

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 13-2024

Council Meeting Date: May 14, 2024

TO: Mayor Cook and Members of Council

FROM: Ken Bulgin, Planner

RE: ZBA ZO-07/2024 - 9967 Lakeshore Road, Lambton Shores – David Kraft and Valerie McLeod

RECOMMENDATION:

THAT Report PL 13-2024, relating to a Zoning By-Law Amendment Application, submitted by David Kraft and Valerie McLeod be received;

THAT Zoning By-Law Amendment Application ZO-07/2024 submitted by David Kraft and Valerie McLeod requesting an amendment to Zoning By-Law 1 of 2003 to rezone 9967 Lakeshore Road to a Commercial Zone to permit a Building and Contracting Establishment, be approved;

THAT By-Law 41 of 2024 be given first and second reading; and

THAT third reading and final passing of implementing By-Law 41 of 2024 be deferred until the owners have entered into a site plan agreement with the municipality.

SUMMARY

This report relates to the Zoning Amendment Application submitted by David Kraft and Valerie McLeod affecting the lands known municipally as 9967 Lakeshore Road, Lambton Shores. The applicants seek to amend Zoning By-Law 1 of 2003 by rezoning the entirety of the property containing a large warehouse and two storage buildings to a Zone that permits a Building and Contracting Establishment and Open Storage. It is the intent of the applicants to bring the long-standing use of the property as a commercial landscaping supply, sales and storage business into compliance with the Zoning By-law.

BACKGROUND

Location

The property is situated on the southeast corner of the intersection at Lakeshore Road and Cold Storage Road. The subject lands are rectangular in shape, are approximately

1.01 ha (2.5 acres) in area, with approximately 76.2 m (250 ft) of frontage along Lakeshore Road (See Attachment 1).

The property is currently occupied by a large warehouse and two storage buildings (See Attachment 2). The site was previously an agricultural produce distribution depot (potato packaging plant and product sales). The lands are adjacent to the Klondyke Trailer park to the south and east, extraction (aggregate pit) and commercial uses to the west, and HV Powersports (commercial) and agricultural uses to the north.

History

On February 29, 2024 a Zoning Report, for the subject lands, was prepared for the applicants, who were in the process of purchasing the subject lands. It was identified that the existing use as landscaping supply sales and storage business was not in compliance with the Lambton Shores Zoning By-law, as it is not a permitted use in the “Commercial-3 (C3)” Zone. It was also noted there is no Site Plan Agreement on file for the current business use.

A process was initiated in 2005, by the previous owner(s) of the property, to rezone the property to allow the current use and enter into a Site Plan Agreement. This process was never completed. A copy of the Planner’s Zoning Report, PL Report No. 14-2005 and correspondence with the previous landowner has been included as an attachment to this report.

Official Plans

The subject property is designated as “Urban Settlement” in the County of Lambton Official Plan and “Residential - North Bosanquet Future Development” in the Lambton Shores Official Plan.

Zoning By-Law

The subject property is Zoned as “Commercial-3 (C3)” in the Zoning By-law (ZBL) 1 of 2003. The current zone designation permits a variety of Commercial Uses but does not include a Building and Contracting Establishment.

Regulated Area

The subject lot is not located within a General Regulation Area regulated by the Ausable Bayfield Conservation Authority (ABCA).

DISCUSSION

Proposed Development

The applicants have indicated that the purpose of the proposed rezoning is to bring the property into compliance with the Lambton Shores Zoning By-law.

The applicants are proposing to rezone the property currently zoned “Commercial-3 (C3)”, which includes a large warehouse and two storage sheds, to a Zone which permits a Building and Contracting Establishment and Open Storage.

Staff suggest a “Commercial-2 (C2)” Zone which permits a Building and Contracting Establishment but does not permit Open Storage. Staff are of the opinion it would be appropriate to permit Open Storage as accessory to a Building and Contracting Establishment as an alternative to Open Storage being a primary use. The scale of Open Storage can also be addressed more fully through the Site Plan Control process.

The applicant has submitted a Site Plan Application for the subject lands. Staff is working with the applicant to develop a Site Plan agreement that will address the issues noted in this report and will bring back this agreement to a future Council meeting.

It is the intent of the applicants to continue the existing use of the property as a landscaping supply, sales and storage operation.

Compatibility

The North Bosanquet Future Residential policies indicate that the lands in this designation are not required for growth over the 20-year planning horizon. In the meantime, the policies recognize existing residential and commercial uses and permits commercial infilling. The existing commercial use therefore conforms to the Official Plan in this respect.

In Staff’s opinion, the existing commercial use is compatible with the area uses, more specifically, the motor vehicle repair, motor vehicle sales and retail store directly to the north. The Klondyke Trailer Park Inc. to the south and east of the subject lands saw a number of park residents express concerns as part of previous planning applications in 2005. Staff may consider buffering opportunities between the properties, as part of the site plan process, but Staff also recognizes this is a long-standing situation with a change of ownership that has inherited the existing circumstances. Until the time of writing this report no comments have been received from residents of the Klondyke Trailer Park Inc. As such, Planning staff are of the opinion the current location at an intersection, along an arterial road, grouped with other commercial uses, is appropriate for proposed C2 Zone.

Services

The lot is serviced by municipal water along Lakeshore and utilizes a private sewage disposal system. The County of Lambton Building Services Department has reviewed the application and has indicated they have no concerns as it relates to the private sewage system onsite and its continued use.

Access

There is an access from Lakeshore Road (King's Highway 21) and access along Cold Storage Road that services the property.

The Ministry of Transportation Ontario (MTO) is circulated notice of rezoning as a public community agency and has appeal rights for Zoning decisions. The subject lot is located within an MTO controlled area where development is generally subject to MTO approvals and permits.

The MTO has indicated that they will require the entrance along Lakeshore Road be removed, and there be no further connectivity with the abutting property to the south known municipally as 9923 Lakeshore Road.

In addition, the MTO is requesting the access along Cold Storage Road be defined as a single point of access (by establishing a strip of grass along Cold Storage Road from Lakeshore Road to the entrance) with a minimum setback of 85 m from Lakeshore Road.

MTO requirements should be addressed in the site plan agreement. Final approval of the ZBLA should be withheld until the site plan agreement is completed.

Draft Amending By-law

The original lot is currently in the C3 Zone which does not permit a Building and Contracting Establishment. The applicants have requested a zone designation that would permit this use to bring their current landscaping supply, sales and storage business into compliance with the Zoning By-law. In staff's opinion, the C2 Zone, which applies to a neighbouring property immediately to the north, would be appropriate.

Staff has prepared a Draft Amending By-law included in the By-laws section of Council's agenda. The By-law, as drafted, would rezone the subject lands to the Commercial-2 (C2) Zone to permit a Building and Contracting Establishment.

The existing buildings comply with the C2 Zone Site Provisions.

Planning Opinion

The proposed zoning amendment would permit a commercial use, on the subject lands, that has been in operation since at least 2005. The proposed C2 zoning is appropriate for the area and would match the current zoning on the property directly north of the subject lands at 9981 Lakeshore Road.

Based on the foregoing it is Staff's opinion that the proposed rezoning is consistent with the *Planning Act* and the Official Plan and is compatible with surrounding land uses. Staff has no objection to approval of the application provided the applicants first enter into a site plan agreement.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 13-2024;
- Approve ZBA Application ZO-07/2024 in principle; and
- Give first and second reading to the implementing by-law; but
- Withhold third reading and final passing of the implementing by-law until the applicants have entered into a site plan agreement with the municipality.

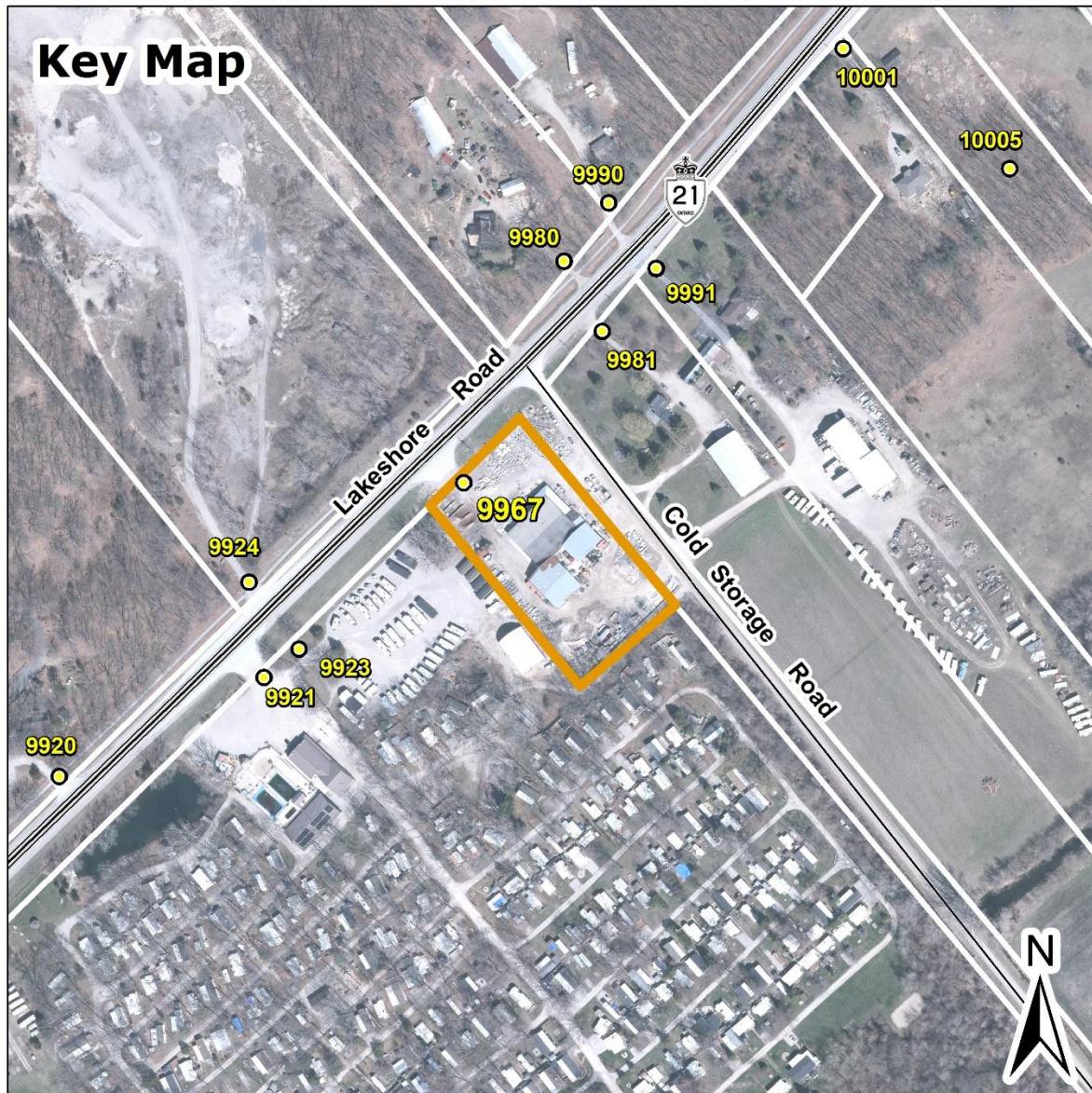
FINANCIAL IMPACT

The applicant has paid the Municipality a \$1300 application fee.

CONSULTATION

The applicants
Nick Verhoeven (Public Works)
Ryan Mentley (MTO)

ATTACHMENT 1: LOCATION MAP



SUBJECT PROPERTY

APPLICANT:	David Kraft and Valerie McLeod
LOCATION:	CON LRE PT LOT 15 9967 Lakeshore Road, Lambton Shores
FILE:	ZO-07/2024

ATTACHMENT 2: SITE PLAN

