

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 28-2024

Council Meeting Date: October 1, 2024

TO: Mayor Cook and Members of Council
FROM: Will Nywening, Senior Planner
RE: Site Plan Approval SP-01/2024 – Amtelecom Parkway, Forest –
1000290601 Ontario Inc (Agent: n Architecture)

RECOMMENDATION:

THAT Report PL 28-2024, relating to a Site Plan Approval Application, submitted by 1000290601 Ontario Inc, respecting lands at the intersection of Amtelecom Parkway and King St E, Forest, be received;

THAT By-Law 81 of 2024 being a by-law to authorize the collection of cash in lieu of parkland dedication in the amount of \$13,700 for the development of the lands be approved;

THAT the Site Plan Agreement between the Corporation of the Municipality of Lambton Shores and 1000290601 Ontario Inc be approved; and

THAT By-Law 80 of 2024 being a by-law to authorize the execution of a site plan agreement between the Corporation of the Municipality of Lambton Shores and 1000290601 Ontario Inc be approved.

SUMMARY

This report relates to a request by n Architecture Inc (Agent for 1000290601 Ontario Inc) to enter into a site plan agreement with the Municipality with respect to property located at the north corner of the intersection of Amtelecom Parkway and King St East, Forest, for a commercial development including restaurant and commercial space, a gas bar, and a car wash.

BACKGROUND

The subject property is designated as “Urban Centre” in the County of Lambton Official Plan and “Highway Commercial” in the Lambton Shores Official Plan (OP). The subject property is Zoned as “Exception 2 to the Commercial-2 (C2-2) Zone” in the Zoning By-law 1 of 2003. This zone permits a motor vehicle service establishment, motor vehicle washing establishment, restaurant, offices, and a variety of commercial uses (excluding

retail). The proposed uses comply with the permitted uses of the C2-2 Zone. The buildings are located in compliance with the site provisions applicable to the C2-2 Zone.

None of the site is regulated by a Conservation Authority.

DISCUSSION

The proposed development consists of:

- A four-island gas bar with canopy
- Building A – containing a convenience store and major fast-food chain with drive through with two order “windows” and room for up to 19 vehicles
- Building B – a car wash with exit lane and queue for 8 vehicles
- Building C – a commercial building with three commercial spaces with undetermined tenants (two are expected to be take-out restaurants)
- 73 Parking spaces, including 4 accessible spaces, and an air/vacuum service
- 1 loading/garbage area

The following materials were submitted by the applicant in support of the proposed development and were reviewed by Municipal Staff:

- Context Site Plan (attached to this report)
- 3D Perspective Views (attached to this report)
- Architectural Drawings (relevant drawings attached to agreement)
- Civil Engineering Drawings (attached to this report and agreement)
- Stormwater Management Report
- Landscape Drawings (attached to this report and agreement)
- Landscape Cost Estimates
- Photometric Drawing (attached to agreement)
- Traffic Impact Study

The Context Site Plan shows how the development will align with development on adjacent lands. The 3D Perspective Views provide an excellent visualization of the proposed development.

Access: The site contains entrances to both King St E and Amtelecom Parkway, which were located with the input of a traffic impact study. The site is an awkward triangular shape, located at an intersection. Foot traffic is expected from the Shores Recreation Centre and the future K-12 School. Internal and external sidewalks and pavement markings have been aligned with that in mind. A sidewalk will be added within the Amtelecom road allowance and improvements made to the sidewalk crossing at King St E. (The proponents have been advised informally that they will not have to provide for crossings to the east side of King St E, although that is shown in their plans). Efforts were made in the site layout to balance aesthetics and a functional, intuitive, and safe layout for both pedestrian and vehicular traffic, including delivery vehicles, fire trucks, and garbage trucks.

Parking: The site's parking requirements are estimated to be 72 parking spaces. The site provides 73 parking spaces. Final requirements will depend on the yet-to-be determined final use and layout of some of the buildings. In particular, two take-out restaurants are proposed and parking requirements will depend on the size of the public area. The agreement includes a clause permitting the applicant to pay cash-in-lieu for up to 10 spaces, should the final use/interior layout create a deficit.

Parking requirements are estimated as follows:

- Building A – Restaurant – 169.6m² public area @ 1/4m² = 40.40 parking spaces
- Building A - convenience store – 154.6m² @ 1/20m² = 7.73 spaces
- Building C – Take-out Restaurant 1 – 40m² public area @ 1/4m² = 10 spaces
- Building C – Commercial Unit – 131.0m² @ 1/37m² = 3.5 spaces
- Building C – Take-out Restaurant 2 – 40m² public area @ 1/4m² = 10 spaces
- Site Total = 71.67 (72) required parking spaces

Parkland Dedication: The Site Plan Agreement includes a provision for the payment of \$13,700 cash in-lieu of parkland dedication in Section 8 (d). For commercial severances, section 51.1 the *Planning Act* permits the Municipality to take cash-in-lieu of parkland dedication at a rate of 2% of the value of the land. Section 42(1) of the *Planning Act* also allows the Municipality to take park dedication as a condition of development or redevelopment of an existing lot, where the Municipality has passed a by-law allowing such. A by-law is included in Council's and a provision in the agreement for the collection of \$13,700 in cash-in-lieu of parkland dedication. This amount reflects 2% of the price paid for the land after its severance, less a \$4000 cash-in-lieu fee previously paid as a condition of severance.

Cost-Sharing: The applicant is installing a sidewalk and lighting (six lights) along their Amtelecom frontage. They have asked for assistance with the cost of lighting. Total installed lighting cost including installation is estimated at \$54,000. This is an unusual cost for the owner and Staff sees benefit to the Municipality. The agreement therefore includes a clause as recommended by Staff that the Municipality will pay for 50% of the lighting cost up to \$27,000.

Signage: The site plan shows a sign for each of the fast food chain and the gas station on both frontages (4 signs in total). The Municipality has no specific policy against it, but Staff has suggested to the proponent that vehicles on Amtelecom will already have seen the signage on King St E and that 4 signs may be excessive. These will be subject to obtaining sign permits and compliance with sign by-laws. Staff has suggested to the proponents that they could reconsider the number and location of signs when they submit sign permit applications.

Draft Site Plan Agreement: Staff has produced a Site Plan Agreement to which the owner is agreeable. It is included in the by-law section of Council's agenda and includes site plans, architectural renderings, civil drawings, and landscaping. The agreement is based

on the Municipality's standard site plan agreement template and addresses matters of Municipal and public interest. Staff would like to highlight several aspects of the agreement and development:

1. Section 4 a – clause allowing the owner to pay cash-in-lieu of parking for up to 10 parking spaces, should they need it to comply with zoning for the final floor layout of the commercial and restaurant uses.
2. Section 4 b – the Municipality will pay for 50% of installed street lighting cost (on the public road allowance) up to \$27,000.
3. Section 8 d – payment of \$13,700 to the Municipality as cash-in-lieu of parkland dedication.

Planning Opinion: Staff has worked with the owner to develop site plan drawings and an agreement that, in staff's opinion, addresses public and municipal concerns. Staff has no objection to Council authorizing the execution of the site plan agreement as drafted. An authorizing by-law and the draft agreement and its schedules are included in the by-law section of Council's agenda. A by-law for the collection of cash-in-lieu of parkland dedication is also attached to the by-law's section of Council's agenda.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- receive Report PL 28-2024;
- approve By-law ___ of 2024 to collect a \$13,700.00 parkland fee;
- approve the draft Site Plan Agreement; and
- approve By-Law ___ of 2024 to authorize the execution of the site plan agreement.

FINANCIAL IMPACT

The applicant has paid the Municipality a \$2,000.00 application fee.

The Site Plan Agreement requires the Owner to provide the Municipality;

- an engineering review deposit of \$4,000.00;
- a legal fee deposit of \$1,000.00;
- a cash-in-lieu parkland dedication fee of \$13,700.00; and
- a security deposit equal to the value of any works being done on the municipal road allowances.

Under the agreement, the Municipality would pay the developer up to \$27,000 towards the cost of installing sidewalk lighting along the north side of Amtelecom Parkway.

CONSULTATION

Ken Bulgin, Planner, is primarily responsible for working with the proponent to develop the site plans and site plan agreement

The Applicant's Agent

James Marshall, Fire Chief

Samantha Vermeiren, Chief Building Official

Nick Verhoeven and Sam Shannon, Public Works Department



Subject Lands