

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 42-2021

Council Meeting Date: November 9, 2021

TO: Mayor Weber and Members of Council

FROM: Will Nywening, Senior Planner

RE: Site Plan Approval Application SP-07/2021
Plan 540, Lots 8, 7, 6, and 5 and Part Lots 2-4, Exc. RP 25R5509 Part 1
77, 85, 87, 89, and 91 Ontario St S, Grand Bend

RECOMMENDATION:

THAT Report PL 42-2021, relating to a Site Plan Approval Application submitted by Nelson Desjardine & Huron Shores Investments Inc. be received; and

THAT the Site Plan Agreement between the Corporation of the Municipality of Lambton Shores and Nelson Desjardine & Huron Shores Investments Inc. for lands known as 77, 85, 87, 89, and 91 Ontario St S, Grand Bend be approved; and

THAT By-Law 82 of 2021 to authorize the execution of a site plan agreement be approved.

SUMMARY

This report relates to an application submitted by Nelson Desjardine and Huron Shores Investments Inc for approval to amend the site plan agreement previously approved by Council on February 11, 2020. The applicant seeks to amend a site plan agreement with the Municipality for the construction of a 4-storey retirement home of approximately 127 units and 8900m² gross floor area, located over a series of adjoining parcels known as 77, 85, 87, 89, and 91 Ontario St S, Grand Bend.

BACKGROUND

Council previously approved a site plan agreement for a 4-storey, 127 unit retirement home. The building itself was proposed in the back left corner (south) of the site.

The proposed development occupies only a portion of the subject lands. The development of the balance of the subject lands, to the rear, is yet to be determined and will be subject to the completion of further background studies and zoning amendments. The lands to the rear are most likely to develop for residential use, provided matters such as natural heritage and archaeological resources can be addressed. The development includes an access road that would be constructed to municipal standards

so that it can be assumed as a municipal street when further development of the balance of the lands warrants. It also includes a stormwater outlet to the Old Ausable Channel.

In the process of completing archaeological reviews, as required by the original site plan agreement, an extensive area of archaeological resources requiring Stage 4 assessment was discovered in the proposed building location and the applicant has determined it better to redesign the site layout to leave the resources undisturbed. The proposed amendments shift the building, site entrance, and stormwater outlet to the north.

Previous Approvals

Previous Municipal approvals include:

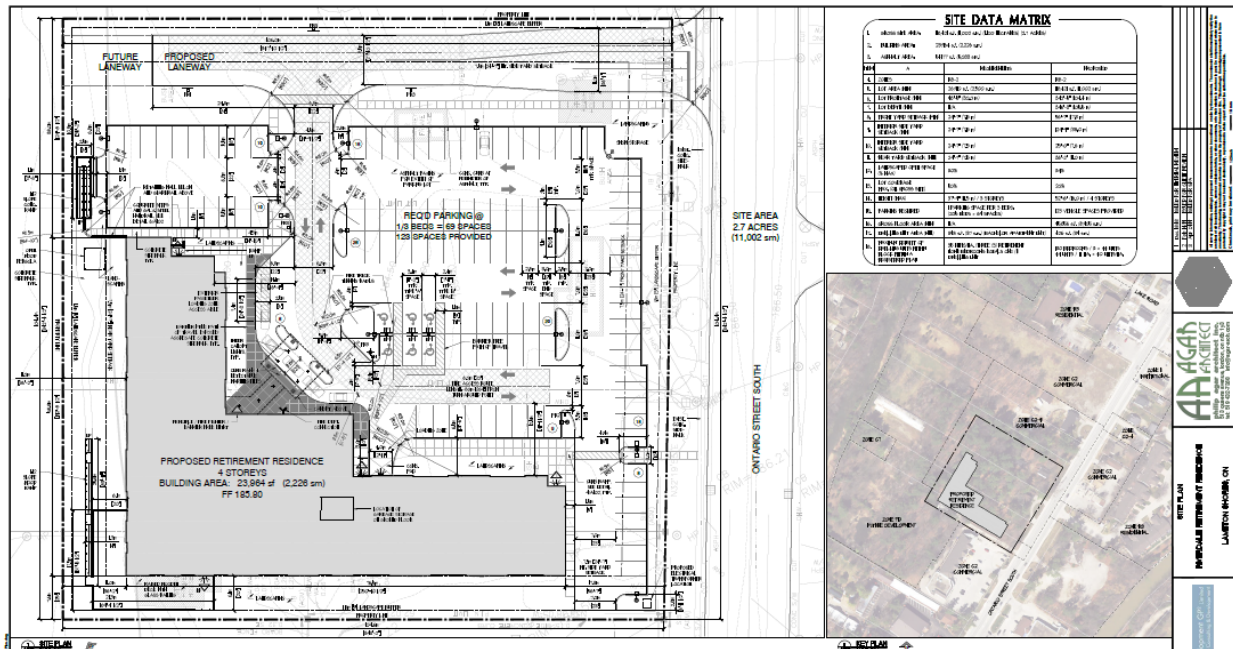
- Zoning By-law 57/2019, passed July 16, 2019, by which a site-specific C2-11 Zone was established for the original development envelope. The C2-11 Zone specifically permits a retirement home with site-specific height and setback requirements designed around the original layout.
- Site Plan Approval for the original proposal was granted February 11, 2020.
- The Committee of Adjustment granted minor variance application A-13/2021 on May 26, 2021 in support of the revised site layout, allowing reduction of the required setback from 16m to 7.6m for (what will be) the north lot line and deeming the relocated building to be within the C2-11 Zone boundary (the building actually encroached 5.3m into the adjacent C2(H1) Zone).
- The Committee granted provisional consent (file B-20/2021) on October 27, 2021 to sever the proposed retirement home from the balance of the lands. The retained lands include a 20m wide area along the side of the severed lot that provides frontage and access to the retained lands for future development. The Committee also granted the retirement home lot one easement over this 20m wide neck of land for a shared access and services and a second easement to the Old Ausable Channel for a stormwater outlet. A notable condition of severance is that the owners must amend the existing site plan agreement.

In support of the original site layout, the applicant produced various reports and plans:

- Site Plan
- Civil Engineering Plans
- Architectural Renderings and Elevations of the Buildings
- Functional Servicing Report, prepared by AGM, dated April 9, 2019.
- Landscaping Plans
- Arborist Report for preserving select trees, prepared by Cobble Design Inc., dated December 17, 2019.
- Environmental Impact Study
- Stage 1 Archaeological Assessment, prepared by Timmins Martelle Heritage Consultants Inc., dated April 2019.

- Traffic Impact Study, prepared by Paradigm Transportation Solutions Ltd, dated Feb 2019.
- On-site hydrant flow test results, prepared by FCFP, dated December 6, 2019
- Phase I Environmental Site Assessment, prepared by Terrapex, dated April 1, 2019.
- Geotechnical Investigation Report, prepared by Alston Associates, dated April 10, 2019.
- Photometric Analysis of proposed site lighting prepared by Strik Baldinelli Moniz, dated October 2019.

Original Layout:



Subsequent to the original approval and/or in support of the revised site layout, the applicants have submitted:

- Revised Site Plan
- Revised Civil Engineering Drawings
- Updated Functional Servicing Report
- Environmental Impact Assessment Addendum
- Correspondence from Ministry of Environment, Conservation and Parks respecting the *Endangered Species Act*
- Correspondence from Ministry of Heritage, Sport, Tourism, and Culture Industries respecting archaeological resources

Revised Layout:

- The Ausable Bayfield Conservation Authority submitted correspondence indicating the need for the Owner to be familiar with the Management Plan for the Old Ausable Channel and possible Department of Fisheries and Oceans requirements. Provisions with notations to that effect have been added to the agreement (Sections 2 b) and x).
- Archaeological assessments identified an archaeological site requiring Stage 4 assessment. The site includes a 10m buffer area to protect any artefacts that may have been missed. The edge of the proposed building, a deck, and a portion of the parking lot encroach on this buffer area. Assessment of the buffer area to verify the archaeological site is no more extensive than thought and Ministry clearance is needed as a condition of development and also of the consent given by the Committee of Adjustment (Section 2 w).
- A requirement to satisfy Canada Post respecting the provision of mail delivery services is included to address comments submitted in response to the consent application (Section 2 x).
- The C2-11 Zone established by by-law 57/2019 applied to the original site and road access layout. Now that the project is shifted to the north limit of the applicant's lands, the road access, portions of the site parking and the northerly 5.3m of the building are located within the C2(H1) Zone. The C2 Zone is appropriate for the road and a parking lot uses. Minor variance A-13/2021 addressed the building encroachment. However, the holding symbol needs to be removed from the C2 Zone portion of the lot. The Committee's conditions of consent require that the site plan agreement make removal of the Holding symbol a condition of a building permit, and this is addressed in section 2 y) of the draft agreement. Staff also notes that an application to remove the Holding symbol has been submitted, which will be brought to Council for approval when Staff has had time to prepare an amending by-law and provide notification. Amendments respecting the removal of holding provisions have shorter notification timelines and are not subject to appeal.
- Paying \$30,000 in parkland dedication fees on the severed parcel. This fulfills a condition of consent imposed by the Committee of Adjustment (Section 8 e).

Notable aspects of the original agreement still contained in the revised agreement include:

- Recognition that the stormwater outlet crosses Southcott Pines Property Association lands. The revised stormwater outlet location will require the SPPA's consent (s. 2 g) ii)).
- The use of native species in the landscaping materials and preservation of certain mature trees as per arborist recommendations (s. 4 b) and Schedules "D" and "E").
- Preservation of natural heritage features on the balance of the lands, per recommendations of the Environmental Impact Study, until further natural heritage investigations and development approvals (s. 4 c)).
- Implementing recommendations of the Environmental Impact Study, including mitigating impacts to the Old Ausable Channel (s. 4 d)).

- Circumstances and time of year when lane closures are permitted on Ontario St South (s. 4 k)).
- The development of the access road and the underground infrastructure therein (particularly water) to the standards of Municipal infrastructure and the conditions under which the Municipality would assume the access and infrastructure as a Municipal road allowance (s. 4 m) and q) through v) and Schedule "F").
- The provision of goss traps and a stormceptor into the stormwater management system as discussed with Southcott Pines Property Association and manufacturer's inspection and maintenance requirements for the underground stormwater retention chamber (s. 4 n) and o)).
- Allocation of sanitary sewage capacity (s. 4 p)).
- Provision of water usage calculations prior to a building permit being issued, which show that projected water usage will be within available capacity as (4 s)). Sufficient detail of the building design has not been completed to estimate proposed water usage for the building. The proponent's engineer is of the opinion that the water capacity available on site is ample for the proposed use. The site plan agreement will require confirmation of this prior to a building permit being issued.
- Obtaining approvals from various bodies respecting archaeological potential, the proposed stormwater outlet, and the *Conservation Authority Act* (4 w) and x)).
- Provisions requiring construction to commence within 2 years and be substantially completed within 5 years (S. 6).
- Financial provisions for deposits, securities and development charges, specifically for engineering review costs, legal costs, works within the municipal road allowance, and works within the area that may be assumed as a road allowance in the future (s. 8).
- The proposed development requires 1 parking space per 3 beds which would equate to 42 parking spaces. The applicant is providing 118 parking spaces, almost 1 per unit.

Summary

The proposed land use was approved in principle by Council in a previous zoning amendment approval and in the previous site plan approval. A shift in the building and road access to the north has been required in order to preserve an archaeological resource site. The revised site layout complies with the zone provisions approved by Council specifically for this property and the minor variances approved by the Committee of Adjustment. In Staff's opinion, the draft agreement addresses Municipal and public interests. Staff has no objection to approval of the proposed site plan and the execution of a site plan agreement in the form included in the By-laws section of Council's agenda.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 42-2021;
- Approve the proposed site plan agreement; and
- Pass the By-law ___ of 2021 to authorize the execution of the site plan agreement.

FINANCIAL IMPACT

An application fee of \$400.00 was received for a site plan amendment application. The site plan agreement also contains requirements for the provision of standard deposits, securities, and development charges, and \$30,000 cash-in-lieu of parkland dedication. These will be payable before any building permit is issued.

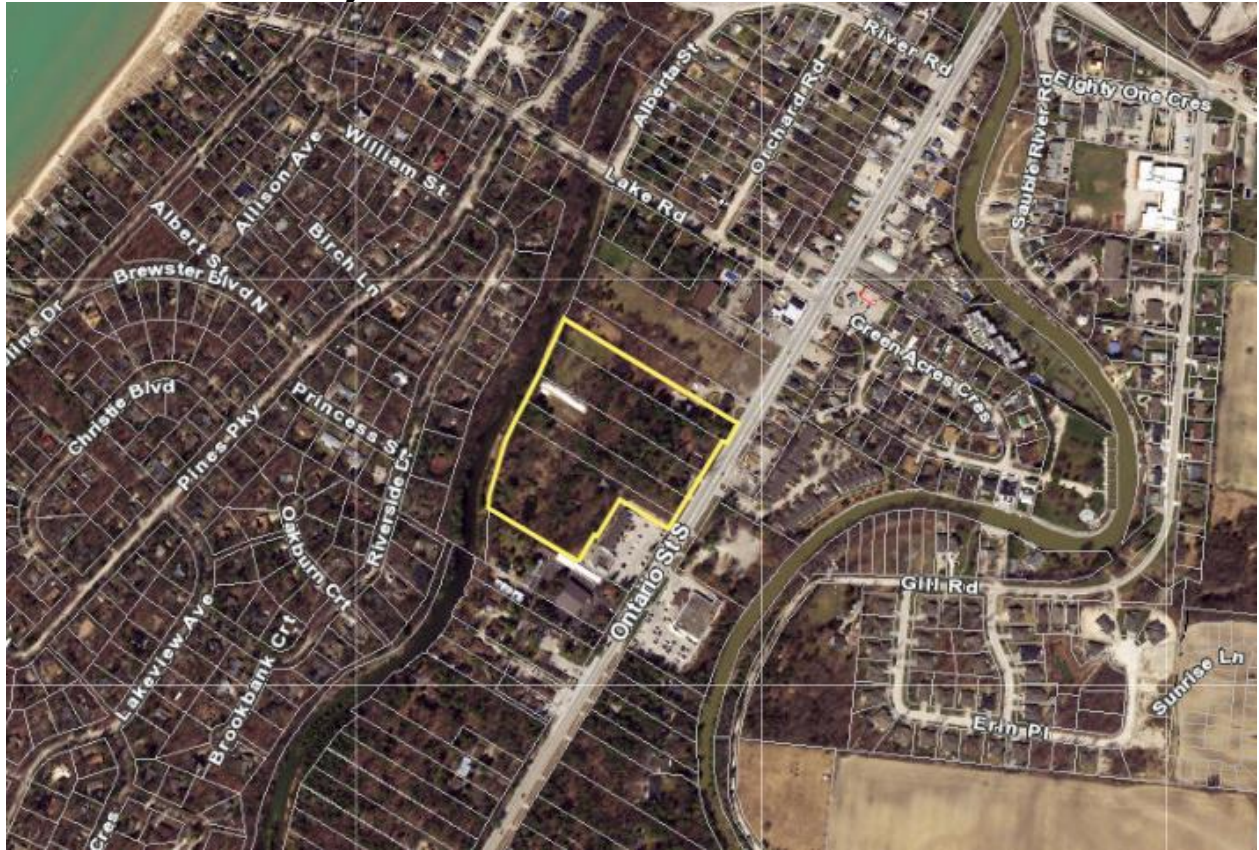
CONSULTATION

The Applicant's agent

Nick Verhoeven and Steve McAuley, Community Services Department

Written correspondence was received from Canada Post and the ABCA with respect to the consent application.

Attachment 1 - Subject Lands



Subject Lands