



## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-009-24

**FILE:** 39T-TC-CDM2302, O3-23 & Z31-23

**TO:** Mayor and Members of Council

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

**MEETING DATE:** January 29, 2024

**RE: APPLICATIONS FOR DRAFT PLAN OF CONDOMINIUM,  
OFFICIAL PLAN & ZONING BY-LAW AMENDMENTS  
D. CHARABIN HOLDINGS (OWNER); ZELINKA PRIAMO LTD.  
(AGENT); WEST END OF EVA STREET AND IDA STREET,  
DORCHESTER**

#### 1. PURPOSE

The purpose of this report is to provide Council with background information regarding the subject proposal which is scheduled to be heard at a public meeting of Municipal Council on January 29, 2024. This proposal was first presented at a public open house held on December 7, 2023 in alignment with the Community Communications and Engagement goal outlined in the 2024-2027 Strategic Plan.

This proposal has been circulated to property owners within 120 metres (400 ft) of the subject lands and to prescribed agencies under the Planning Act. The purpose of the public meeting is to facilitate further community engagement. Following the public meeting, staff will consider all public and agency comments and provide an evaluation report including a recommendation for Council's consideration at a future meeting.

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

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).

### **3. 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</b> relating to the street townhouse dwellings		
<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</b> relating to the stacked townhouse dwellings		
Front Yard Depth	10 m	7 m
Interior Side Yard Depth	10 m	3 m
<b>Open Space (OS) Zone</b> relating to the parkland, compensation planting area and stormwater management blocks		

### 3.1 Agency Comments

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

#### 3.1.1 County of Middlesex Engineer:

No comment.

#### 3.1.2 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. 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.

3. 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.”

4. 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.
5. 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.
6. 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.

3.1.3 Upper Thames River Conservation Authority: No objection.

3.1.4 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.

3.1.5 Bell Canada:

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

The Owner acknowledged and agrees to convey any easements as deemed necessary by Bell Canada to service this new development and at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current or 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.

3.1.6 Director of Public Works:

Please include on the 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.

3.1.7 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.

3.1.8 Drainage Superintendent

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

**3.2 Public Comments**

In the circulation of the notice of public meeting to surrounding property owners, 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

**4. RECOMMENDATION**

**THAT** Report No. PDS-009-24 with respect to Applications for Draft Plan of Condominium (39T-TC-CDM2302), Official Plan Amendment (O3-23) and Zoning By-law Amendment (Z31-23) requested by Zelinka Priamo Ltd. on behalf of D. Charabin Holdings Inc. for lands located at the west end of Eva Street and Ida Street, Dorchester, be received;

**AND THAT** the Director of Planning and Development Services provide a subsequent report evaluating the said Applications, taking into account all public and agency comments received, with a recommendation for Council's consideration at a future meeting.

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

Reviewed by: David Barrick, Chief Administrative Officer