



**Planning Department  
County of Middlesex  
399 Ridout Street North  
London, ON N6A 2P1  
519.434.7321  
www.middlesex.ca**

**Meeting Date: December 3, 2024**

## **PLANNING RECOMMENDATION REPORT**

**TO:** Chair and Members of Council  
Township of Lucan Biddulph

**FROM:** Dan FitzGerald MPI, MCIP RPP, Manager of Planning  
Alyssa Soldo, Planner

**RE: Application for Zoning Bylaw Amendment (ZBA 9-2024); filed by Zelinka Priamo Ltd. on behalf of XO Holmes Inc.  
Plan 256 Lot A Lots 1 to 3 W Dominion St Lot 4 N Levitt St in the Township of Lucan Biddulph**

---

### **Purpose:**

The purpose of this report is to provide Council with a recommendation regarding the proposed Zoning By-law Amendment for a property located northeast of the intersection of Granton Line (County Road 59) and Levitt Street in Granton, Township of Lucan Biddulph.

A location map is included as Attachment 1.

### **Proposed Zoning By-law Amendment:**

The purpose of the Zoning By-law Amendment application is to change the zoning of the subject lands to facilitate a future Plan of Condominium's consideration for residential development, in the format of townhouse dwellings. The subject lands are currently located within the Highway Commercial (C2) Zone in the Township of Lucan Biddulph Comprehensive Zoning By-law. The requested residential zoning for the site includes a site-specific Residential Third Density exception (R3-#) Zone for the amended 17 townhouse units.

### **Background:**

This report provides supplemental information as well as analysis of the previous planning report brought forward to a public meeting on September 17, 2024. Since the last report, the applicant has revised the plan of condominium by reducing the plan by one (1) unit to seventeen (17). The applicant has added an amenity area to the plan in place of the previously proposed unit.

As previously noted, the proposed Zoning By-law Amendment seeks to rezone the property from a Highway Commercial (C2) Zone to a site-specific Residential Third Density – Exception (R3-14) Zone in order to permit a future residential development in the format of townhouse dwelling on the site. The exception zone seeks reductions to the minimum front yard setback along Granton Line, exterior side yard setback along Levitt Street, and rear yard setback along

Dominion Street. As part of the application, Planning Staff are recommending considerations for the following beyond the original zoning request:

1. Scoping of the permitted uses on-site to be limited to Townhouse Dwellings;
2. Clarification that driveways required to be a minimum length of 6.0 metres;
3. A revised interior side yard setback to 4.5 metres, as opposed to 4.1 metres requested by the applicant;
4. Adding a provisions noting interior side yards between shared walls can be zero metres for townhouse dwelling units;
5. Permissions for corner units to reduce to 3.5 metres on an exterior side yard;
6. Permitting a reduction for the rear yard (in this case Dominion Street) can be 3.5 metres;
7. Adding permission for decks to be setback to a zero lot line between townhouse dwelling units subject to privacy fencing; and,
8. A minimum of 4 visitor parking spaces to be provided.

Studies were provided for staff review in advance of the public meeting, which were attached to the agenda. Subsequent to the public meeting, the applicant provided an additional letter regarding remediation requirements for the contaminated sections of the site. This is addressed in the analysis section of this report.

### **Policy and Regulation:**

The Middlesex County Official Plan identifies Lucan as a settlement area and defers to the municipal official plan to delineate the boundaries of the settlement area. The lands are within the Settlement Area of Lucan and are designated as 'Residential' within the Township of Lucan Biddulph's Official Plan.

Further, as previously noted, the subject lands are currently zoned Highway Commercial (C2) Zone in the Township of Lucan Biddulph Comprehensive Zoning By-law.

As such, the policies and provisions below are applicable to the lands.

### **Provincial Planning Statement 2024 (PPS)**

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety. According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include the following:

Section 2.2.1 states planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for

housing with Service Managers to address the full range of housing options including affordable housing needs;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation

#### County of Middlesex Official Plan

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development include the following:

The subject property is designated Settlement Area by the County of Middlesex Official Plan. Section 3.2 of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas.

Section 2.3.7 of the County of Middlesex Official Plan speaks to housing policies, and states that, 'it is the Policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County.'

Section 2.3.8 of the County Official Plan notes that urban areas and community areas shall be the focus for future residential growth on full services where warranted. Policies under this section further clarify that urban areas are the focus of growth and are expected to accommodate a significant portion of the projected growth. They also state that new development shall be fully serviced by municipal or communal water and sewage disposal systems.

The County of Middlesex's Official Plan in section 2.4.5 discusses the servicing hierarchy similar to those discussed in the PPS. Specifically, the County encourages new development to proceed on the basis of full municipal services.

The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. Section 3.2.1 of the County Official Plan dictates that growth within Middlesex is generally to be directed to the County's Settlement Areas in order to protect

Agricultural Areas, protect the Natural Environment, and promote efficient use of water and sewage services. It is noted that the detailed land use policies, and particularly those that pertain to development within settlement areas, are provided in the official plans of the County's member municipalities.

### Township of Lucan Biddulph Official Plan

The principal policies contained in the Township of Lucan Biddulph's Official Plan that are applicable to the proposed development include:

The subject property is designated 'Residential' in the Township Official Plan. Section 2.2.1 of the Township Official Plan provides the following related goals and objectives for development in the Village of Granton:

- a) 'To encourage small scale, limited residential development in keeping with its established character and role as a small settlement area capable of accommodating modest growth'
- b) 'To ensure that future growth and development is adequately serviced and is within the Municipality's ability to provide the necessary infrastructure'
- c) 'To encourage the revitalization of a viable commercial core as the centre of the Village providing basic goods and services and with its own sense of character and identity'
- d) 'To improve the physical appearance and amenities of the Village and to foster a strong sense of community'

Section 2.2.4 of the Township Official Plan provides guidance for areas of residential development. It states that the Village of Granton is predominantly characterized by low-density single unit detached dwellings, located for the most part in areas north of the former railway.

Section 2.2.4.1 of the Township Official Plan notes areas designated 'Residential' shall primarily be single unit detached dwellings. However other forms of development are also permitted including, but not limited to, townhouses and similar scale multiple dwelling developments.

Section 2.2.4.3 of the Township Official Plan states that 'new residential development will be encouraged within the existing built-up area of the Village, adjacent areas and, in particular, south of the former railway on the west side of Main Street. In the latter instance, cost-efficient development on full municipal services will create a more balanced community relative to the northern half of the Village.'

Section 2.2.4.5 of the Township Official Plan provides the following direction for intensification and redevelopment:

'The Township shall encourage intensification and redevelopment within the Village of Granton on vacant or underutilized sites in order to efficiently utilized designated settlement area land and available municipal services.'

- a) Forms of residential intensification and redevelopment shall only be permitted based on the level of water and wastewater servicing that is available in the Village of Granton.
- b) Residential intensification and redevelopment may take the form of multi-unit dwellings, dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Township to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Township will ensure that:
  - i. For dwelling conversions, the exterior design of the dwelling is consistent with the surrounding area in terms of height, bulk, scale, and layout.
  - ii. For street infilling, the proposal is consistent with established building lines and setbacks of the surrounding area.
  - iii. For rear yard infilling, the siting of buildings and parking areas must be done in a way which minimized the impacts of neighbouring rear yards; allows for direct vehicular access provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.
  - iv. For infill subdivisions, measures shall be considered, to buffer and screen the development from surrounding residential uses.

Section 2.2.4.6 of the Township Official Plan encourages housing forms and densities designed to be affordable to moderate- and lower-income households. It is the intent to meet a 20 percent target annually for housing affordability for new and infill development.

Section 5.4.1 of the Township Official Plan states that ‘prior to approving any development within the Buffer Area surrounding commercial grain handling facilities as shown on Schedule “A” and Schedule “B”, technical studies shall normally be required which address the degree of adverse impact and the measures which are capable of being undertaken to mitigate such impacts on sensitive land uses. Such measures may include various forms of buffering and minimum setbacks.’

Township of Lucan Biddulph Zoning By-law No. 100-2003

The subject lands are currently zoned a Highway Commercial (C2) Zone. The current zone permits the following:

Permitted Uses	<ul style="list-style-type: none"> <li>• Animal clinic</li> <li>• Car wash</li> <li>• Drive-in or take-out restaurant</li> <li>• Financial institution</li> <li>• Garage, public</li> <li>• Garden centre</li> <li>• Gas bar</li> <li>• General retail store</li> <li>• Market garden</li> <li>• Mobile food outlet</li> <li>• Motel</li> <li>• Motor vehicle sales establishment</li> <li>• Motor vehicle service establishment</li> <li>• Restaurant</li> <li>• Service shop</li> </ul>
Minimum Lot Area	4,000 m <sup>2</sup>
Minimum Lot Frontage	60 m
Minimum Lot Depth	60 m
Minimum Lot Coverage	25%
Minimum Setback from County Road No. 59	33 m
Side Yard Width a) Interior Lot b) Corner Lot	6 m 15 m on the side abutting the road and 6 m on the other side
Rear Yard Depth	10 m
Maximum Height	10 m

The applicant is proposing to rezone the subject lands to a 'site-specific' Residential Third Density Exception (R3-(#)) Zone for the purpose of establishing 18 townhouse units. The proposed site-specific Zoning By-law amendment would be as follows:

Zoning Provisions for <b>Townhouse Dwellings</b>	Existing Provisions (Residential Third Density (R3) Zone) (m = metres)	Proposed Provisions - Site Specific Residential Third Density – exception (R3-(#)) Zone
Minimum Lot Area	1,500 m <sup>2</sup>	1,500 m <sup>2</sup>

Minimum Lot Frontage		30 m	30 m
Maximum Lot Coverage		40%	40%
Minimum Front Yard Depth		8 m	<b>1.5 m</b>
Minimum Side Yard Depth	Interior	3 m	3 m
	Exterior	8 m	<b>4 m</b>
Minimum Rear Yard Depth		10 m	<b>4 m</b>
Maximum Height		10 m	10 m
Minimum Parking Spaces		1.5 per dwelling unit	1.5 per dwelling unit
Minimum Outdoor Amenity Area		35% of the area of the lot	35% of the area of the lot

**Consultation:**

Notice of the application was circulated to agencies, as well as property owners in accordance to the requirements to the Planning Act. The following comments were received:

Agency Comments

1. **Middlesex County Engineer:** The owner should confirm that road widening measured to 18 m from the centreline of County Road 59 (Granton Line) has been provided. If not, then land dedication for the purposes of road widening measured to this distance along the development to the County of Middlesex will be required.
2. **Bluewater Recycling Association:** The Association has no comments at this time. We look forward to reviewing the subdivision site plan when available.
3. **Upper Thames River Conservation Authority:** the subject lands are not affected by any regulation (Ontario Regulation 41/24) made pursuant to Section 28 of the Conservation Authorities Act.
4. **Public Works and Engineering:** No comments at this time. There will be further comments at the time of engineering review.
5. **Middlesex County Emergency Services:**
  - 1) That the development have a proposed 911 property address that is sequential in numbering for Levitt Street and that proposed 911 property address be submitted to

The Township of Lucan Biddulph in consultation with the County of Middlesex for approval.

- 2) Once the proposed 911 property address is approved for Levitt Street that the 911 property address be posted at both entrances (Levitt Street and Dominion Street) to the development and be maintained both temporarily and permanently during all stages of construction so emergency responders can easily identify the 911 property address including street name of Levitt Street from the road allowance.
- 3) That that the current address of 34400 Granton Line be discontinued and removed from the County of Middlesex mapping system.
- 4) That proposed unit numbering be submitted to The Township of Lucan Biddulph in consultation with the County of Middlesex for approval.
- 5) That the approved unit numbers be posted and maintained in the same location of each unit temporarily and permanently during all stages of the dwelling units construction at each unit entrance front and rear door so emergency responders can easily identify the unit number not only from the private road allowance but also at the rear of each unit if access is required in an emergency.
- 6) That a permanent “way finding” sign be posted so it is maintained, visible and unobstructed so emergency responders can easily identify the “way finding” sign at each entrance off Levitt Street and Dominion Street showing the location of each of the units.

**6. Building Department:**

- 1) Please indicate proposed fence height of along Granton line frontage
- 2) Separate building permit required for site servicing
- 3) Please indicate if private property boundaries will be overlaying this plan. Spatial separation calculations may affect permitted openings.
- 4) Overall building size of seven unit block may require architect or structural engineer for firewalls
- 5) Record of site condition required as a site was formerly used as a gas station
- 6) Landscape wall may impact footings and foundation of unit 13. Please provide more detail on their elevations, including need for garden at top of landscape wall
- 7) Please show travel distances to fire hydrants
- 8) Central air or provision for future install required for buildings adjacent to Granton line based on recommendations of noise study
- 9) Noise warning clause to be provided based on noise study

**Analysis:**

The zoning by-law amendment application sought by the applicant seeks the redevelopment of a former commercial and greenfield site in the Village of Granton, within the existing Settlement Area. The proposal to would include the creation of 17 townhouse dwelling units design to be a standard condominium unit. This section of the report provides a professional planning analysis of the proposal in consideration of the Provincial Planning Statement 2024 (PPS), the County of Middlesex Official Plan (COP), the Township of Lucan Biddulph Official Plan (TOP), and the Township of Lucan Biddulph Zoning By-law (LBZBL).



***Consistency with the Provincial Planning Statement 2024 (PPS)***

- The proposal is located within a designated growth area of a settlement area, on lands identified for residential development within the Township of Lucan Biddulph's Official Plan.
- The future development would be fully serviced and provides for the efficient use of infrastructure and public service facilities.
- The proposal seeks to redevelop an existing underutilized site with an intensified density on the site. The redevelopment and increased residential density is encouraged in the PPS, achieving a more efficient use of land.
- Healthy, active and safe community design goals and objectives are addressed by creating appropriate zoning provisions on site to ensure increased density that fits within the existing development characteristics.

Given the above, it is my professional planning opinion that the application is consistent with the Provincial Policy Statement 2024.

***Conformity with the Township of Lucan Biddulph Official Plan (TOP)***

- Local policy encourages small scale, limited residential growth in keeping with the established character while achieving modest potential for intensification. The proposed 17 unit townhouse development provides an appropriate transition to achieve a higher residential density while respecting the existing residential format and character within the Village of Granton.
- The TOP requires that future growth and development be adequately serviced within the existing capabilities of the infrastructure. Preliminary review of the information presented to staff shows no concerns regarding capacity within the existing infrastructure. That applicant will be required as a condition of a future draft plan of condominium and site plan application to provide the Township with engineered detailed design confirming capacities.
- Residential intensification and redevelopment policies note that infill subdivisions are permitted, as proposed by this development. Further the policies notes that the siting of buildings and parking areas must be done in a way which minimizes the impact on neighbouring rear yards, and includes requirements for buffering and screening. The proposed format of development and associated zoning standards along the north edge of the site that abuts onto existing residential development implements an enhanced interior side yard setback as currently required. Additionally, staff will seek the installation of a 2.0 metre board on board fence along the north interior side/rear yard to this parcel. By requiring the screening, the impact on existing development is mitigated.
- The proposed development represents an appropriate density and scale for a more intense residential development, meeting the needs of both current and future citizens.
- The proposal will be subject to a future draft plan of condominium, prior to any development, ensuring all requirements of section 8.3 of the TOP are met.

Given the above, it is staff's opinion that the applications conform to the Township of Lucan Biddulph's Official Plan.

***Analysis on the Proposed Zoning By-law Amendment to the Township of Lucan Biddulph's Comprehensive Zoning By-law***

The proposal sought by the applicant seeks a site specific Residential Third Density – Exception (R3 - 14 – H-5) Holding Zone. As presented in this report, the requested zoning generally seeks a reduction to the minimum front yard setbacks, rear yard setbacks, and exterior side yard setbacks, as well as establishing the permitted use of Townhouse Dwellings on the site.

Planning staff are of the opinion that the proposed rezoning of the lands is considered an appropriate and desirable based on the PPS, County Official Plan and Township of Lucan Biddulph Official Plan. In review of the proposed zoning, staff are recommending the inclusion of additional provisions based on our experience with medium density developments and the existing by-law standards. These include visitor parking requirements, enhanced interior side yard setbacks for the single-family residence to the north, optional reductions to the exterior side yards to create more opportunity for onsite amenity space, and provisions related to decks if sought by the applicant.

As recommended by staff, the provisions are considered appropriate as they are capable of demonstrating the requirements outlined in the aforementioned planning policy documents. They achieve an intensified residential format of development to achieve an efficient use of land while respecting the established character or format of low density, single detached dwellings in the Village of Granton.

Staff are also aware of concerns raised regarding access through Levitt Street and local traffic. Public Works and Engineering staff have indicated that they do not have concerns and upgrades to the road will be necessitated by the development. Additionally, opportunities exist to open a portion of Dominion Street for secondary access to the site.

A holding provision is included in the zoning by-law amendment that requires the applicant to enter into a condominium agreement, services be ready and available to the site, a site plan agreement be required, and that the owner remediate the lands and obtain a record of site condition from the Ministry of Environment, Conservation and Parks.

In all, the subject Zoning By-law Amendment application is consistent with the Provincial Planning Statement and in conformity with the County and Township Official Plans, and is considered good land use planning.

**Recommendation:**

**THAT** zoning by-law amendment application Z-9-2024 to rezone the subject lands from the Highway Commercial (C2) Zone, to a site-specific Residential Third Density – Exception (R3-14-H-5) Holding Zone, for lands legally described as Plan 256 Lot A Lots 1 to 3 W Dominion St Lot 4 N Levitt St in the Township of Lucan Biddulph, County of Middlesex, and municipally known as 34400 Granton Line, be approved and the necessary by-law with holding provisions be passed by Council.

**Attachments:**

1. Location Map