse development includes front-facing units along public streets." And "In a continuous streetscape, a single house elevation may account for only twenty percent of the streetscape per side; and e) The same house elevation shall be separated by a minimum of four other house elevations." This subdivision plan doesn't even come close to these guidelines and the plan should be redone to comply.

- Parkland: Regarding the initial submitted plan there was no parkland dedication in the plan and the Developer said it was missing because the Municipality had not asked for it. This subdivision needs a park so that the children can have a place to play that does not require them to cross over Komoka Road.
- Apartment: Objection to building an apartment building on this site. It is far away from the town centre amenities and the chosen location is too close to the tracks. There is concern that the Developer said he put the apartments in as he felt he needed them in order to get Municipal support for this subdivision. I would like clarification as to what direction was given to the Developer with respect to apartments by the Municipality. Also please confirm that the cost to upgrade fire equipment to reach five stories will be paid by the developers of any site containing 5 storeys.
- Townhomes and berm: The developer states that municipality made him go to condo developments vs. freehold single family residences along the tracks in order to secure maintenance of the berm. They were also having a linear park that was then removed when they went to condo. I would like to see the original plan prevail and use the same assumption of land and maintenance as was done for the homes backing on to the tracks on the South side of Oxbow.
- Storm water retention: The ponds created by the gravel pits are a “natural” attraction of Komoka and are unique to the area. In my opinion the Developer should develop the storm water retention pond as a wet pond as per the Urban Design Guidelines and have an unobstructed view of the wet pond from Oxbow (i.e. place beside Oxbow road). This would give the Komoka “feel” to the subdivision.
- The lack of a hydrological report is concerning.
- The Upper Thames Conservation Authority comments are very important to this subdivision approval due to drainage and environmental concerns.
- The Thames Valley School Board comments will hopefully confirm that another school is being planned due to the Kilworth expansion of 1000 units. The ability for the TVSB to support the area’s growth is just as important as servicing. I would also like clarification as to whether the Board has to purchase the land currently assigned to a new school in Kilworth. I do not see where the Board has requested Development Fees to be collected for land acquisition so my assumption is that the land is offered without cost.
- Over the past few years the Youth Environmental Group from Chippewa of The Thames has been working with the Thames River Anglers at the hatchery & trout releases. They were interested in finding out how to request consultation on this matter as well.

Agency Comments:

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has not provided comments at the time of writing this report.

The Municipality's Public Works and Engineering Department has not provided comments at the time of writing this report. However, they are reviewing the submitted materials and will provide comments.

The Upper Thames Region Conservation Authority (UTRCA) has not provided new comments related to the revised plan of subdivision at the time of writing this report. Comments were received related to the initial submission but were not presented at the Public Meeting. UTRCA provided the following comments:

UPSTREAM DRAINAGE CONCERNS/COMMENTS:

1. UTRCA staff have had numerous discussions regarding flooding with the landowners of the existing (Komoka Park Station) subdivision lots on Union Avenue east of Komoka Road. These Union Avenue lots are located immediately upstream of the proposed (Renwick Estates) Subdivision via their connection with the Frank Municipal Drain. The Frank Municipal Drain runs (enclosed) along the rear of the Union Avenue lots before crossing under Komoka Road and flowing underground through the proposed Renwick Estates subdivision. The upstream lots have experienced repeated and documented flooding and there is a concern that they may not have sufficient outlet for drainage through the Renwick Estates subdivision. We are of the understanding that some of the upstream landowners have petitioned under the Drainage Act to have their flooding concerns investigated and that to this end an engineer has been appointed by the Municipality of Middlesex Centre. We are of further of the understanding that this Drainage Engineer will be assessing for - among other sizing criteria - the sufficiency of downstream outlet.
2. While not directly the responsibility of the Renwick developer(s) to accommodate additional upstream flows, we suggest it would be in the municipality's interest to ensure that additional stormwater storage and upsized outlets are provided in the design of the Renwick Estates subdivision to handle upstream flows and reduce flooding concerns at the Union Avenue lots. The planning stage of the Renwick Estates subdivision may be the most appropriate time to discuss this opportunity with the developer and their stormwater consultant(s).

TECHNICAL REVIEW COMMENTS – FUNCTIONAL SERVICING REPORT

The UTRCA has reviewed the Stormwater Management Section of the Komoka Subdivision Functional Servicing Report (FSR) prepared by AGM, dated April 24, 2019. We offer the following comments:

1. Under section 5, the report uses a Time to Peak ratio of 0.38. Please provide justification for the time to peak ratio used;
2. Please submit Figure 3 titled “Existing Drainage” on a full size drawing supported by contour information at an appropriate scale;
3. Table 1 titled “Pre-development Flows” shows flows under the existing conditions for a site area of 21.13 ha. However, the site receive flows from external areas of 120.88 ha, and 26.51 ha, respectively, as shown on Figure 3. How will flows from the external areas be controlled and conveyed safely?
4. The UTRCA would advise that the proposed location of the wet SWM pond be investigated further, to ensure that groundwater/groundwater recharge will not affect the proposed pond operation and other SWM infrastructure including the inlets and outlets.
5. The UTRCA does not support the proposal to construct a channel/swale along the east and south property boundaries as this has the potential to shift flooding and/or erosion hazards onto property owned by others, including existing residential lots and municipal road allowances. We recommend the realignment for the swale be reconfigured further away from the residential lots and municipal road allowances.
6. The SWM section of the report proposes to collect runoff from both minor and major flows, (from 120.88 and 26.51 ha, respectively) and route it around property to discharge it just downstream of the proposed SWM wet pond. The total drainage area contributing runoff to the proposed channel is greater than 120 ha. The UTRCA requires hydrologic and hydraulic modeling of the external drainage areas including this site to assess and calculate the flows from the both the external area and this site by routing the flows using HEC-RAS model to assess the conveyance capacity and establish the limit of the 250-year flows, its elevations and width of the 250-year flood plain for the proposed by pass channel.
7. Without regular maintenance, the proposed bypass channel may pose a flooding risk in the future. Further, encroachment issues may also cause flooding for both existing and proposed dwellings on Komoka Road and Oxbow Drive.
8. The flows from the site under various storm events from the 2-year and up to the 250-year storm shall be controlled to the capacity of the Oxbow Drive storm sewer.
9. The discharge from the proposed SWM pond shall not cause flooding and erosion issues in the existing ditch along the CN rail line. The UTRCA will require a cross section showing the various depths under the various storm events showing the depth of the water in the existing ditch along the CN rail line;

10. Please consider the time to peak of the two proposed inlets shown on Figure 6 to make sure that they do not peak at the same time which may cause backwater effect which may cause local flooding;
11. The UTRCA recommends using some SWM LID feature on the site where possible as per the local soil information;
12. Detailed Erosion and Sediment Control (ESC) measures shown on the Drawing with notes, OPSS and OPSD drawings, reporting, inspection and monitoring duly signed and sealed by P.Eng will be required.

Canada Post reviewed the proposal and advised the applicant to consult with Canada Post to determine a suitable permanent location for a community mailbox and that the applicant agrees to provide a walkway, curb and base pad for the community mailbox. Canada Post requests to be notified of any changes or approval to the plan of condominium.

Canadian Pacific Railway notes that the plan of subdivision is adjacent to CP Rail Windsor Subdivision which is classified as a Principle Main Line. Canadian Pacific Railway is not in favour of residential developments adjacent to or near the CP Rail right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, CP Rail requests that CP Rail's standard requirements be considered as part of the municipality's review (www.proximityissues.ca).

CP Rail also provided guidelines related berm sizes, setbacks of dwellings from the right-of-way, ground vibration, clauses for purchase and sale or lease of the land, impacts on existing drainage patterns, fencing requirements, and any proposed utilities.

Canadian National Railway provided comments and has worked with the applicant to address setbacks, noise and vibration.

A proposed site plan that shows the closest multi-family dwelling unit approximately 70m from the CN right-of-way can be accepted given the geometry of the site and the setback.

The owner/applicant shall engage a consultant to undertake the analysis of noise. The study must be completed to CN's satisfaction and the mitigations recommended in the report are to be implemented in the site and building design. This can be accommodated through a holding symbol on the land to prevent development of multi-family blocks fronting onto Oxbow Drive.

Given the setback and that the property is not directly abutting the railway, there is no concern related to alterations of the existing drainage pattern affecting railway property, or requiring the applicant to enter into a development agreement with CN Rail.

CN Rail request the following conditions of draft plan approval for the subdivision:

- The following clause The following clause is to 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."
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, for all units and blocks within 300m of the right-of-way. This is to be registered against the subject property in favour of CN Rail prior to registration of the Plan of Subdivision. CN Rail's legal fees for the drafting of this easement are to be covered by the Proponent.

Enbridge Gas Inc. (operating as Union Gas) requests that as a condition of final approval that the owner/development provide to Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

Municipality of Strathroy-Caradoc is requesting that, as a condition of approval, the developer make a financial contribution to the construction of a more secure fence and gate along the frontage of the gravel pit along Oxbow Drive. The Municipality is willing to work with the developer to determine an agreed upon fencing and gate/design detail.

Warning Claus: Purchasers/tenants are advised that sound ad dust levels associated with the permitted activities and land uses associated with the operation of the gravel pit located at 9827 Oxbow Drive, Komoka (License # 2199) may occasionally interfere with some indoor and outdoor activities of the dwelling occupants.

Financial Implications:

None

Strategic Plan:

This matter aligns with following strategic priorities:

- 2b. Economic Development: Capitalizing on Middlesex Centre's location advantage.
- 2a. Economic Development: Realizing economic development opportunities.
- 2e. Economic Development: Expanding local employment options.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Proposed Plan of Subdivision

Attachment 3 – Proposed Rezoning Map

Attachment 4 – Revised Functional Servicing Report

Attachment 5 – Noise Addendum 1

Attachment 6 – Revised Noise and Vibration Report

Attachment 7 – Response to peer review of the Traffic Impact Study