



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-029-24

FILE NO. B2-24, B3-24, B4-24 & B5-24

TO: Mayor and Members of Council

FROM: Director of Planning & Development Services

MEETING DATE: May 27, 2024

SUBJECT: **Revised Applications for Consent & Zoning By-Law Amendment; Sherry Lynn Pye & Lawrence Pye (Applicant); Mike Pye (Agent); 2770 Rath Street, Putnam**

RECOMMENDATION:

THAT Applications for Consent B2-24, B3-24, B4-24 and B5-24 as revised and requested by Michael Pye on behalf of Sherry Lynn Pye and Lawrence Pye to sever four (4) parcels of land each having a frontage of approximately 31 metres along Putnam Road and, from north to south, each having an area of approximately 0.45 hectares, 0.49 hectares, 0.53 hectares and 0.53 hectares, for lands legally described as Part of Lot 4, Concession B, SRT (geographic Township of North Dorchester), Municipality of Thames Centre, and known municipally as 2770 Rath Street be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled and the required fee.
2. That the applicant be required to dedicate lands up to 15 m from the centreline of construction of County Road 30 (Putnam Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width. That the applicant be also required to dedicate lands up to 18 m from the centreline of construction of County Road 29 (Hamilton Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
3. That a consent for easement purposes be required to establish a right-of-way in favour of the owner of 2757 Rath Street over the subject lands to ensure legal access to and from Rath Street (if such easement does not already exist).
4. That an easement in favour of the Municipality of Thames Centre be dedicated for the lands to be severed consistent with the working area identified in the Putnam Drain Report.

5. That the applicant obtain a rezoning approval to rezone the lots to be severed and the lots to be retained to the Hamlet Residential (HR) Zone with the exception of flood prone lands along the Reynolds Creek Drain and extending the full length of the subject property which are to be rezoned to Environmental Protection (EP).
6. That an approved minor variance be required to address the lot frontage deficiency of the lands to be retained.
7. That the applicant retain a qualified professional to undertake a soils investigation to confirm independent private sewage disposal systems are capable of supporting the proposed residential development based on existing site conditions and surrounding uses.
8. That the applicant enter into a Development Agreement with the Municipality to facilitate the residential development of the lands to address a number of matters including but not limited to access, grading, drainage, private servicing, identify any easements that apply to the lands; and that the said agreement be registered against the title of the subject lands.
9. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, with such costs to be paid in full to the appropriate engineering firm, all to the satisfaction of the Drainage Superintendent.
10. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
11. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
12. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.
13. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

REASONS

- The applications would be consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan would be maintained.
- The requirements of the Zoning By-Law are capable of being satisfied through the requested rezoning.

THAT Application for Zoning By-law Amendment Z2-24 as revised and requested by Michael Pye on behalf of Sherry Lynn Pye and Lawrence Pye for lands legally described as Part of Lot 4, Concession B, SRT (geographic Township of North Dorchester), Municipality of

Thames Centre, and known municipally as 2770 Rath Street, be **APPROVED** in principle and that staff be directed to prepare the necessary Zoning By-law Amendment for Council's consideration at the next regular meeting.

PURPOSE:

The purpose of the consent applications is to sever four (4) lots to support residential development in the form of single detached dwellings. The purpose of the zoning by-law amendment application is to rezone the lands to be severed and the lands to be retained to the Hamlet Residential (HR) Zone, with the exception of the flood prone lands along the Reynolds Creek Drain extending the length of the property which are to be rezoned to the Environmental Protection (EP) Zone.

BACKGROUND:

The subject property is a 3.8 hectare (9.5 ac) parcel of land bounded by three (3) streets and located on the south side of Hamilton Road (County Road 29), on the west side of Putnam Road (County Road 30) and at the south end of Rath Street in the hamlet of Putnam. The lands contain a single detached dwelling (serviced by a private well and septic system) and a garden shed. Off Rath Street, the residential driveway is shared with another dwelling located on a separate lot and known municipally as 2757 Rath Street.

The subject lands are primarily used for the cultivation of field crops being a remnant farm parcel accessible from Putnam Road (County Road 30). The remainder of the property backs onto Reynolds Creek Drain which extends the full length of the subject lands, containing regulated lands (flood prone) and natural heritage features. The lands also contain an easement in favour of Hydro One (which accommodates overhead wires) approximately 65 metres (213 ft) from Putnam Road (County Road 30) and running in a north/south orientation before tying into Rath Street. An existing municipal drain (Putnam) also runs along the south side of the property. Under the Thames Centre Official Plan and Comprehensive Zoning By-law, the lands are designated Hamlet and zoned Agricultural (A). Lands along the Creek are regulated by the Upper Thames River Conservation Authority.

The subject applications were heard at a statutory meeting of Municipal Council under the *Planning Act* on March 25, 2024 with Council passing the following resolution:

THAT Applications for Consent B2-24, B3-24, B4-24 and B5-24 BE DEFERRED to allow the applicant an opportunity to address the concerns raised by the Director of Planning and Development Services with respect to extending the depth of the lots to be severed consistent with the existing lot pattern located south of the subject lands to ensure conformity with the Municipality's Official Plan.

In response to the Director's concerns, the applicant has revised their consent applications and is now proposing to sever four (4) lots to support residential development in the form of single detached dwellings subject to the following dimensions (and should be read in conjunction with the attached Location Map):

Proposed Lot Number	Frontage	Area
1	31 m (102 ft)	0.45 ha (1.1 ac)
2	31 m (102 ft)	0.49 ha (1.2 ac)
3	31 m (102 ft)	0.53 ha (1.3 ac)
4	31 m (102 ft)	0.53 ha (1.3 ac)

Each of the proposed lots would have frontage on Putnam Road (County Road 30) and would be privately serviced with their own well and septic system given the absence of municipal water and sanitary sewers in the area. The balance of the property would have a frontage of approximately 20 metres (66 ft) along Rath Street and an area of approximately 2.8 hectares (6.9 ac). These lands contain the single detached dwelling and lands adjacent to the Reynolds Creek Drain. The applicant is also intending to a dedicate an easement in favour of the Municipality to recognize the existing Putnam Drain along the southerly limit of the property, considering municipal drains are not registered on the title of affected lands.

The applicant has also applied for a zoning by-law amendment to rezone the subject lands to Hamlet Residential (HR), with the exception of the lands along the Reynolds Creek Drain and extending the full length of the property which contain natural heritage and hazard features, which are to be rezoned to Environmental Protection (EP).

ANALYSIS:

The Provincial Policy Statement (PPS), the County of Middlesex Official Plan, and the Thames Centre Official Plan all encourage intensification in settlement areas provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure. Within designated hamlet areas including Putnam, development opportunities are limited to infilling of the existing development pattern if appropriate private servicing can be achieved in the absence of full municipal services. The revised consent applications are consistent with the foregoing policy direction and represent sound land use planning.

The Thames Centre Official Plan states that a plan of subdivision may be required when any of the following occur: more than three (3) lots (2 severed and 1 retained) from a land holding being created; lots created require a new road for the provision of access; or the provision or extension of municipal servicing is required. The Official Plan also states that a plan of subdivision may not be required for the orderly development of the land when the proposal involves infilling of up to three (3) lots having frontage on a public road. The Official Plan also notes that notwithstanding the foregoing, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required.

Staff is satisfied that a plan of subdivision is not necessary to develop the land considering the area is constrained by the Reynold Creek Drain and must rely on larger lots to support private servicing given the absence of full municipal services. During the pre-consultation meeting, the applicant advised that it was not economically feasible to develop the site by plan of subdivision with a new road that would extend from Rath Street and tie into Putnam Road (County Road 30) at Couch Road. Such lotting pattern would likely yield approximately six (6) lots compared to the four (4) lots being proposed. Given that the subject lands have frontage on a public road and private servicing is required on per lot basis, a plan of subdivision is not necessary for the orderly development of the lands. The consent process is, therefore, an appropriate means to subdivide the lands. It is also important to note that the lotting pattern to the north compared to the south is significantly smaller and created during a different planning regime which would not be permitted under current standards.

The Thames Centre Official Plan also provides criteria in which the division of land may be permitted relating to matters including: safe and suitable access to a public road; appropriate soil and drainage conditions and lot configurations and dimensions to permit proper siting of buildings, adequate means of sewage disposal and sufficient and potable water supply and compliance with the provisions of the Zoning By-law. The foregoing matters have been addressed or are capable of being addressed through conditions of consent. Staff is also satisfied with the revised layout of the proposed lots being consistent with the lotting pattern to the south.

Based on the foregoing, the revised consent applications are consistent with the PPS and in conformity with the County and Thames Centre Official Plans.

Additionally, the Thames Centre Official Plan requires 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;

Lot grading plans shall be required for each of the proposed residential lots.

- the 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 preferred method of servicing development;

An On-site Servicing report has been prepared by BOS Engineering & Environmental Services Inc. which concludes that the proposed lots can adequately support independent approved private sewage disposal systems.

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

Putnam Road is a road under Middlesex County jurisdiction. No significant increases in traffic are anticipated based on the proposed residential lots.

- 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 lots to be severed front onto Putnam Road being a public road constructed to county standards.

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

If approved, the lands to be severed would comply with the minimum lot frontage and the minimum lot area requirements under the requested Hamlet Residential (HR) Zone being 30 metres (98.4 ft) and 2,000 square metres (0.49 ac), respectively. The lot to be retained would have a deficient lot frontage of 20 metres (66 ft) on Rath Street. Such deficiency can be addressed through a minor variance approval as a condition of consent.

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

Areas along the Reynolds Drain Creek containing natural hazards and heritage features are to remain undeveloped given the Environmental Protection (EP) Zone that would apply to the lands.

Based on the foregoing, this rezoning application is consistent with the PPS and in conformity with the County and Thames Centre Official Plans.

At the April 29, 2024 meeting, Council passed the new Parkland Dedication By-law, the effect of which requires cash-in-lieu of parkland dedication in the amount of \$10,000 for every new lot created by consent for residential purposes. Although the Parkland Dedication By-law is subject to a 40-day appeal period ending on June 11, 2024, it shall take retroactive effect on April 29, 2024 in the event of no appeal. Any consent approval given following the passing of the Parkland Dedication By-law is subject to the \$10,000 charge compared to the previous charge of \$4,000. The subject applications are therefore subject to the new charge to which the applicant has been informed.

CIRCULATION COMMENTS:

Agency Comments

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

County of Middlesex

The owner will be required to dedicate lands up to 15 m from the centreline of construction of County Road 30 (Putnam Road) 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 lands up to 18 m from the centreline of construction of County Road 29 (Hamilton Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

The County has serious concerns with the development of new residential driveways in close proximity to the intersection of County Road 30 (Putnam Road) and Couch Road. There are also concerns with these properties due to the drop in grade behind the sidewalk that would result in a low area and potentially require residential driveways to be constructed with a steep grade. It is highly recommended that alternative access solutions, including but not limited to back lot access through the extension of Rath Street or the creation of a 'window street' or revised lotting with shared driveway access, be evaluated and considered to eliminate or reduce the safety concerns for these proposed residential lots.

Upper Thames River Conservation Authority

The UTRCA supports the approval of the revised submission. Any development activity to the rear of the lots would require their approval being a regulated area.

Drainage Superintendent:

A drainage reassessment will be required.

Director of Public Works:

Public Works supports planning staff's position in having the lots to be severed extended and consistent with the lot pattern to the south. This would eliminate the remaining 2.77 Ha parcel of agricultural lands that would require access to Rath and/or Marshall Streets.

Public Works also agrees with the requirement to establish a ROW easement for 2757 Rath Street property.

Chief Building Official:

That the proponent provide evidence from an Ontario Land Surveyor which shows the extent of the easement in favour of Hydro One which may impact the placement of future dwellings and on-site sewage disposal systems.

That the proponent be advised that the proposed lots appear to contain lands which are regulated by the Upper Thames River Conservation Authority which would require subsequent permits / approvals by the Authority prior to the issuance of building permits for future development.

Public Comments

In the circulation of the notice of public meeting to surrounding property owners, no responses have been received as of the date of this report.

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

Prepared by: M. Bancroft, Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer