



## Staff Report

**Report To: Council Meeting**

**From: Heather James, Planner**

**Date: 2022-05-26**

**Subject: Zoning By-law Amendment Application D14 09-2022 – Recommendation Report**

### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 09-2022 – Part of Lot 18, Concession 8 (being Part 7 on 11R-9329) Recommendation Report (Planning Report 2022-18); and

That West Elgin Council approve the rezoning of Part of Lot 18, Concession 8 (being Part 7 on 11R-9329 from Open Space (OS) to Residential Third Density (R3) to permit a future residential townhouse development, in accordance with the draft by-law contained within Appendix Two of this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 26, 2022, Council Agenda.

### **Purpose:**

The purpose of the Zoning By-law Amendment is to rezone the subject lands, from Open Space (OS) to Residential Third Density (R3) to permit a future residential townhouse development.

### **Background:**

Below is background information from the application, in a summary chart:

<b>Owner/Applicant:</b>	Orford Sand and Gravel Limited c/o Don Sykes
<b>Agent:</b>	Pillon Abbs Inc.c/o Tracey Pillon-Abbs
<b>Legal Description:</b>	Part of Lot 18, Concession 8 (being Part 7 on 11R-9329)
<b>Civic Address:</b>	No assigned address
<b>Entrance Access:</b>	Jane Street
<b>Water Supply:</b>	Existing: None Proposed: Municipal water service
<b>Sewage Disposal:</b>	Existing: None Proposed: Municipal sanitary service
<b>Utilities on Subject Lands:</b>	Overhead hydro polls and lines; Tri-County water main and municipal sewer trunk line
<b>Lot Area:</b>	5,850.0 square metres (1.45 acres)
<b>Lot Frontage:</b>	34.17 metres (112.11 feet)

<b>Lot Depth:</b>	162.06 metres (531.69 feet)
<b>Use of Lands:</b>	Existing: Vacant residential Proposed: Residential townhouse development
<b>Buildings and Structures:</b>	Existing: None Proposed: Residential townhouse development

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- North: Jane Street, then residential and public utility (water tower);
- East: Graham Street, then residential;
- South: Vacant (former railway corridor); and
- West: General industrial.

The zoning sketch, showing the subject lands, is attached to this report as Appendix One for reference purposes. No plans or reports were submitted with this application as the owner intends to sell the lands to be developed in the future.

Should the application be approved, a Site Plan Approval agreement will be required prior to the issuance of a building permit. The agreement will address parking, access, snow storage, stormwater management, servicing, landscaping, outdoor storage, lighting, noise and other matters. The required plans such as lot grading and lot drainage and reports such as functional servicing report and stormwater management report will be required for the Site Plan Approval agreement.

### **Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

### **Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

### **PPS:**

The subject lands are within the settlement area of West Lorne which permits a variety of densities and land uses, provided the necessary infrastructure and transportation is available (Section 1.1.3).

The proposal appears to be consistent with the PPS.

### **CEOP:**

The subject lands are designated Tier One Settlement Areas on Schedule 'A' Land Use in the CEOP, wherein detailed land use designations are provided within the OP.

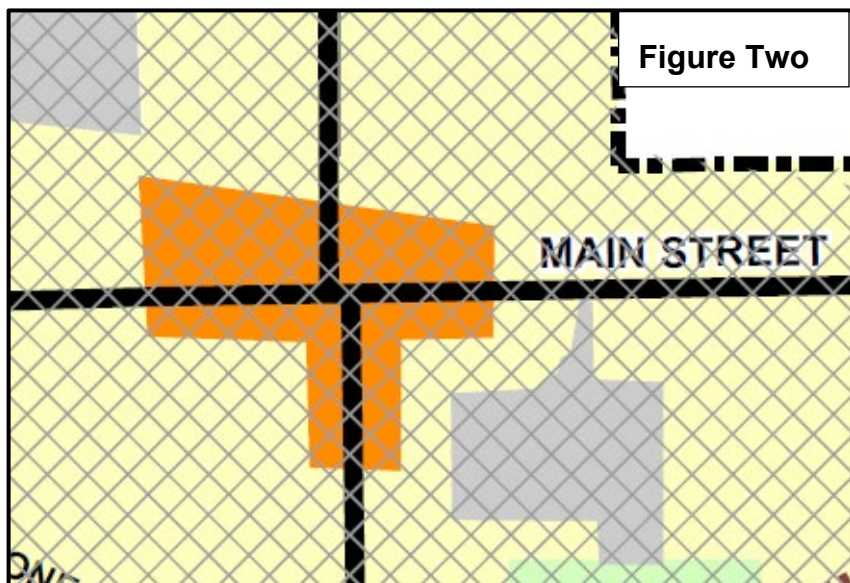
Therefore, this proposal appears to conform to the CEOP.

### **OP:**

The subject lands are designated as Residential, as shown on Village of West Lorne Land Use and Transportation Plan Schedule 'D' of the OP, as shown on Figure Two, with the yellow colour and grey diamond shaped hatching being the Residential designation with full municipal services. Section 5.2.8 Residential - Medium Density Housing policies were reviewed.

Medium density residential development in the form of townhouses, low-rise apartments and other forms of multiple-unit housing shall be encouraged. Policy 5.2.8 lists three criteria that a development should generally meet, and the proposal appears to meet such criteria. The development will be serviced with full municipal services. Compatibility with the character and design of the neighbouring development will be achieved through building design and the use of a Site Plan Approval agreement. Buffering in the form of natural or man-made fencing between neighbouring lands uses may be a requirement in the Site Plan Approval agreement.

Therefore, this proposal appears to conform to the OP.





## Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned Open Space (OS) on Schedule C, Map 2 of the ZBL, as depicted in Figure Three below.

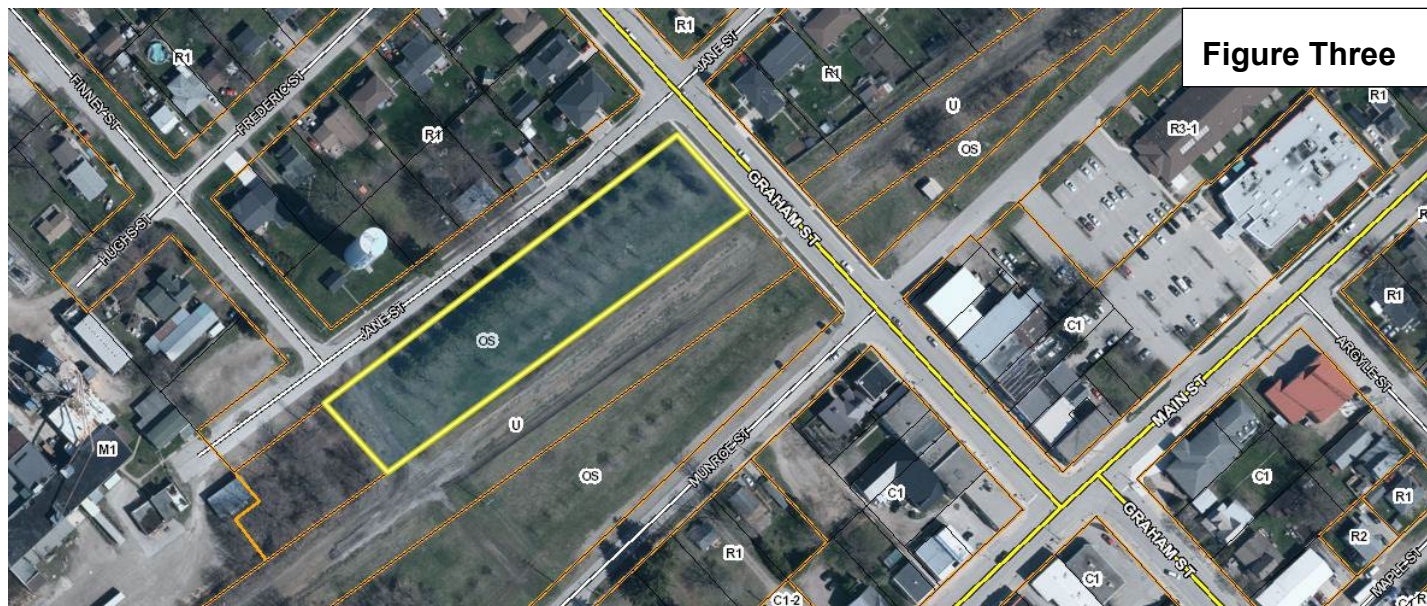


Figure Three

The proposed zoning by-law amendment would rezone the subject lands from Open Space (OS) to Residential Third Density (R3) to permit a proposed future residential townhouse development. Prior to the issuance of a building permit, Site Plan Approval agreement will be required.

### Circulation Of The Application:

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on May 5, 2022, 21 days prior to the public meeting (minimum 20 days required).

Additional information related to the application is available on the website:

<https://www.westelgin.net/en/business-and-development/current-planning-applications.aspx#D14-09-2022---Zoning-By-law-Amendment---Part-Lot-18-Concession-8-being-Part-7-on-RP-11R-9329-Southwest-Corner-of-Graham-and-Jane-Streets>

### Municipal Department Comments:

The zoning by-law amendment application was circulated to the Development Application Review Team for comment. The following comments were submitted:

#### Manager of Utilities Services

- Straight off Finney St the main trunk watermain and sanitary main run across the former tracks, the drawing doesn't show an easement

### Manager of Operations and Communities Services

- The Tri-County water main and municipal sewer trunk line run through the subject property in a straight line between Finney Street and Ridge Street.

The Planning Department has reviewed the submitted comments. In addition to a water main and municipal sewer trunk line, there are overhead hydro poles on the subject lands that provide hydro services to private properties to the north and to the south of the subject lands. Further legal review is required to determine if there is a registered easement or for the need of a registered easement on the subject lands for all of the utilities listed above. This legal review will need to be completed prior to Site Plan Approval to determine how it will impact the development.

All other comments submitted indicated that the Development Application Review Team have no concerns.

### **Agency Comments:**

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

#### Lower Thames Valley Conservation Authority (LTVCA)

Lower Thames Valley Conservation Authority, in their May 13, 2022, letter noted the following:

- After reviewing our files and mapping, staff determined that the area is not subject to the Authority's regulations.
- The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

### **Public Comments:**

At the time of submission of this report, no comments had been received.

### **Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment appears to be consistent with the PPS, appears to conform to the CEOP and appears to conform to the OP; and recommends that the request for Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments and everyone who was circulated the notice of public meeting.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal for a hearing, in accordance with the Planning Act.

Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP  
Planner  
Municipality of West Elgin

**Report Approval Details**

Document Title:	Zoning By-law Amendment Application D14 09-2022 - Recommendation Report - 2022-18-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Planning Report 2022-18 Appendix One - Zoning Sketch.pdf</li><li>- Planning Report 2022-18 Appendix Two - By-law.pdf</li></ul>
Final Approval Date:	May 24, 2022

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott

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