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**REPORT TO:** Mayor and Members of Council  
**DATE:** April 21<sup>st</sup>, 2021  
**FROM:** Stephanie Poirier, Planner  
**SUBJECT:** Application for Plan of Subdivision 39T-SM-2101 & Zoning By-law Amendment Application P5-2021  
**APPLICANT:** Utopia Custom Homes  
**AGENT:** Strik, Baldinelli, Moniz Ltd.

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**RECOMMENDATION:**

**THAT** the subject report for Plan of Subdivision 39T-SM-2101 & Zoning By-law Amendment Application P5-2021 be received for information.

**PURPOSE AND EFFECT:**

The purpose of this report is to provide Council with preliminary information on an Application for a Plan of Subdivision and a Zoning By-law Amendment Application for the subject lands legally described as Registrar's Compiled Plan 431, Part Lot 13, Registered Plan 33R11167 Parts 1,2 & 3, in Glencoe. A recommendation will be given to Council at a later meeting, after feedback from the public meeting and the agency / ministry circulation has been received and taken into consideration.

The purpose and effect of the draft Plan of Subdivision (File No.: 39T-SM-2101) is to create 26 lots for single detached dwellings, and 13 lots for 26 semi-detached dwellings. Access is proposed from Stella Ave and will be a new public road that will have a cul-de-sac.

The purpose of the Zoning By-law Amendment (File No.: P5-2021) is to change the zoning of the following lots/blocks as shown on the draft plan:

- Lots 8-33 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the Residential First Density- Holding Provision One (R1(3) H-1) Zone' in order to facilitate 26 single detached dwellings;
- Lots 1-7 and 34-38 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the Residential Second Density- Holding Provision One

(R2(H-1)) Zone' in order to facilitate 12 lots for 24 semi-detached buildings;

- Lots 39 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the 'Site Specific Residential Second Density- Holding Provision One (R2-# H-1) Zone' in order to facilitate one lot for 2 semi-detached buildings where one of the units is proposed to have a deficient lot frontage of 8.23 m and;
- Block 40 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the 'Open Space (OS) Zone for stormwater management.

The draft plan of subdivision has been attached for information.

In addition to the applications and the proposed draft plan, the submission included the following supporting documents:

- Planning Justification Report
- Servicing & Stormwater Management Feasibility Study

#### **BACKGROUND:**

The subject lands are located on the north side of Stella Ave, east of Appin Road in Glencoe. The lands are approximately 3.8 ha (9.4 ac) in size are currently vacant of any buildings and structures. Municipal services are available, subject to engineering and design.

The subject lands are designated Residential within the Southwest Middlesex Official Plan and are zoned Future Residential- Holding Provision Two (FR-H-2) Zone' within the Southwest Middlesex Zoning By-law.

#### **POLICY:**

The Provincial Policy Statement (2020)

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to 'Healthy Livable and safe communities' and how they can be sustained. Section 1.1.1b) states that 'accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs'.

1.1.3.1 Settlement Areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:

- a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
- b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitable zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area

Section 1.6 of the PPS speaks to servicing, where municipal services are the preferred form of servicing. More specifically, section 1.6.6.1a) states

'Planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

- a) municipal sewage services and municipal water services

Section 1.6.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increase in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) migrate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

#### County of Middlesex Official Plan

Section 2.3.2 speaks to the growth management hierarchy and consists of the following types of settlement areas: urban areas, community areas, and hamlets in agricultural areas. It is the goal of this plan that future development within settlement areas proceed on the basis of full municipal services.

The County of Middlesex Official Plan speaks to housing types in section 2.3.7. This section states that 'it is the policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County'.

The County of Middlesex Official Plan speaks to settlement areas in section 2.3.8. This section states 'urban areas and community areas shall be the focus for future growth including residential, commercial and industrial development'. The growth is anticipated to be serviced by municipal services, unless full services are not available.

2.3.8.1 Urban Areas either provide or demonstrate a strong potential to provide full municipal services. Urban Areas have the highest concentration and intensity of land uses in the County. Urban Areas are the focus for future growth and are expected to accommodate a significant portion of the projected growth over the planning period. New development, other than

infilling, shall be fully serviced by municipal or communal water and sewage disposal systems.

2.4.5 The County of Middlesex does not fund or maintain sanitary sewer or water systems in the County. The County does however, promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal. The County encourages new development to proceed on the basis of full municipal services.

3.2.2 New development in Settlement Areas is encouraged to proceed by Plan of Subdivision.

4.5.1 County Council shall approve only those plans of subdivision or condominium which comply with the provisions of this Plan and the applicable local official plan. Under conditions of approval attached to plans of subdivision or condominium pursuant to the Planning Act:

- a) County Council shall require that the applicant(s) enter into appropriate agreements with the County or local municipality which may be registered against the title of the subject lands and which shall include such matters as services, financial requirements, County road facilities, dedication of land for public uses, exclusive of parks and other requirements to implement the provisions of this Plan; and
- b) the Council of the local municipality may require that the applicant(s) enter into appropriate agreements which shall be registered against the title of the subject lands, and may include such matters as, but not limited to, financial requirements, local roads, drainage, grading and landscaping, sidewalks and dedication of land for public uses and other requirements to implement the provision of this Plan and the local official plan.

#### Southwest Middlesex Official Plan

Section 3.4.4.1 states that the primary purpose of lands designated 'Residential' on Schedule 'C' shall be for residential purposes including a broad range of housing types and densities from single unit dwellings to low-rise apartment buildings. A range of dwelling types and ownership is encouraged to meet the diverse needs and preferences of existing and future residents as well as providing for affordable housing. A number of zones and regulations for various housing types shall be established in the Zoning By-Law.

Section 3.4.4.3 states that low density development (e.g. single unit dwellings, two unit dwellings) shall continue to be the dominant form of residential development. Development proposals shall be encouraged which:

- a) provide a creative, yet functional lot layout;

- b) create a sense of character and identity;
- c) result in attractive and distinctive streetscapes;
- d) incorporate public amenities and safety measures;
- e) facilitate pedestrian movement;
- f) utilize traffic calming measures;
- g) preserve and enhance natural features;
- h) ensure appropriate and effective buffering from adjacent nonresidential uses;
- i) minimize total road length and road surface within practical considerations for snowplowing, surface drainage and on-street parking;
- j) maximize energy saving criteria such as southern exposure for solar gain and landscaping and to minimize the adverse effects of winds.

Section 3.4.4.8 states that proposals for residential development other than infilling and minor extensions to existing development shall be submitted with the following information prior to their formal consideration by the Municipality:

- a) design population and conceptual layout including lot size and shape,
- b) housing form, mix and density,
- c) water supply requirements and connection to the municipal water supply system,
- d) availability and ability to connect to the sanitary sewage system,
- e) storm water management,
- f) parkland dedication or cash-in-lieu,
- g) retention/enhancement of natural features,
- h) buffering/screening provisions where required,
- i) impact on off-site municipal facilities and services;
- j) financial impact (benefits and costs) on the Municipality.

Section 8.2.3.1 states that approval of a plan of subdivision or condominium by the Municipality shall be subject to the following criteria being satisfied:

- a) The applicable land use designation and policies of this Plan and the County Plan,

- b) The requirements of the Planning Act,
- c) The entering into of a subdivider's/condominium agreement with the Municipality,
- d) The posting of sufficient financial security to ensure the protection of the Municipality.

Section 6.3.2 states that all development within settlement areas with the exception of Middlemiss shall be connected to, and serviced by, the municipal water supply system.

Section 6.4.1 states that all development within the Glencoe Urban Area and the Wardsville Community Area shall be connected to and serviced by the municipal sanitary sewage system.

The applicant has applied to rezone the subject lands from the Future Development (FR) Zone, to the Residential First Density (R1(3)) Zone to establish 26 single detached dwellings. The R1(3) Zone requires a minimum lot frontage of 11 m and a minimum lot area of 320 m<sup>2</sup>. The applicant has also applied to rezone a portion of the lands to the Residential Second Density (R2) Zone to establish 12 lots for 24 semi-detached buildings, and a site specific R2-# Zone in order to establish 2 semi-detached buildings where one of the units is proposed to have a deficient lot frontage of 8.23 m. The R2 Zone requires a minimum lot frontage of 10.5 m per dwelling unit, and a minimum lot area of 300 m<sup>2</sup> per dwelling unit.

A holding provision will be placed on the subject lands to prevent development from proceeding until the completion of a development agreement, including registration of the document on title.

#### **OTHERS CONSULTED:**

At the time of writing this report, the following written comments had been received.

##### Bell Canada

"Bell Canada has requested that the following be added to the subdivision agreement:

- i) 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.
- ii) The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall

be responsible for the relocation of any such facilities or easements at their own cost

They have also requested that the Owner contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development."

#### CN Rail

Has stated that, "our main objective is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of the future development's residents and users is not negatively affected."

"CN recommends implementing the following requirements as conditions of project approval:

- For the southern portion of the proposed subdivision located within the 150 m the Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the CN Rail may consider other measures recommended by an approved Noise Consultant.
- For all subdivision located within the 300 m of the CN right of way we recommend the insertion of the below clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each subdivision and dwelling:

*"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."*

Please take note that in the event of the proposal moving forward, CN will be seeking to enter into a development agreement with the owner, the registration of an environmental easement on title, as well as a warning clause."

#### Conseil Scolaire Viamonde

Conseil Scolaire Viamonde has no comments on the proposal.

#### Thames Valley District School Board

The Thames Valley District School Board does not have any comments or concerns regarding the proposal from a student accommodation perspective.

#### County of Middlesex Emergency Services

- "That the proposed street name be submitted to the County Emergency Services Department for approval to ensure the street names are not duplicated in any other County Municipalities including the Municipality of Southwest Middlesex.
- That the approved street name be erected to Municipal standards when the appropriate infrastructure (roads, curb etc.) is in place so emergency responders can better identify the street location.
- That the new street that intersects with Stella Ave ensure the developer includes both street names when erecting the street signs at the present intersection meeting the new street. Signs to meet Municipal standards.
- That a NO EXIT sign be erected at the entrance at the new street intersection of street A entering the new development to provide information to emergency responders that it is not a through street.
- That proposed municipal addressing for the single detached dwellings and semi-detached dwellings of this draft subdivision be submitted for approval to the County Emergency Services Dept.
- When the development is at a point when building permits are being issued the municipal address should be posted on a sign (not building permit) in/on the exterior of the building lot so it is visible from the curb of the road allowance until it can be affixed to the building in a permanent fashion for emergency responders to find the said address they are responding to.
- That fire hydrant locations be approved to standard and that the Municipal Fire Chief is copied for input and approval.

- That the appropriate infrastructure be in place for connecting to 911 call agency prior to occupancy of any structure.
- If there is access to block 40, Storm Water Management area that it be given a municipal street address and be posted at both entrances and be submitted for approval to the County Emergency Services Dept."

### Enbridge Gas

Enbridge Gas has requested that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

### Hydro One

Hydro One has no concerns or comments on the proposal at this time.

### Lower Thames Valley Conservation Authority

"The Lower Thames Valley Conservation Authority noted that the property in question is subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the waterway that outlets through this parcel to the Kocur McDonald Drain to the east of the lands in question. A permit from this office will be required prior to any alteration and/or redirection of the waterway. This can be incorporated at the time the permit for the outlet of the SWM Pond into the tributary of the Kocur McDonald Drain takes place. Additionally, they provided the following comments in regards to the stormwater management feasibility study:

- The subject land is only 3.8 ha. The SWM Planning & Design Manual (MOECC (2003)) manual recommended minimum drainage area for dry ponds is 5.0 ha (Page 4-78/79: 4.6.5 Dry Ponds).
- Section 2.1.4.3 Rainfall Data - provided information about the 3 parameters of the IDF curve for different return periods only. But the calculations for total precipitation depth (mm) for different return periods are missing. Please provide the calculations.
- For water quality in the report it states: "Quality controls for the proposed development will be achieved with the use of an Oil & Grit separator unit which is proposed to be located upstream of the dry SWM pond to provide a minimum of 70% TSS removal". Please provide detailed calculations on how it is achieved."

#### The County of Middlesex Engineer

The County of Middlesex Engineer has no comments in regards to the proposed applications.

#### Southwest Middlesex Chief Building Official

Has no objections to the proposed applications.

#### Southwest Middlesex Director of Operations

Has noted that additional servicing capacity information (water, sanitary, and stormwater) may be needed prior to the planning recommendation report.

At the time of writing the subject report, no written submissions were received from members of the public.

### **SUMMARY AND NEXT STEPS:**

The intent of the subject report is to provide Council and the public with information regarding the proposed development, the relevant policies and regulatory context and to summarize comments received by the public and agencies to date.

A subsequent report will be provided, which includes a full policy analysis and responses to comments received at the public meeting for the Draft Plan of Subdivision and zoning by-law amendment, as well as provide recommendations for Council's consideration.

The zoning by-law amendment application will receive final consideration by Southwest Middlesex Council at a future council meeting.

If Southwest Middlesex Council is supportive of the Plan of Subdivision, they will provide that recommendation to County of Middlesex Council. Then the Plan of Subdivision will receive final consideration by County of Middlesex Council.

### **RELATIONSHIP TO STRATEGIC PLAN:**

☒ TARGET – an increase of 320 homes in the municipality over a sixteen-year period (four terms of council)

### **ATTACHMENT(S):**

- Draft Plan of Subdivision
- Planning Justification Report
- Servicing & Stormwater Management Feasibility Study