



## **MUNICIPALITY OF THAMES CENTRE**

### **PLANNING & DEVELOPMENT SERVICES**

**REPORT NO:** PDS-068-23

**FILES:** 39T-TC-CDM2201, O2-22 & Z9-22

**TO:** Mayor and Members of Council

**FROM:** Marc Bancroft, Director of Planning and Development Services

**MEETING DATE:** October 30, 2023

**RE: APPLICATIONS FOR DRAFT PLAN OF CONDOMINIUM,  
OFFICIAL PLAN AMENDMENT & ZONING BY-LAW  
AMENDMENT  
1000336703 ONTARIO INC. (C/O RANDY MACKAY)  
KNUTSON DEVLOPM**

#### **1. PURPOSE**

The purpose of this report is to provide an evaluation of the subject applications to facilitate the development of a townhouse condominium. This proposal was presented at a public meeting of Municipal Council on September 19, 2022. This report includes a summary of the public and agency consultation process along with a recommendation for Council's consideration.

#### **2. BACKGROUND** (see attached map)

The subject property is a 1-hectare (2.4 ac) parcel of land located on the south side of Upper Queen Street just east of Agnes Street in the village of Thorndale and adjacent to the Thorndale community park. The property contains a single detached dwelling and a detached accessory building. Full municipal services are available along Upper Queen Street. According to the Thames Centre Official Plan, the lands are designated Residential and zoned Residential First Density R1) pursuant to the Thames Centre Comprehensive Zoning By-law.

Surrounding land uses include residential uses to the north (Upper Queen Street) in the form of single detached dwellings, parkland to the south and east; and residential uses to the west (Agnes Street) in the form of single detached dwellings and mobile homes.

### **3. PROPOSAL**

Based on comments raised during the agency and public consultation process, the attached revised plan of condominium has been submitted to facilitate the development of the subject lands for the following purposes:

- 38 units to support residential development in the form of two-storey townhouse dwellings on full municipal services, same as the original submission;
- accessible by a private road from Upper Queen Street which would form a common element feature of the condominium (including all underground infrastructure);
- existing buildings and structures would be removed from the site.

#### **Changes to the original proposal include:**

- along the Upper Queen Street frontage, three (3) townhouse units backed onto the street originally. The revised plan includes two (2) visitor parking spaces accessible from the private road along the frontage of Upper Queen Street at the entrance of the condominium; those three (3) townhouses units have been reallocated internally. Along the Upper Queen Street interface, this development would include a combination of black wrought iron fencing and landscaping.
- increase in the number of visitor parking spaces from four (4) to eight (8) spaces.
- a stormwater management facility is now proposed in the southwest corner of the site to accommodate quality and quantity control measures.

Six (6) studies/reports have been provided in support of the subject proposal, namely: planning justification; traffic impact; noise assessment; preliminary servicing; archaeological; and, geotechnical investigation.

To allow medium density residential uses in the form of townhouse dwellings, the applicant has applied for an Official Plan Amendment. The Official Plan currently only allows such form of development if two of the following four evaluation criteria are met: frontage on an arterial road; abutting a major public park; abutting a commercial area; and, overall development application involves a land area of at least 2 hectares. Although the site is adjacent to a major public park, none of the remaining criteria are capable of being satisfied. As such, an Amendment to the Plan is required to allow this form of housing.

The County of Middlesex is the delegated approval authority for plans of condominium and official plan amendments. Before the County is able to render a decision on this matter, this proposal must first be considered by Thames Centre Council and subject to community and agency engagement.

Notwithstanding this requested Amendment to the Thames Centre Official Plan, this development would comply with the Thames Centre Official Plan through Amendment No. 27 (OPA 27), being the 5-year update, which promotes a greater diversity in housing stock. OPA 27 as adopted by Thames Centre Council is being considered by County Council at the November 7 meeting. Regardless, this report includes an evaluation of the requested Official Plan Amendment considering OPA 27 is not approved and in full force and effect.

To allow the development of the condominium, a Zoning By-law Amendment has been submitted to rezone the subject lands from the Residential First Density (R1) Zone to a site-specific Residential Third Density (R3-#) to allow townhouse dwellings subject to the following special provisions:

<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
Front Yard Depth	10 metres	8 metres
Interior Side Yard Width	10 metres	2 metres
Rear Yard Depth	10 metres	6.6 metres

Other regulations pursuant to the parent R3 zone would apply.

#### **4. AGENCY AND PUBLIC CONSULTATION SUMMARY**

##### **4.1 Agency Comments**

In the circulation of the application to prescribed agencies, the following comments were received:

###### **4.1.1 County Engineer:**

No comment on the OPA or ZBA.

There are concerns with emergency response for a long single loaded road as proposed. The owner should be required to construct all underground services outside of the travelled portion of the road such that at least one lane of traffic can be maintained for service repairs or reconstruction. The road should also be designed such that emergency response vehicles including fire trucks can maneuver in and out of the proposed condominium development.

###### **4.1.2 County Emergency Services:**

1. That the condominium development be assigned the present Upper Queen Municipal 9- 1- 1 Address of 233 and that each condominium unit be assigned a unit number to the satisfaction of the Municipality of Thames Centre in consultation with the County of Middlesex. This shall include temporary and permanent address/ unit signage during all stages of construction which shall

- be required through the condominium development agreement. Also a temporary and permanent Municipal 9- 1- 1 address sign be installed at the entrance of 233 Upper Queen St to the condominium development and once inside the development a temporary and permanent sign be installed indicating unit number directions. All permanent condominium unit numbering shall be located in the same location of each condominium unit facing the road access inside the development for emergency responders to easily locate. Note; all temporary and permanent unit numbers/ 911 municipal address must all be visible and unobstructed.
2. That the appropriate infrastructure be in place for connecting to 911 call agency prior to occupancy of any structure.
  3. That there be consultation with the Municipal Fire Chief having jurisdiction ensuring fire hydrant locations meet firefighting purposes.
  4. That a permanent "No Exit" sign be posted immediately inside the entrance of the condominium development when the development is nearing completion so it is visible and unobstructed for those entering the development indicating that it is not a through road.

#### 4.1.3 Canadian National Railway (CN):

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

1. 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.
2. 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."

3. 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.
4. 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.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN. CN anticipates the opportunity to review a Noise and Vibration study taking into consideration CN development guidelines.

4.1.4 Upper Thames River Conservation Authority: No objection.

4.1.5 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.

4.1.6 Bell Canada:

The following paragraphs should be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

4.1.7 Enbridge:

A formal response will be provided if this development is in proximity to a transmission pipeline. Proposals not in proximity will not receive a response.

4.1.8 Hydro One: No comment.

4.1.9 Chief Building Official:

Fire route must extend to provide access to all units. Indicate entire length of fire route as well as indicate sign locations and show turning radius on plans (not a note on the plan). Provide a sign at the entrance showing a map of the complex with all unit locations and numbers.

4.2 **Excerpt of Minutes of the Public Meeting of Municipal Council held on September 19, 2022**

The Director of Planning & Development Services presented Report No. PDS-048-22.

The Director of Planning & Development Services summarized the comments received from circulated agencies and staff within the planning report. Written submissions received have been appended to the planning report.

Ric Knutson, Agent, was in attendance remotely and provided additional information.

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

Richard Dugas

- Density
- Parking
- Emergency services
- Traffic
- Drainage

LJ Wessel

- Stormwater management
- Snow removal
- Height restrictions
- Compatibility with existing neighbourhood
- Setbacks and zoning

Urs Strubin

- Density
- Parking
- Snow clearance
- Road widening
- Existing trees
- Stormwater management - high water table
- Sidewalks

Questions were answered by the Agent and Municipal Staff.

There was some discussion.

Members of Council had no questions.

### 4.3 Public Comments

In the circulation of the notice of public meeting to surrounding property owners, written submissions received in response to the original proposal are attached to this report. The concerns raised during the public consultation process are summarized in the table below along with a staff response.

Comment / Concern	Staff Response
<p>Out of character and incompatible with the rest of the village</p>	<p>The Thames Centre Official Plan is our guiding document for growth and development, which encourages a wider range of housing options for all stages of life to create a more sustainable and complete community. That policy direction is not being followed if only single detached dwellings apply. Compatibility means that planned and existing uses are able to exist with no unacceptable adverse impacts. Unacceptable adverse impacts are not anticipated since this site borders the Thorndale community park and residential uses in the form of mobile homes and single detached dwellings.</p>
<p>Traffic and noise concerns</p>	<p>A Traffic Impact Study was undertaken and peer reviewed by the Municipality’s engineering consultant. Development impacts on the municipal road network are considered minimal and acceptable. At the detailed design stage, our consultant is recommending that internal turning radii and movement are acceptable for all applicable vehicles (i.e. fire and garbage trucks).</p> <p>A noise impact study was undertaken and submitted to CN for review and comment given the proximity of the CN railway. Study findings conclude noise control barriers are not required and that standard CN warning clauses should be inserted in all development agreements, agreement of purchase and sale or lease for all units. CN approval remains outstanding.</p> <p>Unacceptable noise impacts from this development</p>

	are not anticipated on surrounding land uses. The Municipality's Noise Bylaw would apply should there be any noise complaints.
Limited parking options	The majority of the townhouse dwelling units would accommodate the parking of four (4) vehicles with two (2) in the garage and another two (2) in the driveway. There are also eight (8) visitor parking spaces proposed which consistent with development standards.
Construction impacts on area residents	There will be minor disruptions to neighbouring property owners during the construction process. Standard practices to mitigate impacts include sediment and erosion controls installed around the site perimeter through the use of silt fabric fencing. The developer would also be responsible for street cleaning to remove dirt/dust as a result of construction equipment entering and exiting the site.
Stormwater management Snow storage	A stormwater management facility is proposed at the southwest corner of the site to ensure quality and quantity controls are in place before stormwater is eventually discharged off site. The design criteria also requires post-development flows to not exceed pre-development flows.  For winter maintenance, dedicated areas to receive snow storage will need to be outlined on the detailed design plans.
Financial burden on area residents for the maintenance and responsibility of the condominium private road.	The maintenance and financial responsibility of the condominium site works (i.e. private road, watermains, sanitary sewers, storm sewers, stormwater management facility, street lights, etc.) would be borne by the residents of the condominium and neither the Municipality nor existing residents.
Reduced yard zoning provisions inappropriate for outdoor amenity space; adversely affect surrounding residents' enjoyment of their property.	The requested yard requirements are appropriate and typical for this form of development. To ensure compatibility with neighbouring uses, the developer will be required to provide privacy fencing and landscaping to the satisfaction of the Municipality.



<p>Adequacy of schools to accommodate additional enrollment.</p>	<p>The Municipality is obligated to circulate draft plan proposals to school boards having jurisdiction. Although no responses were received, the Thames Valley District School Board is proposing an expansion of the West Nissouri Public School to support additional classrooms subject to provincial approval.</p>
<p>Potential increase in crime</p>	<p>There is no evidence to support this form of development will lead to an increase in criminal activity in the area.</p>
<p>Tree removal</p>	<p>There is a row of trees along the east side and south side of the property adjacent to the Thorndale community park. Although these trees do not have the same level of protection as a designated natural heritage feature, staff is recommending that a condition of approval that the developer retain a certified arborist to undertake a tree assessment to assist with retaining as many mature trees as possible. At the same time, the planting of additional trees and landscaping shall be a requirement of the developer.</p>

This summary has been circulated to members of the public who submitted written submissions or provided their contact information to be further notified.

## 5. ANALYSIS

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

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 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. It also offers housing options and demonstrates an efficient use of land and infrastructure.

The County of Middlesex Official Plan encourages a range of housing types, housing densities and housing options to meet the needs of their share of current and future County residents. This proposed development reflects the foregoing given that it proposes townhouse dwellings which are currently not available in Thorndale.

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

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

## **5.1 Official Plan Amendment**

To support this development for medium-density residential uses, an Amendment to the Thames Centre Official Plan is required. In considering an Amendment as noted under 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;*

There are no natural heritage features located within 120 metres of the subject lands.

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

The development of the site will provide employment 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 Thorndale community park and adjacent residential uses in the form of single detached dwellings and mobile homes. Interface treatments shall be required in the detailed design stage through the use of landscaping and fencing.

- 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 LDS in their Site Servicing Design Brief 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.

- 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.*

There are no natural heritage features or natural hazards in proximity of the subject lands.

## **5.2 Zoning By-law Amendment**

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:

- 1) *Soil and drainage conditions are suitable to permit the proper siting of buildings:*

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

- 2) *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 the preferred method of servicing development:*

Full municipal services can adequately accommodate the proposed development as indicated by LDS in their Site Servicing Design Brief and confirmed by our engineering consultant,

- 3) *The road system is adequate to accommodate projected increases in traffic:*

A Traffic Impact Study was submitted in support of this proposal and peer reviewed by the Municipality's consultant. Development impacts on the municipal road network are considered minimal and acceptable.

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

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

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

The proposed development would comply with the minimum lot frontage and minimum lot area requirements as well as other standards required by the Zoning By-law notwithstanding the site-specific provisions being sought.

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

Unacceptable adverse effects on surrounding uses are not anticipated considering surrounding uses are residential or parkland. There are also no adjacent natural heritage features.

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

1) *General compatibility with existing uses in close proximity to the proposed development:*

Compatibility means that planned and existing uses are able to exist with no unacceptable adverse impacts. Unacceptable adverse impacts are not anticipated since this site borders the Thorndale community park and residential uses in the form of mobile homes and single detached dwellings.

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

It is anticipated that traffic generated from the proposed development will have a nominal impact on the road network as confirmed by the approved Traffic Impact Study.

3) *The adequacy of services to serve the proposed development:*

Full municipal services can adequately accommodate the proposed development as indicated by LDS in their Site Servicing Design Brief and confirmed by our engineering consultant,

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

Townhouse dwelling units will generally have the ability to accommodate the parking of four (4) vehicles with two (2) in the garage and another two (2) in the driveway. The only exception is five (5) units would be limited to the parking of two (2) vehicles given single-car driveways/garages. There are also eight (8) visitor parking spaces proposed consistent with development standards. The proposed off-street parking is adequate to serve the proposed development.

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

To protect the privacy of surrounding properties, the developer will be required to provide privacy fencing and landscaping.

6) *Consistency with the Provincial Policy Statement (PPS):*

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

### **5.3 Other Matters**

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

Under the Planning Act, parkland dedication is required at a rate of 5% of the total draft plan area in the case of residential development. Considering this development is adjacent to the Thorndale community park, it would be more appropriate for the Municipality in this case to accept cash-in-lieu to fund the purchase of additional parkland at another location or fund parks related capital costs. Cash-in-lieu would be based on 5% of the value of the property based on a land appraisal being conducted by a qualified professional.

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.

## **6. RECOMMENDATION**

**THAT** the Municipality of Thames Centre recommends the issuance of draft plan of condominium approval to the County of Middlesex for Application for Draft Plan of Condominium (File No. 39T-TCCDM2201) requested by Knutson Development Consultants Inc. on behalf of 1000336703 Ontario Inc. (c/o Randy Mackay) and subject to the draft plan conditions attached to Report No. PDS-068-23;

**AND THAT** Application for Official Plan Amendment (File No. O2-22) be adopted in principle and that the Director of Planning and Development Services be directed to forward the implementing Official Plan Amendment at the next regular meeting of Thames Centre Council for consideration of adoption which is to be forwarded subsequently to the County of Middlesex for consideration of approval, unless Amendment No. 27 to the Thames Centre Official Plan is approved by the County of Middlesex and in full force and effect;

File Nos. 39T-TC-CDM2201, O2-22 & Z9-22

November 14, 2023

Page 16

**AND THAT** Application for Zoning By-law Amendment (File No. Z9-22) be approved in principle and that upon the granting of draft plan of condominium approval (File No. 39T-TCCDM2201) by the County of Middlesex, that the Director of Planning and Development Services be directed to forward the implementing Zoning By-law Amendment to Thames Centre Council for consideration of approval.

Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: David Barrick, Chief Administrative Officer