

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 35-2020

Council Meeting Date: November 10, 2020

TO: Mayor Weber and Members of Council

FROM: Will Nywening, Senior Planner

RE: Draft Plan of Subdivision Application, File: SD-2020-01
Part Lot 1, Aux Saubles Concession, Part Block M, RP 30
74 Main Street East, Grand Bend
Grand B

RECOMMENDATION:

THAT Report PL 35-2020 respecting an application for Draft Approval of a Plan of Subdivision, file SD-2020-01, submitted by Grand Bend Developments Corporation, be received; and

THAT draft subdivision approval be granted for file SD-2020-01, subject to the conditions of approval listed in Report PL 35-2020.

SUMMARY

This report relates to an Application for Draft Approval of a Plan of Subdivision (file SD-2020-01), submitted by Grand Bend Development Corporation, for lands know as 74 Main Street East, Grand Bend (Attachment 1).

In this respect, the proposed subdivision is a re-circulation of lapsed Draft Approved Plan of Subdivision file SD-2017-01, with a change in the boundary between Residential Block 4 and Commercial Block 1. The Draft Subdivision consists of the following elements:

- A new street intersecting Main St E opposite Summergrove Road.
- 3 commercial blocks abutting Main St E
- 2 residential blocks to the rear of the commercial blocks
- 2 blocks at the far south of the property for a stormwater management facility and open space
- 2 blocks servicing as one foot reserves along the new street

BACKGROUND

A public meeting, as required by the *Planning Act*, was held at Council's November 10, 2020 meeting. Council can now render a decision on application SD-2020-01 as the 14 day waiting period following the public meeting has elapsed, as required by the

Planning Act. Staff previously provided Report PL 32-2020 to Council (Attachment 2), which outlines the application and planning considerations in more detail.

Council adopted the following motion at it November 10, 2020 meeting:

20-1110-05

THAT Report PL 32-2020 respecting an application for Draft Approval of a Plan of Subdivision, File SD-2020-01, submitted by Grand Bend Developments Corporation, be received; and

THAT staff be instructed to prepare recommendations for conditions of draft approval for File SD-2020-01 that reflect the draft conditions of approval that applied to lapsed file SD-2017-01, subject to such updates as advisable to address public consultation or otherwise advisable.

No one attended the public meeting except representatives of the applicant. Written comments were received prior to the public meeting from three public agencies. No further input has been received by Staff from any public agency or member of the public.

The three written submissions have been dealt with as follows:

- County of Lambton Public Works Department indicated it has no comments as the property is “not in close proximity to a County of Lambton roadway”.
No action is required.
- Enbridge Gas Inc. requested a condition of approval that they be provided with such easements as may be required by them for the provision of gas services, in a form satisfactory to them.
This is addressed in the proposed conditions of approval at condition 8, which states, “That such easements and/or conveyances as may be required for road widening, utility, drainage or other purposes shall be granted to the appropriate authority...”
- Ausable Bayfield Conservation Authority has regulations on the Desjardine Drain to which the proposed stormwater facility would have an outlet. ABCA approvals are required for the facility. In their comments on the rezoning application, the ABCA asked that the stormwater management calculations be updated to reflect the change in the proportion of residential and commercial lands in the subdivision.
This is addressed in the proposed conditions of approval at condition 9, which states, “That the Owner agrees: a) To satisfy the Municipality and the Ausable Bayfield Conservation Authority with respect to stormwater management to meet the stormwater quantity and quality criteria policies. This shall include provision

of an update to the runoff calculations in the servicing report previously accepted for file SD-2017-01, reflecting the increase in the proportion of residential lands compared to SD-2017-01, and confirming the change is compatible with the report.”

DISCUSSION

The conditions of approval noted below reflect the conditions that applied to lapsed file SD-2017-01, subject to the following updates and notes:

- Condition 1 reflects the revision in boundary between Blocks 1 and 4.
- The subdivider has already entered into a subdivision agreement with the Municipality, which satisfies condition 4, but the condition should be retained in the decision.
- Condition 7 has been amended to note the subdivider has already paid parkland dedication cash-in-lieu on the commercial portions of the subdivision.
- No condition for rezoning is included as the property has already been properly zoned. The appeal period lapsed November 16, 2020 on the recent zoning amendment to the boundary between Blocks 1 and 4, which is now in full force and effect.
- Condition 8 addresses correspondence from Enbridge Gas Inc.
- Condition 9 a) was amended to address ABCA’s request for updates to the servicing report regarding stormwater runoff calculations.
- Archaeological assessments are outstanding only on Block 5.
- The lapsing date for this approval is 3 years (December 1, 2023), unless an extension is requested and granted.

Based on the previously approved (and lapsed) file SD-2017-01, the information provided in Report PL 32-2020, and the public agency input received, Staff recommends that Council grant file SD-2020-01 draft subdivision approval subject to the conditions of approval contained in this report.

RECOMMENDED CONDITIONS OF DRAFT SUBDIVISION APPROVAL

1. That this Approval, applies to the Draft Plan of Subdivision, prepared by Zelinka Priamo Ltd., submitted as part of the application for draft approval commissioned October 19, 2020, which shows 3 Commercial Blocks (Blocks 1, 2 and 5), 2 Residential Blocks (Blocks 3 and 4), 1 Stormwater Management Block (Block 6), an Open Space Block (Block 7), and 2 one foot reserves (Blocks 8 and 9).
2. That the road allowances included in the draft plan be shown and dedicated as public highways.
3. That the names of the proposed road be compatible with the County-wide 9-1-1 addressing system.

4. That the Owner enters into a subdivision agreement with the Municipality which shall be registered on the title of the lands and which shall satisfy all requirements and concerns of the Municipality, financial and otherwise, which shall include but not be limited to the following:
 - (a) the Subdivider satisfying the Municipality with respect to the provision of water distribution, sanitary services, storm water management, all utilities, road construction and improvements including any work required on Main Street East, which works shall be installed both internal to and external to the plan, in compliance with and in keeping with Ministry of Environment and Municipal standards;
 - (b) the Subdivider satisfying the Municipality with respect to stormwater management to meet the stormwater quantity and quality criteria;
 - (c) the Subdivider submitting a sediment and erosion control plan to the satisfaction of the Municipality of Lambton;
 - (d) the Subdivider satisfying the Municipality with respect to grading and drainage including the external drainage works;
 - (e) the Subdivider satisfying the Municipality with respect to the provision of screening/fencing;
 - (f) the Subdivider constructing at his cost sidewalks on:
 - (i) the south side of Main Street East adjacent to the subject lands; and
 - (ii) both sides of the new subdivision road
5. That the Municipality of Lambton Shores grants the Subdivider 9 litres/second of reserve sewage treatment capacity in the Pump Station 2 and a 100 m³/day of sewage capacity in the Grand Bend Sewage Treatment Facility for a period of three years from the date of this approval.
6. That the subdivision agreement between the Owner and the Municipality of Lambton Shores contain phasing arrangements to the satisfaction of the Municipality.
7. That the Owner provides cash-in-lieu to the satisfaction of the Municipality of Lambton Shores with respect to the residential blocks. In the event of a request for an extension of Draft Approval, the Owner also agrees that the date for calculation of cash-in-lieu of parkland may be from the date of the extension of Draft Approval.

8. That such easements and/or conveyances as may be required for road widening, utility, drainage or other purposes shall be granted to the appropriate authority, including the mutual vehicular access easement between Blocks 1 and 5.
9. That the Owner agrees:
 - a) To satisfy the Municipality and the Ausable Bayfield Conservation Authority with respect to stormwater management to meet the stormwater quantity and quality criteria policies. This shall include provision of an update to the runoff calculations in the servicing report previously accepted for file SD-2017-01, reflecting the increase in the proportion of residential lands compared to SD-2017-01, and confirming the change is compatible with the report.
 - b) That a sediment and erosion control plan be completed to the satisfaction of the Ausable Bayfield Conservation Authority.
 - c) That an application for permission, if required, pursuant to Ontario Regulation 171/06 (or its successors) and Ausable Bayfield Conservation Authority Regulation of Development, Interference with Wetlands and Alteration to Shorelines & Watercourses (Regulation 147/06) be submitted to the Ausable Bayfield Conservation Authority for review and approval prior to development or construction of any type occurring on lands.
 - d) That prior to construction commencing to obtain all necessary certificates of approval from the Ministry of Environment.
10. The Subdivider completes to the satisfaction of the Municipality of Lambton Shores and Canada Post the following:
 - a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) the Subdivider further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.
 - iii) identify the pad listed in ii) above on the engineering servicing drawings. Said pad is to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in cooperation with Canada Post and indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
11. That the Owner complete all archaeological assessments of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements. All archaeological reports shall be prepared to the satisfaction of the Ministry of Tourism, Culture and Sport.
 12. That the Subdivider satisfy the Municipality and Hydro One that the hydro transmission line that traverses the property is either relocated or that appropriate easement is conveyed to Hydro One.
 13. That prior to Final Approval, the Approval Authority is to be advised in writing by the Ausable Bayfield Conservation Authority how Condition 9 has been fulfilled.
 14. That prior to Final Approval, the Approval Authority is to be advised in writing by the Ministry of Tourism, Culture and Sport how Condition 11 has been fulfilled.
 15. That prior to Final Approval, if necessary, the Approval Authority is to be advised in writing by Hydro One how Condition 12 has been fulfilled.
 15. This Draft Approval shall lapse if Final Approval, or extension to Draft Plan Approval, is not obtained by December 1, 2023.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 35-2020;
- Grant draft approval to file SD-2020-01 subject to the conditions of approval outlined in Report PL 35-2020.

FINANCIAL IMPACT

The applicant paid a \$500 application fee.

CONSULTATION

Dave Hannam, Planner, Zelinka Priamo Ltd

Steve McAuley and Nick Verhoeven, Municipality of Lambton Shores, Community Services Department

Attachment 1 – Subject Lands



Subject Lands