

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 32-2020

Council Meeting Date: November 10, 2020

TO: Mayor Weber and Members of Council
FROM: Will Nywening, Senior Planner
RE: Report PL 35-2020 - Attachment 2.docx

RECOMMENDATION:

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.

SUMMARY

This report relates to the Public Meeting being held at today's Council meeting, as required under the *Planning Act*, respecting 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 (Attachment 2), with a change in the boundary between Residential Block 4 and Commercial Block 1. The Draft Subdivision consists of the following elements (see Attachment 3):

- Street A – a new street intersecting Main St E between Blocks 1 and 2, opposite Summergrove Road.
- Block 1 – Commercial, 2 ha (4.9 ac) abutting Main St E at lot centre
- Block 2 – Commercial, 2.4 ha (6 ac) abutting Main St E at lot's westerly extent
- Block 3 – Residential, 1.9 ha (4.7 ac) to rear of Block 2, accessed by new street
- Block 4 – Residential, 3.4 ha (8.5 ac) to rear of Block 1, accessed by new street
- Block 5 – Commercial, 2.4 ha (6 ac) abutting Main St E at lot's easterly extent
- Block 6 – for Stormwater Management Facility, 1.2 ha (2.7 ac) to south of Block 3 and at end of new street, to be assumed by Municipality
- Block 7 – Open Space and Stormwater Outlet – 0.9 ha (2.5 ac) to south of Block 6 and abutting Gill Road, to be assumed by Municipality

- Blocks 8 and 9 – one foot reserves along east side of new street, to be conveyed to Municipality

BACKGROUND

Planning Documents: In the Official Plan, the portion of the property adjacent to Main Street East is designated “Commercial” with the portions to the rear “Residential”. Lands at the far south, where the Desjardine Drain crosses and the stormwater management facility is proposed, are identified as being within the Conservation Authority’s “General Regulation Area”.

In the Zoning By-law 1 of 2003, the residential portion is more extensive than in the Official Plan but conforms to the same pattern of commercial along the Main St E frontage and residential to the rear.

- The three commercial blocks, Block 1, 2 and 5, are zoned “Commercial-2 (C2)”, which permits highway commercial-type uses.
- Block 4 on the east side of the new street is zoned “Residential-8.2 (R8-2)”, which permits a wide range of residential uses: single detached dwellings, semi-detached dwellings, townhouses, multiple dwellings, and a retirement home. Take note that the northerly portion of Block 4, which was part of Block 1 in the previous draft plan, was just added into the R8-2 Zone (from the C2 Zone) by By-law 62 of 2020, which was passed October 20, 2020.
- Block 3, on the west side of the new street is zoned “Residential-13.1 (R13-1)”, which also permits a wide range of residential uses: townhouses, multiple dwellings, retirement homes, and/or nursing homes.
- Blocks 6 and 7 at the south, where the stormwater facility will be located, are zoned “Open Space-1 (OS1)”.

The whole parcel is subject to the H17 Holding provision, which makes development of the parcel conditional upon entering into a development agreement and obtaining sanitary sewage capacity allocation. Block 5, the commercial block furthest east, is also subject to the H18 Holding provision, which requires further archaeological clearances on that Block.

Lapsed Draft Approved Plan of Subdivision: On July 18, 2017, Draft Plan of Subdivision SD-2017-01 was granted draft approval by the Municipality of Lambton Shores. Its draft approval lapsed on July 18, 2020. As per section 51(32) of the *Planning Act*, the Municipality imposed a condition providing that the approval would lapse at the expiration of three years, if final approval had not yet been obtained and the approval had not been extended. Now that draft approval has lapsed, it cannot be extended. Section 51(33) of the Act allows an extension of the lapsing date, but not if the approval lapses before the extension is given.

Re-Circulated Application: The applicant has submitted a new application. Staff accepted all of the supporting materials and background studies from the original 2017 submission as satisfying the requirements for a new complete application. Notice of the proposed

draft plan of subdivision has been posted on site and re-circulated to property owners within 120m of the property and public agencies, as required under the *Planning Act*.

Draft Approval Process: It is Staff's intention, subject to the feedback received as part of the notification process and such modifications as may be deemed appropriate, to recommend that Council grant draft approval with similar conditions to those which applied to the lapsed draft approved plan, file SD-2017-01 (Attachment 3). The *Planning Act* requires however that Council wait at least 14 days after today's public meeting to make a decision on an application for draft approval of a plan of subdivision. Council will have to re-issue a notice of decision, which will be subject to an appeal period. Plans of subdivision are however no longer appealable by members of the general public. This recent change regards subdivisions and condominiums as more of a technical process like site plan approvals.

Conditions of Approval: The conditions that applied to the previous approval are provided as Attachment 4. Some updates with respect to those conditions:

- Council has already entered into a subdivision agreement with the applicant, dated October 2, 2018. Construction has not been commenced, but the agreement provides for the construction of the proposed street, services within that street, and the construction of a stormwater management facility. The agreement also provides for the eventual urbanization of the south side of Main St East as the commercial blocks develop by further site plan approval processes.
- The conditions of draft approval (echoed in the subdivision agreement) allocate 9 liters per second of sanitary capacity in Pumping Station 2 and 100m³ per day at the treatment plant.
- The lands have been appropriately zoned for the intended uses, although the zoning for the adjusted boundary between Blocks 1 and 4 that was passed at Council's previous meeting is not fully in effect until the appeal period end on November 16, 2020.
- The applicant has already paid parkland dedication fees on the commercial portion of the subdivision.

Comments Received: As of the time of writing this report, the following comments have been received:

- County of Lambton Public Works Department indicates it has no comments as the property is "not in close proximity to a County of Lambton roadway".
- Enbridge Gas Inc. requests 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. Both the draft conditions of approval and the subdivision contain clauses requiring this for all such utilities.
- 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 can be dealt with through the conditions of draft approval. Staff expects no issues since the change in proportion should decrease the amount of stormwater the facility will have to deal with.

Future Steps: This plan of subdivision is different from a typical plan of subdivision. Aside from a new street and service mains located therein and a stormwater management facility, the subdivision creates no lots, only blocks of land that will require further planning approvals before being developed for their end uses. The commercial blocks will be developed by site plan agreements. The residential blocks will be developed by site plan agreement or possibly by further subdivision or condominium approvals, depending on the type of residential development that ultimately proceeds.

The applicant has developed a concept for the development of Block 1 and 4 that was presented in support of the recently approved rezoning. We expect the concept for Block 4 to eventually be presented more formally as an application for approval of a plan of condominium, but it should be noted it is only a concept at this time. Further approvals would be required. This would include application for a vacant land condominium, public notification, a public meeting, review of servicing plans, and a development agreement.

Recommendation: The purpose of the public meeting is only to hear the views of the public. Council is required to reserve a decision for a minimum of 14 days. Staff intends to come back to Council at its next (December 1, 2020) Council meeting with a recommendation. Staff recommends that the application be approved subject to similar conditions as were applied to the 2017 draft plan, but taking into account the comments received through the notification and public meeting process and any other relevant updates in circumstances since the original approval.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 32-2020;
- Instruct Staff 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.

FINANCIAL IMPACT

The application fee to re-circulate a draft plan of subdivision is \$500. The applicant had paid a \$500 fee to apply for a revision to draft approved subdivision plan SD-2017-01

before it was realized its approval had lapsed. That fee has been applied to the re-circulation 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

Attachment 2 – Original Draft Approved Plan – SD-2017-01

