

Meeting date: April 15, 2019

Department: Building and Planning

Prepared by: Tim Williams, Senior Planner

Reviewed by: Matthew Stephenson, Director, Building/Waste Services

Greg McClinchey, Chief Administrative Officer

SUBJECT: **Jaslo Properties Ltd.**
374-378 Ellor Street, (Geographic Town of Strathroy)
Re-Zoning File No. ZBA3-2019

RECOMMENDATION: It is recommended that the application for rezoning be **approved**.

PURPOSE

A zone change application has been submitted by Jaslo Properties Ltd. seeking to allow 17- single storey attached townhouse units within the front portion of the subject lands. The subject zoning by-law amendment application proposes to rezone the lands that are zoned 'Medium Density Residential (R2-9)' to 'High Density Residential (R3-10-H-2) Zone' in order to include townhouse to the list of permitted uses and establish additional lot development provisions.

SUMMARY HIGHLIGHTS

- **The application seeks to rezone the lands from site specific 'Medium Density Residential (R2-9)' to 'High Density Residential (R3-10-H-2) Zone' in order to include townhouses to the list of permitted use and to establish addition lot development provisions.**
- **The existing 'High Density Residential (R3-6-H-2) Zone' includes a Hold symbol for the completion of the site plan agreement.**
- **Staff have not identified concerns or objections with the application.**
- **Staff recommend removing the "H-2" symbol on Phase 1 and the rezoning for Phase 2.**

BACKGROUND

The subject property is located on the southwest side of Ellor Street, northwest of Carroll Street East in Strathroy and comprises 1.13 ha (2.8 ac) of vacant land (See Location Map Attachment 1). Surrounding land uses in the immediate vicinity include single detached residential dwellings to the northeast, a semi-detached dwelling to the southeast, and municipally owned lands to the southwest (occupied by Entegrus, the local hydro provider).

The abutting lands to the northwest are similarly sized to the subject lands, are zoned site specific 'R3-7' and are occupied by townhouses similar to those proposed on the subject site.

The lands are serviced by municipal water and sanitary facilities. Ellor Street is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc.

The property has been the subject of a 2016 consent (File #B14-16) and zoning by-law amendment (File # ZBA17-2016) applications. The rezoning and consent approvals were to facilitate the construction of two (2) 36-unit, three-storey apartment buildings and two (2) semi-detached dwellings on two retained parcels on either side of the severed "apartment" lot. The consent application was granted by the Committee of Adjustment on June 7, 2016 and later the Ontario Municipal Board in 2017. The zoning by-law approval rezoned the apartment parcel to High Density Residential (R3-6-H-2) and the two smaller parcels to Medium Density Residential Zone (R2-9).

Subsequent to these approvals, the ownership of property has changed and the new owner has proposed a redesign of the site. The new development proposal includes a phased development with the first phase being a single 3 storey apartment building with 38 units in the rear of the property and the second phase being 17 townhomes in 4 blocks in the front portion of the site. The Phase 1, apartment building has been redesigned to be located further from Ellor Street with the parking in front (and underground) of the building. The proposed parking exceeds the minimum by-law requirement. In order for the owner to proceed with Phase 1 (apartment building), a minor variance application (File #A21-18) was required to reduce the rear yard setback, the drive aisle width and reduce the outdoor common amenity area. On March 7, 2019 the Committee of Adjustment heard, and approved, the application for minor variance.

The front portion of the site (Phase 2) requires a rezoning to allow for 17 townhouses. A private driveway is proposed that will be perpendicular to Ellor Street and bisect the site and connects near the rear of the property to a similar private driveway on the adjacent property located on 350 Ellor Street. The redesign has the townhouses flanking the driveway. The previously proposed semi-detached units that had frontage on Ellor Street have been replaced with end units of the townhouses blocks which have been designed to face the street.

As noted above the site is primarily zoned site specific 'High Density Residential (R3-6-H-2)' in the Strathroy-Caradoc Zoning By-law. The 'R3' zone permits apartments, multiple unit dwellings, townhouses, Grouped housing and long term care facility. The "H-2" symbol was placed on the subject lands to ensure a site plan agreement has been entered into before any building or structure is erected on the site. The subject zone change will include the removal of the hold for the rear portion (first phase) of the site as the site plan agreement has been prepared, to be considered by Council on April 15th as well.

As noted above the consent application from 2016 (File #B14-16) created two new lots 374 and 380 Ellor Street. These lots were created by consent and as such even though they are all in one ownership they will not automatically merge. Since the site is being developed as one property the owner's legal counsel has asked the municipality to accept a dedication to the Municipality of a 0.3 m² (1 ft²) parcel of land immediately adjacent to Ellor Street in order to "break the consent" and allow for the development site to merge back to one site. This matter will be addressed in the future as an item to Council when the site plan agreement for the townhouse block comes before Council for consideration.

POLICY AND REGULATION BACKGROUND

The subject lands are within a Settlement Area. The Provincial Policy Statement (PPS), the County Official Plan, and the Strathroy-Caradoc Official Plan all encourage intensification in settlement areas on full municipal services provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure. The site is designated 'Residential' in the Strathroy-Caradoc Official Plan.

Section 3.3.4.7 of the Strathroy-Caradoc Official Plan states that residential intensification, including infilling, is considered desirable to make more efficient use of underutilized lands and infrastructure. It further requires infilling proposals to be evaluated and conditions imposed as necessary, to ensure that any proposed development is in keeping with the established residential character and constitutes an appropriate 'fit' in terms of such elements as height, density, lot fabric, building design, dwelling types and parking.

The Site is primarily located within the site specific 'High Density Residential (R3-6-H-2) Zone' of the Strathroy-Caradoc Zoning By-law. 370 and 382 Ellor Street which are part of the site is located within a site specific 'Medium Density Residential (R2-9) Zone' of the same By-law.

The site specific 'High Density Residential (R3-6-H-2) Zone' permits, as the only permitted use, an apartment building containing a maximum of 72 units. The "H-2" symbol was placed on the lands zoned R3-6 as well to ensure a site plan agreement is executed prior to removal of the hold. The remaining portions of the subject lands, 370 and 384 Ellor Street are zoned site specific 'Medium Density Residential (R2-9)' which permits both a semi-detached dwelling and multiple unit (containing a maximum 2 dwelling units).

The application seeks to allow for a greater encroachment of porches and awnings to allow for additional width along the covered walkway from the driveway up to the front doors of the end units facing Ellor Street, that the rear yard setback not apply to the zone boundary and allow for townhouses as a permitted use. It is planning staff's opinion that it is appropriate for these provisions to be included in a new site specific zone, R3-10-H-2, for the townhouse lands (Phase 2).

CONSULTATION

Notices have been circulated to agencies, as well as property owners and sign has been posted on the site in accordance with the requirements of the Planning Act. At the time this report was completed, the following comments were received:

The Director of Engineering & Public Works advised that the Department has no objection to a proposed rezoning to permit townhouses in the front portion of the lot to compliment the apartment building to the rear. The subject lands will require servicing works to be modified, and a servicing agreement or similar conditions within a site plan control agreement will be needed for the development.

The County Fire Prevention Officer advises that his only comment is that careful attention should be paid to municipal number and recommends standards process for private condominium developments be followed which is that have one municipal street address with unit numbers attached and no private street names be issued.

The St. Clair Region Conservation Authority (SCRCA) advised they have no concerns with the application.

A non-statutory Open House was held on February 25, 2019 at the Municipal Town Hall. Property owners within 120 meters of the subject lands were invited to attend. There were three reasons for the meeting: to provide interested persons with additional information on the planning process generally; to allow the applicant to provide a description of the proposal; and, to hear comments and concerns related to the application. The Open House was attended by three groups of people. No objections were raised with the proposed zoning by-law application.

ANALYSIS

It is the opinion of staff that the application is consistent with the PPS as the use is located within a settlement area and is on full municipal services. Further, the application will represent a residential infill of the site with townhouses that include end units that face Ellor Street providing for the orderly development of the lot that will efficiently make use of land and infrastructure.

The application conforms to the policies of the County of Middlesex Official Plan as it will facilitate the development of an intensified residential land use in a fully serviced settlement area, an area that is intended to be the focus of growth and development

The application conforms to the Strathroy-Caradoc Official Plan as the rezoning of the subject lands will result in a range of housing types and densities located within Strathroy. The rezoning is continuing to propose residential development in a form that transitions to the existing residential to the north in a more gradual manner than the previously approved development.

The existing "H" symbol will remain with the zoning on Phase 2 of the site until such time as the site plan agreement is complete and brought before Council. The site plan application was made on March 27, 2019 and it is expected that the site plan agreement for the first phase of the development will be before Council on April 15, 2019. In light of this the draft zoning by-law also removes the hold from the rear portion of the site. A future Site Plan approval amendment will be required for the second phase (Townhouse) of development. Once this has occurred a hold removal by-law will be required to remove the hold from the second phase (front portion) of the subject lands.

It appears that the apartment building proposal will meet the requirements of the Zoning By-law with the approval of the above noted minor variance.

In terms of the merging of the three parcels of land into one development lot, it is staff's opinion that this would not result in any deficiencies in the development standards under the R3 and provides for orderly development of the lot.

Given the above, staff recommend that the subject zone change application be approved.

SUMMARY

Based on the above analysis, staff recommend the following:

THAT the application for rezoning be **approved**, as the application would be: consistent with the Provincial Policy Statement; conforms to the Official Plans of both the County and Municipality; and constitutes good planning.

A zoning amendment by-law has been prepared for Council's consideration.

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

Location Map

Site Plan



Location Map - Full Extent
JASLO Properties Ltd. c/o Jamie Looman
370 - 382 Ellor Street, Strathroy



Legend

- | | |
|---|---|
|  Zone Boundary |  Road Classification |
|  Parcels |  Arterial |

