



Staff Report

Report To: Council Meeting
From: Heather James, Planner
Date: 2022-05-26
Subject: Zoning By-law Amendment Application D14 07-2022 – Recommendation Report

Recommendation:

That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 07-2022 – Part of Lot 64, Plan 199, 196 Ridge Street Recommendation Report (Planning Report 2022-16); and

That West Elgin Council approve the rezoning of Part of Lot 64, Plan 199, 196 Ridge Street from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with reduced zoning regulations, in accordance with the draft by-law contained within Appendix Three 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, 0.68 ha (1.68 ac.) in area with a frontage of 54.42 m (178.54 ft.) along Ridge Street from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with a reduced minimum front yard depth from 7.5 m to 3 m; a reduced minimum side yard width from 6.0 m to 4.05 m; and, reduced minimum parking space length from 6.0 m to 5.49 m.

Background:

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

Owner:	Arvai Developments Inc. c/o Louis Arvai
Applicant:	Batory Planning & Management c/o Christopher Langley
Legal Description:	Part of Lot 64, Plan 199
Civic Address:	196 Ridge Street
Entrance Access:	Ridge Street
Water Supply:	Existing: None Proposed: Municipal water service
Sewage Disposal:	Existing: None Proposed: Municipal sanitary service
Lot Area:	0.68 hectares (1.68 acres)

Lot Frontage:	54.42 metres (178.54 feet)
Lot Depth:	124.5 metres (408.47 feet)
Use of Lands:	Existing: Vacant residential Proposed: Residential townhouse development
Buildings and Structures:	Existing: None Proposed: Four (4) building, twenty-two (22) unit townhouse development

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- North: Residential;
- East: Ridge Street, then residential;
- South: Residential; and
- West: Future residential.

The zoning sketch, depicting the proposed townhouse development, is attached to this report as Appendix One for reference purposes.

The following plans and reports were submitted as part of the application:

- Planning Justification Brief
- Boundary Survey
- Grading, Servicing and Details Plan
- Stormwater Management Report
- Architectural Design and Details Report
- Streetlighting Photometric Model Plan
- Streetlight Cut Sheet Plan

Should the application be approved, a Site Plan Approval agreement will be required. The agreement will address parking, access, snow storage, stormwater management, servicing, landscaping, outdoor storage, lighting, noise and other matters.

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.

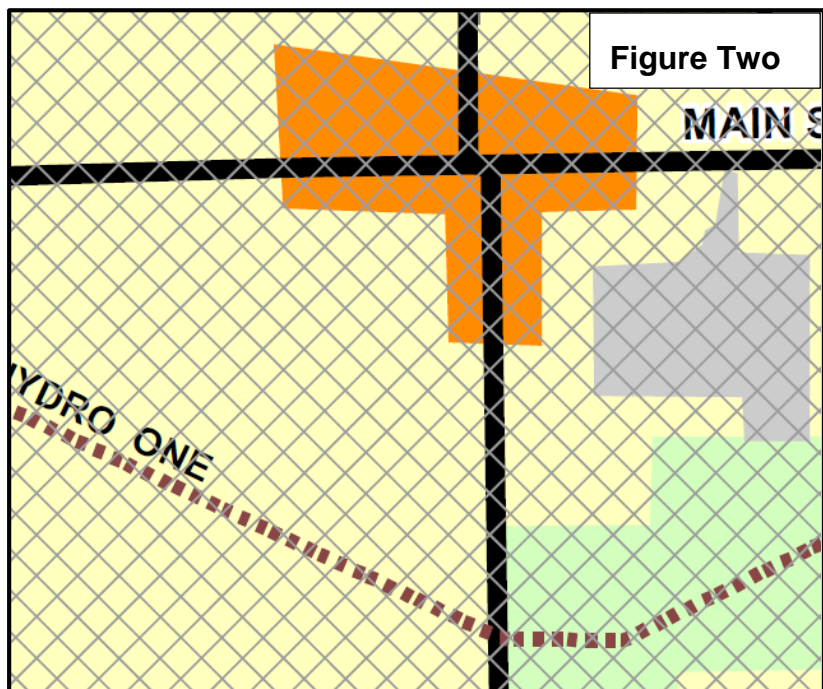
CEOP:

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 fencing between neighbouring lands uses will 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 Residential First Density Holding 1 (R1-H-1) on Schedule C, Map 6 of the ZBL, as depicted in Figure Three below.



The proposed zoning by-law amendment would rezone the subject lands from Residential First Density Holding 1 (R1-H-1) to Residential Third Density Special Use Regulation 2 (R3-2) to permit a proposed four (4) building, twenty-two (22) unit townhouse development with a reduced minimum front yard depth from 7.5 m to 3 m; a reduced minimum side yard width from 6.0 m to 4.05 m; and, reduced minimum parking space length from 6.0 m to 5.49 m.

The proposed reduced minimum front yard depth will still provide a sufficient front yard depth for a landscaped area and will not impede the municipal functions of Ridge Street. The proposed reduced side yard width will still provide an adequate setback between the proposed use and the neighbouring residential properties backing on to the development. The reduced minimum parking space length will not impact the municipal functions of Ridge Street as unit parking will be adjacent to an internal privately owned driveway and each unit will have its own attached garage. Stormwater management for the development has accounted for the deficiencies listed above.

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#D14-07-2022---Zoning-By-law-Amendment---196-Ridge-Street>

Municipal Department Comments:

The zoning by-law amendment application was circulated to the Development Application Review Team for comment and no concerns were identified.

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, one written comment from the public had been received related to the zoning by-law amendment. The letter can be found in Appendix Two to this report. The letter is received from Grace Wilson, who resides at 166 Chestnut Street and Gwendolyn A. Szabo, who resides at 10837 Graham Road who are in support of the proposal.

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 07-2022 - Recommendation Report - 2022-16-Planning.docx
Attachments:	<ul style="list-style-type: none">- Planning Report 2022-16 Appendix One - Zoning Sketch.pdf- Planning Report 2022-16 Appendix Two - Public Comments.pdf- Planning Report 2022-16 Appendix Three - Proposed By-law.pdf
Final Approval Date:	May 24, 2022

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

Jana Nethercott