

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: **Ken Tupholme for 2155051 Ontario Inc. and Noor Allidina
York Street - Part 2 and 3 of Registered Plan 33R16136 and Part of Lot 18, Plan
No. 147, (Geographic Town of Strathroy)
Re-Zoning File No. ZBA4-2019**

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

PURPOSE

A zone change application has been submitted to satisfy a condition of consent approval respecting consent applications Files No. B4-2019 to B8-2019. The purpose of the consent application is to create six residential building lots along York Street and severing the rear portion of the subject lands to be merged with the property at 412 High Street. The zoning application seeks to rezone the lands to be merged to site-specific 'General Industrial (M2-2) Zone' and the new residential lots to 'Medium Density Residential (R2) Zone'.

SUMMARY HIGHLIGHTS

- **The application is intended to fulfill a condition of consent approval (Files No. B4-2019 to B8-2019).**
- **The application seeks to rezone the lands to be merged to site-specific 'General Industrial (M2-2) Zone' and the new residential lots to 'Medium Density Residential (R2) Zone'.**
- **The subject lands are located within the 'High Density Residential Holding (R3-H-1) Zone'. The 'H' Hold symbol requires the completion of a noise report to review the impact of industrial uses surrounding the subject lands and the entering of a site plan agreement prior to development. A noise report has been received and evaluated. The Hold symbol also requires Site Plan agreement to be completed. The applicant is no longer proposing an Apartment building and semi-detached homes are exempted from the Site Plan Control By-law.**
- **Staff have not identified concerns or objections with the application.**
- **Staff recommend rezoning the lands to 'Medium Density Residential (R2)' and "General Industrial (M2-2) Zone'.**

BACKGROUND

The subject lands are comprised of two properties, located southwest of the intersection of High Street East and York Street, on the southwest side of York Street.

The subject lands are currently vacant with a total area of 5,205.24 m² (1.28 ac) of residential land with 71.058 m (233.13 ft) of frontage along York Street. The subject lands have access to full services along York Street. The subject lands were part of an earlier consent and rezoning that resulted in the creation of 3 lots, one of which was 140 York Street which has been developed with a single detached dwelling, leaving the subject lands to the south along York Street as vacant parcels.

Surrounding land uses are industrial to the west and south, residential on the north side of High Street, with Henk Van Dyk Park to the north and east. It is noted that while the two properties at 420 and 432 High Street are located within a site-specific 'General Industrial (M2-10) Zone, this zone permits the use of land for single-detached residential dwellings.

The site is zoned site specific 'High Density Residential (R3-H-1)' 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-1" symbol was placed on the subject lands to ensure a noise study is completed before any building or structure is erected on the site. A noise study was submitted as part of the rezoning application which includes recommendations for mitigation measures. The subject zone change application proposes to rezone the subject lands from site specific 'High Density Residential (R3-H-1)' to 'Medium Density Residential (R2) Zone' for a depth from York Street of approximately 42.8 metre and rezone the rear 30.5 m portion of the subject lands to 'site specific General Industrial (M2-2) Zone'.

On April 4, 2019 the Committee of Adjustment heard and approved (with conditions) five consent applications B4/2019 to B8/2018. The purpose of the consent applications was to create six residential building lots along York Street and severing the rear portion of the subject lands to be merged with the property at 412 High Street.

With the approval of the above noted consent applications the rear portion of the site will merge (subject to the clearance of the conditions) with industrial property to the southwest (412 High Street) and is to be rezoned to the same zone category as 412 High Street. The remaining parcel is to be "downzoned" from a high density residential zone to medium density residential zone to allow for 6 semi-detached units (3 pairs).

York Street is classified as a 'local' street under the jurisdiction of the Municipality of Strathroy-Caradoc.

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 subject lands fall along the line between the 'Residential' and 'Industrial' designations of the Official Plan. The land use boundaries in the Official Plan are approximate and in this situation it is not based on a defined waterway, road or similar physical feature (Section 7.2.2 of the Strathroy- Caradoc Official Plan). Planning staff are of the opinion that the rear portion of the subject lands can be interpreted, given the language in the Official Plan, to be designated 'Industrial' and front portion of the subject lands are within the 'Residential' designation of 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 zoned site specific 'High Density Residential (R3-H-1)' in the Strathroy-Caradoc Zoning By-law. The 'R3' zone permits apartments, multiple unit dwellings, townhouses, grouped housing and long term care facility. The R2 zone permits linked, multi-unit, semi-detached, single detached, townhouses and Type 1 group homes. The "H-1" symbol was placed on the subject lands as well to ensure a site plan agreement and noise study were completed before a building or structure is erected on the site. A noise study was submitted as part of the rezoning application which includes recommendations for mitigation measures to be implemented at the building permit stage. The applicant is no longer proposing an apartment building, the "down zoning" will no longer permit an apartment building.

The current zoning for the lands is 'High Density Residential (R3-H-1)' and this zone requires the following lot development provisions for townhouses (previous proposal for the site): a minimum lot area of 210 m² per unit, a minimum lot frontage of 6 m per unit, a front yard depth of 4.5 m, an internal side yard width of 2 m, an external side yard width of 4.5 m, a rear yard depth of 8 m, a maximum lot coverage of 45% and minimum landscaped open space of 30%.

The subject application for zoning by-law amendment seeks to amend the zoning to 'Medium Density Residential (R2) zone'. The 'Medium Density Residential (R2) zone' includes the following lot development standards: a minimum lot area of 300 m² per unit, a minimum lot frontage of 10 m, a front yard depth of 5 m, an internal side yard width of 1.2 m, an external side yard width of 5 m, a rear yard depth of 8 m, and a maximum lot coverage of 40% and minimum landscaped open space of 30%. The proposed development appears to meet these requirements.

The application also seeks to rezone the rear portion of the site to site specific 'General Industrial M2-2 zone'. The rear portion of the site would be merged with the industrial lands which have the same 'M2-2' zoning.

The front third of the site is within the Conservation Authority Regulation area.

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 semi-detached dwellings in the front portion of the lot. The subject lands will require servicing works to be modified, and a servicing agreement or similar conditions within a consent approval were required for the development.

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

No concerns or comments have been received by the public at the time of writing this report.

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 the proposal of semi-detached lots along the York Street frontage and merging of the rear of the lot with the adjacent industrial property, it provides 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 a medium intensity residential land use as well as expand the adjacent employment use. All on lands that are serviced within a 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. With respect to the compatibility of the proposal, it is noted that the area around the subject lands may be described as a 'transition area' as a number of both industrial and residential uses are located in the immediate area. The rezoning as noted earlier is essentially a "downzoning" of the subject lands to allow for a medium density form of development.

With respect to the location of the lands relative to industrial use and the existing "H" symbol for a noise study, staff have received a Noise Review and Letter of Opinion that reviewed the surrounding land uses and the noise sources. The analysis reviewed the location of "sensitive receptors" (for example residential dwellings) and found that there were single detached dwellings located closer to the industrial uses than the proposed semi-detached dwellings (140 York Street previously part of this development parcel as well as 420 and 432 High Street both having single detached dwellings that are permitted in the zoning by-law).

The report notes that:

"The Ministry of Environment Conservation and Parks (MECP) "Environmental Noise Guideline - Stationary and Transportation Sources – Approval and Planning" (Publication NPC-300) provides guidance and outlines specific noise criteria and sound level limits for industrial and commercial establishments. These sound level limits must be met by any industrial operation in order to obtain an Environmental Compliance Approval (ECA)

under PART II.1 of the Environmental Protection Act (EPA) or be eligible for registration on the Environmental Activity and Sector Registry under Part II.2 of the EPA.”

The report further concluded that:

“Any concerns with potential noise impacts from existing and future industrial activities in the area on the proposed residential development at 140 York Street would be addressed through the ECA process and the EPA.”

The position of the report that the industrial development will be mitigating and noise impacts to address closer residential uses was accepted by staff however planning staff have had further discussions with the applicant about mitigation measures. The result of the discussion was that the applicant agreed to provide three noise mitigation measures including the relocation of trees to the new rear property line, as well as install double pane glass windows and air conditioning for each of the residential units.

It is the opinion of planning staff that the conclusions of the noise report in addition to noise mitigation measures proposed by the applicant are sufficient to warrant the removal of the hold symbol.

Further to this the removal of the “H” also requires the completion of a site plan agreement. Site plan approval is not required for the development of semi-detached dwellings as per the Site Plan Control By-law. The apartment dwelling use would require Site Plan approval in most cases, however with the rezoning to R2, an apartment use is no longer a permitted use. It is planning staff’s opinion that it is reasonable to remove the hold symbol on this basis.

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
ZBA 4/2019: Ken Tupholme
York St, Strathroy; Part of Lot 18, Plan 147; Parts 2 and 3, RP 33R16136



Legend

Description

-  Lands proposed to be rezoned M2-2
-  Lands proposed to be rezoned R2
-  Zone Boundary
-  Parcels
-  CA Regulated Area

