



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-042-24

**FILE NO.** 39T-TC-CDM2302, O3-23 & Z31-23

**TO:** Mayor and Members of Council

**FROM:** D. FitzGerald, Manager of Planning, Middlesex County

**MEETING DATE:** July 15, 2024

**SUBJECT:** Applications for Draft Plan of Condominium, Official Plan Amendment & Zoning By-Law Amendment; D Charabin Holdings (Owner), Zelinka Priamo Ltd. (Agent); West end of Eva Street and Ida Street, Dorchester

### RECOMMENDATION:

**THAT** the County of Middlesex be advised that Council for the Municipality of Thames Centre **RECOMMENDS** the issuance of draft plan approval to the County of Middlesex for Application for Draft Plan of Condominium (File No. 39T-TC-CDM2302) requested by Zelinka Priamo Ltd. on behalf of D. Charabin Holdings for lands legally described as Lots 16 to 21 Part of Lot 22 S Ida St, Lots 16 to 18, Part of Lots 19 to 22 N Eva St Part of Sexton St, Block C, Plan 274, Parts 1 to 3 on reference plan 33R10584, in the Municipality of Thames Centre, County of Middlesex, subject to the conditions attached to Report No. PDS-041-24 and subject to a five (5) years lapse period.

**AND THAT** Official Plan Amendment (File No. O3-23) to redesignate certain lands on Schedule B-1 from 'Residential' to 'Residential Special Policy Area – 1' for the purpose of establishing a medium density residential development on the lands legally described as Lots 16 to 21 Part of Lot 22 S Ida St, Lots 16 to 18, Part of Lots 19 to 22 N Eva St Part of Sexton St, Block C, Plan 274, Parts 1 to 3 on reference plan 33R10584, in the Municipality of Thames Centre, County of Middlesex, be adopted and forwarded to the County of Middlesex for consideration of approval.

**AND THAT** Application for Zoning By-law (Z31-23) be **REFERRED** back to staff to permit further discussion with the Owner and Agent on the proposed Zoning By-law Amendment.

**AND THAT** staff be **DIRECTED** to prepare a recommendation and implementing by-law for Council's consideration at the next regular meeting.

**NOTE:** The County of Middlesex is the delegated approval authority for draft plans of condominium and Official Plan amendments. Before the County can make a decision, this proposal must first be considered by Thames Centre Council and subject to a community engagement process.

## **PURPOSE:**

The purpose of this report is to provide an evaluation of the subject applications to facilitate residential development of the lands. This proposal was presented at a public open house held on December 7, 2023. Further, it was subsequently presented at a public meeting of Municipal Council held on January 29, 2024. This report includes a summary of the public and agency consultation process along with a recommendation for Council's consideration.

## **BACKGROUND:**

The subject property is a 3.7 hectare (9.1 ac) parcel of land located at the west end of Ida Street and Eva Street in the village of Dorchester. West of the existing cul-de-sacs, unopened road allowances for Eva Street and Ida Street, respectively, extend westerly for approximately 200 metres (656 ft) and 450 metres (1,476 ft), adjacent to the subject lands to the north and south. As such, the subject lands have frontages of approximately 253 metres (ft) along the unopened road allowance to the north and approximately 185 metres (ft) along the unopened road allowance to the south. The lands are vacant and contain a significant woodland. The lands are designated Residential under the Thames Centre Official Plan and zoned site-specific Residential First Density (R1-5) and Open Space (OS).

Surrounding land uses include: vacant lands to the north and west (subject to Auburn Developments' proposed residential subdivision), residential uses to the east in the form of single detached dwelling and an industrial use to the south (Lind Lumber).

## **PROPOSAL:**

The purpose of the proposed plan of condominium, as shown on the attached plan, is to facilitate the development of the subject lands for the following purposes:

- Eleven (11) 3-storey townhouse buildings to support 61 dwelling units
- Two (2) 3-storey back-to-back stacked townhouse buildings to support 44 dwelling units
- Two (2) private roads which would tie into the extension of Eva and Ida Streets
- Four (4) Blocks for a condominium amenity area, stormwater management facility, parkland and compensation planting area
- To be serviced by municipal water, sanitary and storm sewers.

Four (4) studies/reports have been provided in support of the subject proposal, namely: planning justification; traffic impact; servicing; and, preliminary hydrogeological investigation.

The development of the subject lands shall require the installation of sanitary sewers. Considering there are no sewers in Dorchester north of the Thames River, this development will need to rely on a force main and pumping station to convey sewage to the south side of the Thames River to tie into the existing collection system, consistent with the Municipality's Water and Wastewater Master Servicing Plan. The financing of



this infrastructure will need to be borne by the developer(s) on the north side of the River through the pre-payment of development charges.

The purpose and effect of the Official Plan Amendment is to establish a Residential Special Policy Area to allow medium density residential development in the form of townhouse dwellings. The Official Plan only allows medium density development if two of the following four evaluation criteria are met; frontage on an arterial road; abutting major public parks; abutting a commercial area; and the overall site area is at least 2 hectares in size. Considering only one of the criteria can be met (the property is greater than 2 hectares in size), this form of development is not permitted under the Official Plan hence the requested Amendment.

To allow the development of the subject lands, a Zoning By-law Amendment has been submitted to rezone the subject lands from the site-specific Residential First Density-Holding (R1-5) Zone to allow the residential development of the lands subject to the following categories:

<b>Site-specific Residential Third Density (R3-#) Zone relating to the street townhouse dwellings</b>		
<b>Minimum Requirements</b>	<b>R3</b>	<b>Requested</b>
Lot Area (per unit)	250 m <sup>2</sup>	166 m <sup>2</sup>
Front Yard Depth / Exterior Side Yard Depth	10 m	6 m / 2 m
Interior Side Yard Depth	3 m	2 m
Rear Yard Depth	10 m	6 m
Lot Coverage (maximum)	35%	57%
<b>Site-specific Residential Third Density (R3-#) Zone relating to the stacked townhouse dwellings</b>		
Front Yard Depth	10 m	7 m
Interior Side Yard Depth	10 m	3 m
<b>Open Space (OS) Zone relating to the parkland, compensation planting area and stormwater management blocks</b>		

Upon further discussion with the applicant, considerations for zoning provisions were brought up for their consideration. Due to the proximity to existing low density residential development to the east, staff recommended the applicant consider enhanced setbacks as shown on the concept plan. Additionally, staff noted that the existing zoning permits a maximum height of 15 metres and no limitation was proposed to cap height. Staff indicated to the Agent that the concept plan provided for consideration shows a maximum height of 10.5 metres. Given the ongoing discussions with the applicant, staff are recommending that the Zoning By-law Amendment be referred back to staff and that it be brought forward for consideration at the next available Council meeting.

**ANALYSIS:**

The Provincial Policy Statement (PPS) states that settlement areas shall be the focus of growth and development. Dorchester is a designated Community Area according to the

County Official Plan and designated Urban Settlement Area according to Municipal Official Plan. The PPS also states that municipal water and municipal sanitary sewage services are the preferred form of servicing for settlement areas. The subject property is located in Dorchester where full municipal services are required to accommodate this development.

To sustain healthy, liveable and safe communities, efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term are encouraged according to the PPS. The subject proposal demonstrates an overall efficient development and land use pattern.

The PPS also 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. The proposed development is situated in a designated growth area and adjacent to the existing built-up area with connectivity to existing infrastructure. The proposed condominium has smaller individual parcels of land (units) compared to the existing surrounding neighbourhood and would allow opportunity for smaller and more affordable homes by comparison.

The County of Middlesex Official Plan encourages a range of housing types, housing densities and housing options to meet the needs of their share of current and future County residents. This proposed development would offer housing options based on size.

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

Staff have worked with the applicant to establish a proposed condominium block pattern which seeks to efficiently utilize the lands for a denser residential development, while also achieving setbacks to limit the potential impact on the existing single-family dwellings to the east. It is anticipated through the future zoning by-law amendment that appropriate zoning by-law provisions will ensure the impact of any development is limited.

Staff note that the land is currently subject to a draft plan approval through file number 39T-95005. This application was approved by the Ontario Municipal Board and supported the development of 59 single detached dwelling units on the lands. The existing draft plan will be required to be deregistered and abandoned prior to final plan approval by the County of Middlesex.

The lands also contain a large natural heritage feature in the format of a forested area. In consultation with the UTRCA, staff have scoped the area generally to be protected. An Environmental Impact Study will be required as a condition of draft plan approval to further define the limits and identify any species at risk. Any recommended and approved mitigation measures would be implanted through a development agreement between the developer and the Municipality.

The applicant is also proposing a tree compensation area as part of the draft plan of

condominium. This would become part of the common amenity area for the condo and would not be subject to future development. Conditions have been included recommending the completion of a tree preservation study and a compensation plan to replace trees being removed from site.

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

Under the *Planning Act*, parkland dedication is required at a rate of 5% of the total draft plan area in the case of residential development. Having a total lot area of 3.7 hectare (9.1 ac), the proposed development would require 0.1 hectares (0.45 ac) of parkland. Although the Community Services and Facilities Master Plan has a "parkland first" approach that prioritizes parkland dedication over cash-in-lieu to address long-term parkland needs and deficits, the parkland conveyance should be at least 0.8 hectares (2 ac) of parkland. In this particular case, it would be more practical for the Municipality to receive cash-in-lieu which is included as a recommended draft plan approval condition based on 5% of the value of the land based on a land appraisal conducted by a qualified professional.

Typically, development charges are payable at the time of the issuance of a building permit. Due to the required infrastructure to service this development in the form of the pumping station and forcemain to facilitate wastewater conveyance, the developer will be required to enter into an agreement with the Municipality for the pre-payment of development charges to assist with financing of those works. This requirement is included as a recommended condition of draft plan approval.

Further to the draft plan of condominium, the applicant has also applied for an Official Plan Amendment. This is required as the development only meets 1 of 4 criteria required for medium density residential development in the Thames Centre Official Plan. In considering an Amendment as noted in Section 7.20 of the Official Plan, Council shall have regard to the following items (in priority):

1) *The Provincial Policy Statement:*

As previously indicated, consistency with the PPS has been demonstrated in regard to accommodating a housing option beyond single detached dwellings to create a more sustainable community.

2) *The desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives and intent of the Official Plan;*

The basic objectives and intent of the Official Plan in regards to the proposed use is to provide a policy framework which encourages growth and prosperity in the Municipality and promotes



the Municipality as a desirable place to live. The Plan also encourages the need to provide a variety of housing types in a variety of designated locations to accommodate a broad demographic including housing for all stages of life.

3) *The goals and policies of this Plan;*

The Plan encourages the development of a greater variety of housing types, sizes and tenures. In particular, housing types that promote continuum of lifestyle and allow residents to remain within the community throughout the course of their lives are encouraged.

4) *Conformity with County policy;*

As previously indicated, conformity with the County Official Plan has been demonstrated.

5) *The need for the proposed use, including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available for development;*

Throughout the Province of Ontario, we are experiencing a housing shortage with impacts being felt both regionally and locally, due to a limited supply of housing combined with a significant surge in housing demand. Simply put, the demand for housing has significantly outpaced supply resulting in escalating housing prices. The proposed medium density residential uses will provide a more affordable housing option for the community compared to single detached dwellings which is largely the predominant housing type in Thames Centre.

6) *Whether the subject lands are within 120 metres of lands designated "Natural Area" and the results of an Environmental Impact Study (EIS) as outlined in Section 3.2.3.1 of this Plan;*

Natural heritage features existing within 120 metres of the lands and within the boundary of the property. Staff are generally satisfied that the natural area is protected based on the limits of development established through the draft plan of condominium. Additionally, the applicant will be required to complete an EIS as a condition of draft plan approval. As such this requirement is considered satisfied.

7) *The effect on the economy and financial position of the Municipality;*

The development of the site will provide residential opportunities for the area. It will also provide an opportunity for additional tax assessment. Due to the density and form of development, it will demonstrate a more efficient use of infrastructure compared to low density residential development.

8) *The compatibility of the proposed use with existing uses or potential uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;*

This proposed development is compatible with the adjacent residential uses and future

proposed uses to the west. Enhanced setbacks will be considered and limitation to height in order to ensure limited impact to existing development.

- 9) *The location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required, including the ability to provide logical extensions to existing services;*

As indicated by the applicants Engineering consultant and confirmed by our engineering consultant, the proposed development would require tying into existing municipal infrastructure through the construction of private infrastructure necessary to support the condominium in the form of a private road, watermain, sanitary sewers, storm sewers and a stormwater management facility. The Report has also demonstrated an effective approach to addressing servicing requirements while also meeting municipal and provincial design standards. In all, this development is capable of being adequately serviced to support the proposed development. It is noted that services will be required to be extended and no development shall occur until such time.

- 10) *The physical suitability of the land for the proposed use;*

The site is relatively flat from a topographical standpoint and therefore physically suitable to accommodate the proposed development.

- 11) *The effect on the provision of affordable housing in the Municipality; and*

Medium density residential uses in the form of townhouse dwellings are currently non-existent in this part of the Municipality. The community will significantly benefit from the introduction of this housing type being a more affordable housing option compared to current housing options limited to single detached dwellings.

- 12) *Whether the subject lands contain natural features or natural hazard lands that should be subject to an Environmental Impact Study as outlined in Section 3.2.3.1 of this Plan.*

As previously indicated, the lands contain natural heritage features. The site will be subject to the requirement of an EIS as part of draft plan conditions.

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

## **CIRCULATION COMMENTS:**

### **Agency Comments**

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

County Engineer:

No comments.

Director of Public Works:

Please include on the Concept Plan drawing a continuation of the standard road width of Ida and Eva Streets to Private Road A as well as including how both streets will be finished immediately west of Private Road A.

Drainage Superintendent:

Applicant will be required to provide a storm water management report and ensure their lands have a sufficient outlet for their storm water discharge.

Upper Thames River Conservation Authority:

No objections.

Chief Building Official:

The width of private roadways and fire route be increased to minimum 7.3m in conformance with the zoning by-law requirements for 90-degree parking.

That the proponent be advised that building permits must be obtained prior to the commencement of construction of any buildings.

Canada Post

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

Bell Canada

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

- 1) 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.
- 2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.



## CN Railway

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

- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of- way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a noise study report taking into consideration the CN development guidelines.

## **Public Comments**

To date, written submissions were received from the following individuals which are appended to this report.

Trish Robertson & Doug Blair  
Darren Gilbert  
John & Jeanette Maas  
Kevin & Kelly Martin  
Mary Anne Hewer

### **Excerpts of Minutes of the Public Meeting of Municipal Council held on January 29, 2024**

The Director of Planning & Development Services presented Report No. PDS-009-24.

The Director of Planning & Development Services advised that comments received from circulated agencies, staff, and members of the public have been summarized in the planning report.

Taylor Whitney, Agent, and Bogdan Pavlovic, Engineer, were in attendance and provided additional information.

The following members of the public were in attendance and made oral submissions:

- Neil MacDonald, 7 Ida Street - Opposed
  - Number of homes and land usage, water issues
- Robert Scott, 148 Eva Street - Opposed
  - Water issues and flooding in this area
- Darren Gilbert, 15 Ida Street - Opposed
  - Water issues
  - Outdated traffic study
  - Cost for development infrastructure
  - Proposal not in touch with surrounding neighbourhood
- Jeanette Maas, 18 Ida Street - Opposed
  - Will have 11.5 properties looking into own home
  - Water issues
  - Will not fit in with current neighbourhood Council

inquired about the following:

- Drainage impacts - additional details

- Storm Drainage Report - plan for storm water and impacts of more extreme rain events
- Directing traffic onto Minnie Street, instead of Ida & Eva
- Comprehensive Traffic Study - considering all proposed developments
- Development Charges being enough to cover required infrastructure
- Services for the north side being included in budget
- Length of time to complete capital projects after obtaining Environmental Assessment
- Types of Storm Water Management Ponds -dry and traditional
- Are homes designed to be attainable
- The Director of Planning and Development Services answered Council's questions.
- The Agent and Engineer answered Council's questions.

#### **FINANCIAL IMPLICATIONS:**

**None.**

#### **STRATEGIC PLAN LINK**

**Pillar:** *Smart Planning*

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

#### **ATTACHMENTS:**

Location Map  
Proposed Draft Plan of Condominium  
Public Written Submissions  
Recommended Conditions of Draft Plan of Condominium

Prepared by: D. FitzGerald, Manager of Planning, Middlesex County

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

Reviewed by: J. Nethercott, Director of Legislative Services/ Clerk