

# THE MUNICIPALITY OF LAMBTON SHORES

Report PL 27-2024

Council Meeting Date: October 1, 2024

**TO:** Mayor Cook and Members of Council  
**FROM:** Will Nywening, Senior Planner  
**RE:** Site Plan Approval SP-07/2024 – 11 Tattersall Lane, Grand Bend – Rice Development Company Inc (Agent: McCann Redi-Mix)

## RECOMMENDATION:

**THAT** Report PL 27-2024, relating to a Site Plan Approval Application, submitted by McCann Redi-Mix, respecting 11 Tattersall Lane, Grand Bend, be received;

**THAT** the Chief Administrative Officer be authorized to execute a site plan agreement, respecting 11 Tattersall Lane, Grand Bend, with McCann Redi-Mix, on behalf of the Corporation of the Municipality of Lambton Shores, in substantially the form of the draft agreement attached to Report PL 27-2024.

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## SUMMARY

This report relates to a request by McCann Redi-Mix (agent for Rice Development Company Inc) to enter into a site plan agreement with the Municipality with respect to property known as 11 Tattersall Lane, Grand Bend, for construction of a 69 unit apartment building with basement level parking.

## BACKGROUND

The subject property is designated as “Urban Centre” in the County of Lambton Official Plan and “Residential” in the Lambton Shores Official Plan (OP). The subject property is Zoned as “Residential 13 (R13) Zone” in the Zoning By-law 1 of 2003. This zone permits an “amenity building”, home for the aged, multiple dwelling, nursing home, pharmacy, retirement home, townhouse, or street townhouse. The proposed building complies with the permitted uses and site provisions of the R13 Zone. The R13 Zone contains unique density and height provisions as noted below.

None of the site is regulated by a Conservation Authority.

The applicants have an agreement of purchase and sale with the property owner and the owner’s authorization to submit the application for site plan approval to which this draft site plan agreement relates.

## DISCUSSION

Delegated Approval Authority: A draft site plan agreement with schedules is attached to this report. Staff recommends that Council authorize Staff to execute the site plan agreement after Staff sorts out several details with the applicants.

As required by recent changes to the *Planning Act*, Council designated the CAO as the approval authority for site plan approval. However, Council continues to be the approval body to execute the site plan agreements that are generally required as a condition of site plan approval. Staff is general satisfied with the proposed site plan and does not wish to delay the project's approval to the next Council meeting, but Staff does have a few concerns that should be addressed before the agreement is finalized.

Proposed Development: The proposed development is shown in the civil, site, and floor plans attached to this report and consists of:

- A four-storey apartment building with 69 units (the north wing of the building is limited to 3 storeys)
- 101 parking spaces:
  - 69 in basement, including 5 accessible spaces
  - 32 on surface, including 5 accessible spaces
- Primary access off Tattersall Lane
- Service area access via easement for shared access to Summergrove Road
- Amenity Areas
  - Indoor, 335m<sup>2</sup> main floor amenity area
  - Outdoor, large patio and shuffleboard

Submission Materials: The following were submitted by the applicant in support of the proposed development and have been reviewed by Municipal Staff. Those items that would be attached to the site plan agreement as schedules are attached to this report along with the draft site plan agreement:

- Site Plan (attached)
- Floor plans (basement and main floor attached)
- Civil Engineering Drawings (attached)
- Functional Servicing Report
- Site Lighting Layout and Photometric Plan (attached)
- Geotechnical Investigation

Zoning: The proposed building meets the minimum lot line setbacks of the R13 Zone. The R13 Zone contains "conditional" lot density and height provisions, however. Subject to conditions, the R13 Zone permits a height of 15m and 4 storeys and permits a multiple dwelling to have a density of 70 units/ha (72 units on this 1.04 ha site).

The conditional aspects of the zoning were presumably intended to mitigate impacts to the residential lots that have since been developed as semi-detached dwellings. The

conditions are that the multiple dwelling is “located within 40 metres of the south boundary... and a minimum of 65 metres from Tattersall Lane”. The 65m setback requirement is clear and the proposed building meets that. The wording “within 40 metres of the south boundary” is unclear. The proposed building has a proposed setback from the southerly lot line of 6m, which is “within 40 metres”. Staff has therefore deemed the building to be eligible for the 70 unit/ha density and 4 storey height, even though the building is not *entirely* within 40m of the south boundary. Staff is satisfied this is a reasonable interpretation of the provisions of the R13 Zone.

Adjacent Uses: Staff is also satisfied that the proposed building appropriately relates to adjacent land uses. The building maintains a 21m setback from the semi-detached dwelling lots on Brooklawn and about 26m from those on Tattersall, whereas a minimum of only 3m is required. The building location meets the 65m setback from Tattersall Lane. The north wing (which is beyond 40m from the south lot line) is limited to 3 storeys and only a few metres closer to semi-detached lots than is the 4 storey wing. There is an existing fence on the lot lines shared with the abutting semi-detached lots. The landscaping plan will address tree screenings. Staff is satisfied that the proposed building location and site design appropriately addresses potential impacts to abutting low density development.

The proposed use is the same as the property to the west at 10 Summergrove Road. No negative impacts or buffering is considered necessary.

The commercial use to the south is not a sensitive use and the obligation to provide buffering hangs more on the commercial use when that property develops, but appropriate screening will be addressed through the landscaping plan.

Access: The primary site access will be to Tattersall Lane. This access was created when Council enacted a part lot control by-law to redistribute the frontages of the Tattersall Lane lots to the north for this purpose. The site contains 101 parking spaces (32 surface and 69 basement). Access to the parking garage is via a ramp down to the north wall of the north wing.

The site also has an easement for a shared access to Summergrove Road and will use this as a service entrance. For this purpose, the applicant will extend the private road servicing the apartment building at 10 Summergrove Road. Staff will require a gravel lane to service sewer manholes. The shared access is actually part of the commercial block located to the south.

The site also has a neck of land approximately 30 feet wide providing access to Brooklawn Drive. This provides access to storm sewers and an overflow route for stormwater to the storm pond north of Brooklawn Drive. Grading permitting, this area will include a walking path connection to Brooklawn Drive.

Servicing: The applicant provided a functional servicing report. The site is serviced by a 150mm water line located on the commercial property to the south and accessed via

easement. It is expected that the water supply is adequate, but additional detail is needed to remove any doubt. Alternately, the applicant would need to upsize the water connection.

The sanitary sewer connection is a 200mm sewer also located on the commercial property to the south and accessed via easement. There is adequate reserve capacity in the sanitary system, but additional detail is needed to confirm the exact amounts the Municipality needs to allocate to this development.

Stormwater will be run to the 825mm storm sewer on the north side of Brooklawn via the narrow neck of land that is part of the lot. This route will also serve as the overland flow route for stormwater. The storm pond north of Brooklawn Drive was designed with capacity for this site. The site's internal stormwater system has been designed to restrict flows to the allocated capacity. Adjustments to the proposed lot grading are required where this spillway abuts adjacent lands. Additional detail is needed to understand how drain water from the parking garage is being removed from the site.

Parkland Dedication: No parkland dedication is required. This requirement was met for this site and the entire subdivision with the parkland conveyed to the Municipality upon registration of the first phase of the subdivision.

Landscaping: The site plan drawing (A1.0) shows conceptually what the applicant intends for tree plantings. The agreement does not contain a landscaping plan, however. The applicant indicates they want to complete a high quality landscaping plan similar to the apartment building on the adjacent 10 Summergrove Road. The applicant advises part of the reason for underground parking is to provide a large amount of greenspace. The agreement includes the requirement to complete a satisfactory landscaping plan for Municipal approval prior to completing the development. Staff is confident the applicant will do so.

Draft Site Plan Agreement: Staff has produced a draft Site Plan Agreement to which the applicant is agreeable. It is attached to this report and includes civil drawings, site plan, floor plans, and photometric plan. 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 the special provisions in the agreement:

1. Section 4 a & b – allocate sanitary reserve capacity to this development provided it can be reallocated if development does not proceed.
2. Section 4 c to e – include the Municipality's standard provisions particular to construction within Grand Bend.
3. Section 4 f – requires that the recommendations of the geotechnical investigation be followed during development of the site.
4. Section 4 g – requires that work completed on abutting lands be in accordance with the terms of the applicable easements and coordinated with any permissions required of the abutting property owner.
5. Section 4 h – requires a satisfactory landscaping plan.

6. Section 4 i – requires that the 2 lots making up the subject lands be merged.

The agreement is drafted with the applicant (McCann Redi-Mix) as the owner. Staff would formally execute the agreement after McCann's purchase from the current owner is completed.

Outstanding Items: Staff is supportive of the proposed development, but wishes to see several items addressed and/or incorporated into plans before the agreement is finalized (as noted above). Additional detail is needed to confirm the existing 150mm water service is sufficient for a sprinkled building and exactly how much sanitary capacity needs to be allocated to this development. We require additional detail regarding how drain water will be removed from the basement garage. Some grading where the spillway abuts existing development needs adjustment.

Planning Opinion: Staff has worked with the owner to develop site plan drawings and an agreement. Other than a number of minor concerns that can easily be incorporated into the plans when the information is available, it is Staff's opinion that public and municipal concerns are addressed. Staff recommends Council authorize and direct Staff to finalize and execute a site plan agreement substantially in the form of the attached draft agreement. Staff will provide Council with the final version of the agreement upon its execution.

### **ALTERNATIVES TO CONSIDER**

If Council does not authorize Staff to finalize and execute the site plan agreement, approval of the site plan agreement will have to be deferred until the next Council meeting to permit revisions to the site plan and civil drawings. Based on the nature of the revisions and additional information requested, Staff does not think this is necessary.

### **RECOMMENDED ACTIONS**

That Council receive Report PL 27-2024 and authorize and direct the Chief Administrative Officer to finalize the agreement in substantially the same form as the draft agreement attached to the report.

### **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 only the standard security deposits;

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

**CONSULTATION**

The Applicant and their Agent  
Stephen McAuley, Chief Administrative Officer  
Stephanie Troyer-Boyd, Director of Corporate Services  
James Marshall, Fire Chief  
Samantha Vermeiren, Chief Building Official  
Nick Verhoeven and Sam Shannon, Public Works Department

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**Subject Lands**