

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 48-2021

Council Meeting Date: December 21, 2021

TO: Mayor Weber and Members of Council

FROM: Will Nywening, Senior Planner

RE: ZBA Application ZO-17/2021
Con SB, Part Lots 36 & 37; Con SB, Part Lot 37, RP 25R5601 Pts 1 to 5;
and Con SB, Part Lot 37, RP 25R8779 Parts 1 & 3

RECOMMENDATION:

THAT Report PL 48-2021, relating to a ZBA Application, submitted by Lambton Kent District School Board, be received;

THAT ZBA Application ZO-17/2021, submitted by LKDSB, requesting an amendment to Zoning By-Law 1 of 2003 to rezone portions of 3 parcels in Forest east of Beechwood Ave and north of Townsend Line to an Institutional-1 (I1) Zone for the development of a school with a 15m maximum height, be approved, subject to a site-specific 12m minimum setback requirement from all yards;

THAT that the holding provision also be deleted from the R1 Zone applying to those portions of the lands abutting Beechwood Ave, with no recirculation of notification required regarding this change; and

THAT By-Law 101 of 2021 be approved.

SUMMARY

This report relates to the Zoning Amendment Application submitted by Lambton Kent District School Board affecting all or portions of three parcels located in Forest in the area north of Townsend Line and east of Beechwood Ave. The applicant seeks to amend Zoning By-law 1 of 2003 by changing the zone designation on the subject lands to an "Institutional-1 (I1) Zone" with a 15m maximum permitted height. The three parcels that make up the subject lands are identified in Attachment 1 and include:

1. An 18.89 acre, privately-owned parcel with frontage on Beechwood Ave
2. A 1.05 acre, municipally-owned parcel with 66 feet frontage on Townsend Line
3. A portion of municipal lands known as 6284 Townsend Line

In this respect the applicant proposes to acquire those portions being rezoned to “Institutional” for their development as a K-12 school.

BACKGROUND

Consent to Sever: At the time of submitting this report, the Committee of Adjustment was scheduled to hear an application at its December 15, 2021 meeting for consent respecting the privately-owned 18.89 acre parcel. The current landowner seeks consent to sever the lot’s Beechwood Ave frontage (a lot of 0.26 acres) and retain it as a residential building lot. The remnant (majority) of the lot is to be conveyed to the LKDSB for development as a K-12 school.

Staff produced Report COA 48-2021 for the Committee respecting the proposed consent. In that report, Staff recommends approval of the severance subject to conditions. Recommended conditions of consent include rezoning of the proposed school site and also acquiring the proposed municipal lands in order that the lands have access (frontage) to Townsend Line, aligning with York Street.

The Committee report is attached to this report for Council’s reference. That report gives additional detail of the proposed development, applicable planning documents, and considerations related to the consent. This report discusses more particularly the relevant policies and the appropriateness of this specific location for a school and for a 15m maximum height limit.

DISCUSSION

Official Plan: The main 18.89 acre parcel is designated “Residential” in the Lambton Shores Official Plan. Institutional uses such as schools are permitted in this designation, so the proposed school use and the lot the current owner proposes to retain on Beechwood Ave for a single detached dwelling both conform to the Official Plan designation. The parcels of land the LKDSB proposes to acquire from the Municipality for access to Townsend Line abut municipal recreation facilities and are designated “Open Space”. As the lands proposed to be acquired from the Municipality would be used for access only and a school use includes community and recreational facilities, it is Staff’s opinion that the proposed use of these lands conforms to their current “Open Space” designation.

Zoning: The main 18.89 acre parcel is primarily zoned “Residential-1 with a holding provisions (R1(H1))”. Portions of the 18.89 acre parcel are zoned “Residential-6 (R6)” and “Agriculture-1 (A1)”. The lands to be acquired from the Municipality to create access to Townsend Line aligning with York Street are zoned “Open Space-2 (OS2)”, which allows active recreational uses. All of these acquired lands would be rezoned to a site-specific “Institutional-1 (I1) Zone”. The residential lot the current owner proposes to retain abutting Beechwood Ave would remain in the R1 Zone with the H1 holding provisions.

Holding Provisions: The conditions for removing the H1 Holding provision are that the owner has received draft subdivision approval or provisional consent to sever and has entered into an agreement with the Municipality to develop and service the lands. The H1 holding provision assumes that the lands will be developed as a fully serviced residential plan of subdivision. The proposed school would have access to full services on Townsend Line and be subject to site plan approval to ensure its orderly development, so no holding provision is required. The H1 provisions would remain on only the proposed residential building lot. Beechwood Ave has no sanitary sewers. A hydrogeological report was completed with recommendations respecting private sewage system design for the proposed lot. The conditions of consent recommended by Staff to the Committee of Adjustment would require that the hydrogeological report's requirements be registered to title and that a water connection be installed. This addresses servicing requirements. The Official Plan allows a new lot on partial municipal services when infilling on an existing road.

Although it has not been requested by the LKDSB or current owner, Staff recommends that the H1 symbol be deleted from the proposed Beechwood Ave residential lot as the holding provision would no longer serve any practical purpose and would have to eventually be deleted anyway to permit a house on the proposed lot. Section 34(17) of the *Planning Act* gives Council the ability to modify a proposed zoning amendment and determine whether or not recirculation of notice is warranted by the change. Given the technical nature of Holding provisions, the simplified rules for removing a holding symbol (simplified notice, no appeal period), and given the consent and zoning notices that make the intended use of the residential lot clear, Staff suggests this change could be made to the amendment without recirculation of notice.

Location: The proposed location of the school is appropriate in terms of site access and servicing. It meets Residential designation policies in the Official Plan requiring institutional uses such as this to be located with access to Arterial and Collector roads. Subject to the proposed land acquisition from the Municipality, the site will have direct access to Townsend Line. LKDSB is also pursuing an easement over Municipal land to Amtelecom Parkway for indirect access to Rawlings Road. Townsend Line (a County road) and Rawlings Road (a Provincial highway) are both arterial roads, appropriate for carrying the traffic the school use would be anticipated to generate. The requirement to align the proposed Townsend Line access with York Street was determined in consultation with County of Lambton Public Works and Municipal Community Services Staff to make that intersection function better. Community Services Staff have reviewed local infrastructure and anticipate no concerns in the capacity of municipal services or ability to connect.

Compatibility: Staff is satisfied the proposed location is also appropriate in the context of surrounding uses.

Although designated "Industrial", lands to the east are municipal and the site of the Shores Recreation Centre. Lands to the southwest are also municipal and contain sports fields and additional community and recreation facilities. The community and

recreational facilities created by the proposed school will be a good complement to the existing Municipal facilities.

Lands to the southeast are designated “Highway Commercial” and include a grocery store and vacant lands. No inherent incompatibility is anticipated that can’t be addressed through site plan approval of this property and future site plan approvals for any development of the vacant commercial lands.

Lands abutting to the west and north are designated “Residential. The majority of the lands to the west are already developed as single detached dwelling lots. Those to the north are future residential lands, but still zoned and used for agricultural purposes. Prior to the school proposal, the most likely use of the subject lands would be a residential subdivision with access from Beechwood Ave. The school use will have different land use characteristics than a residential subdivision, but not ones that would be considered incompatible with residential use. As noted in the Residential policies of the Official Plan, school uses are generally considered compatible with residential areas. These differences in land use characteristics can be considered through the site plan approval process – e.g. where on the site the building, parking and other uses are placed and where fencing, hedges, trees, etc. are located/required. Note that section 3.20 of the Zoning By-law requires planting strips where a non-residential use abuts a residential use. The applicants have produced a site layout concept (Attachment 2). It is very preliminary given they are still in the process of acquiring the land, and Staff has made no formal review of the conceptual layout. One benefit of the development, from the perspective of the residential neighbourhoods to the west, is that the traffic associated with this site’s development will no longer use Beechwood Ave, Maple Street, and Albert Street for access.

Lands further north are designated Open Space and occupied by a cemetery. No issues of compatibility are expected.

Lands approximately 200m to the northeast are designated “Mixed Commercial /Industrial” and occupied by a concrete batching plant. Additional separation would be preferable, but the proposed school use, particularly sports fields, are a better fit in that respect than the numerous residential lots/dwellings that would be created if the lands are developed for a residential subdivision, as per the current zoning. Further, there are additional, intervening lands designated residential that are closer to and a more immediate concern than the proposed school grounds.

Proposed Height: The standard I1 Zone has a 12m height limit. LKDSB representatives advise that they have not yet designed the school building and request a 15m maximum height only to allow flexibility in building design including the option of a three storey building. The Municipality’s Fire and Emergency Service Chief advises that for a new building and large site such as this, it will be possible to design the building and site in a way that will allow the Municipality to provide adequate fire protection.

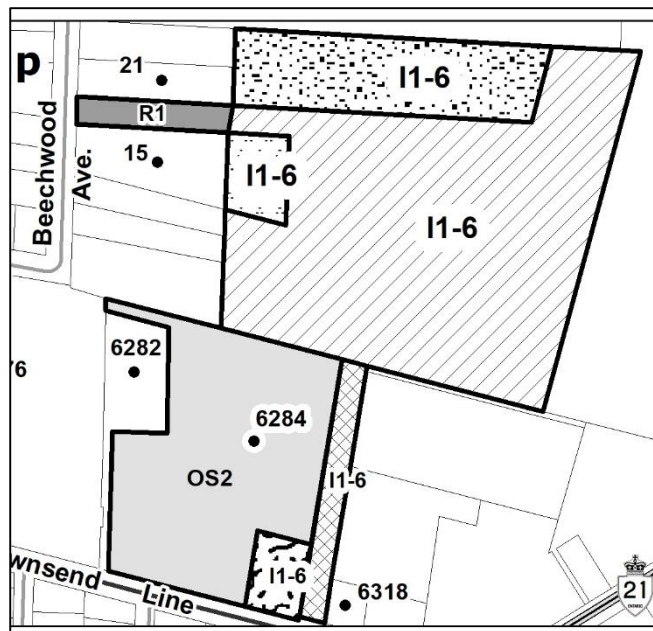
The standard I1 Zone however permits setbacks of only 6m from all lot lines. Staff recommends that these should be increased to 12m given the increased allowance in height and also the scale of the proposed building even if it is not 3 storeys. These larger setback requirements should not be a concern. The preliminary concepts suggest the building will be located centrally in the site with setbacks much greater than 12m.

Proposed I1 Zone: The standard I1 Zone permits cemeteries, churches, day nurseries, institutional uses, nursing homes, rest homes, schools, and accessory uses. Zone regulations include minimum setbacks of 6m from all property lines, maximum 50% lot coverage, minimum 10% landscaped open space, and maximum 12m height.

The LKDSB requests that the proposed school location be rezoned to the standard I1 Zone with a site specific exception permitting a maximum height of 15m. Staff suggests that the site-specific exceptions also require a 12m minimum setback from all lot lines.

Draft Amending By-law: Staff has drafted an amending by-law included in the by-laws section of Council's agenda. The amendment would:

- Add text to Section 42.4 of the Zoning By-law to establish a new I1-6 Zone that differs from the standard I1 Zone in the following respects:
 - Maximum permitted height of 15m
 - Minimum required setback from all lot lines of 12m;
- Leave the proposed residential lot abutting Beechwood Ave in the R1 Zone, but with the H1 Holding symbol deleted;
- Change the balance of the 18.89 acre parcel from the R1(H1), R6, and A1 Zones to the new I1-6 Zone; and
- Change those lands being acquired from the Municipality from the OS2 to the new I1-6 Zone.



Planning Opinion: In summary, it is Staff's opinion that the proposed location is appropriate for use as a school and that the property's relation to abutting properties can be appropriately addressed through site plan control. Staff is supportive of the proposed zoning to Institutional with a 15m height limit, provided 12m minimum lot line setbacks are required. Further, Staff recommends that the holding provision be removed from the proposed residential lot which abuts Beechwood and is currently zoned R1(H1). In Staff's opinion, the proposed zoning amendment supports an appropriate land use, conforms with the Official Plan, and represents good planning. Staff has no objection to approval of the amendment,

with the alterations recommended by Staff, as per the draft amending by-law presented in the by-laws section of Council's agenda.

ALTERNATIVES TO CONSIDER

It is Staff's understanding that Council is agreeable to conveying lands to the LKDSB to create access to Townsend Line, aligned with York Street. If a formal agreement of purchase and sale is not yet in place, Council may wish to defer a decision on the current zoning amendment.

At the time of writing this report, the Committee of Adjustment had not yet heard the application for consent or rendered a decision. While approval of the requested rezoning and development of the site as a school is not dependent on the Beechwood Ave frontage being severed, Council may wish to defer a decision if the Committee of Adjustment renders a different decision than has been recommended by Staff.

This project is likely to create interest from the public. It is Staff's hope that most concerns will be able to be dealt with through the site plan approval process. Should any input come through the public consultation that would affect the proposed zoning or suggest it appropriate to incorporate additional site-specific zoning provisions, Council may wish to defer approval and direct that appropriate changes be incorporated into the implementing by-law.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 48-2021;
- Approve ZBA Application ZO-17/2021 with the modifications recommended by Staff; and
- Approve implementing By-law 101 of 2021.

FINANCIAL IMPACT

The applicant has paid the Municipality a \$1200 application fee.

CONSULTATION

LKDSB staff and their agents

The current owner and his agent

Steve McAuley, CAO, Municipality of Lambton Shores

Nick Verhoeven, Engineering Specialist, Municipality of Lambton Shores

Lawrence Swift, Fire and Emergency Services Chief, Municipality of Lambton Shores

County of Lambton Public Works Department staff

Corrine Nauta, County Building Services Department

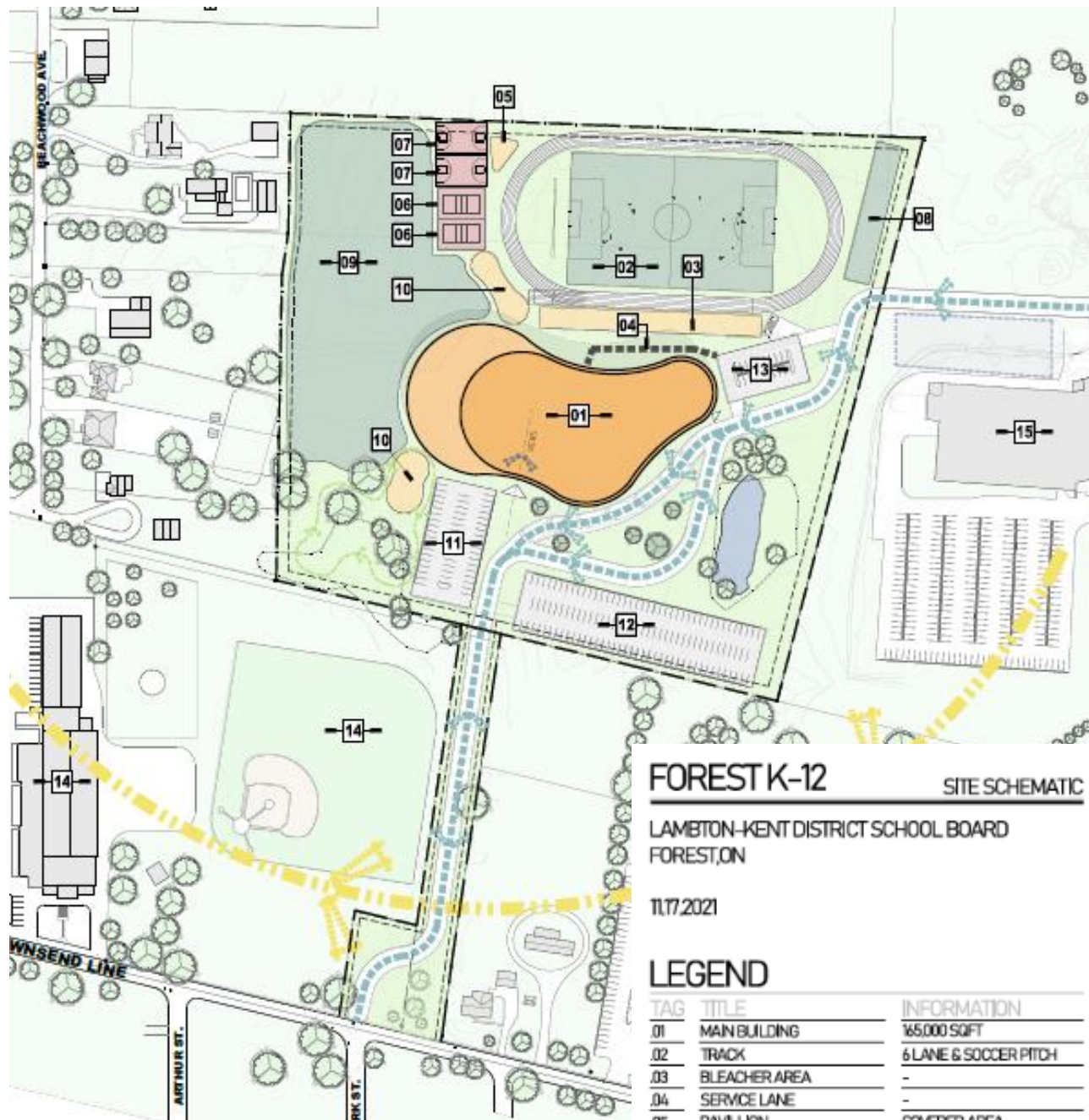
Attachment 1: Proposed LKDSB K-12 School Site



Lands to be rezoned and acquired by LKDSB

- 1 – Severed Residential Lot (Remain R1, but delete H1 symbol)**
- 2 – Remnant Parcel - School**
- 3 – 66 feet x 666 feet Municipal parcel – School Access**
- 4 – Municipal lands to allow School Access alignment with York St**
- 5 – Municipal park (remain OS2 Zone)**
- 6 – Proposed Easement for School Access (exact location to be determined)**

Attachment 2: Proposed School Development (Concept Only)



FOREST K-12

SITE SCHEMATIC

LAMBTON-KENT DISTRICT SCHOOL BOARD
FOREST, ON

11/7/2021

LEGEND

TAG	TITLE	INFORMATION
.01	MAIN BUILDING	165,000 SQFT
.02	TRACK	6 LANE & SOCCER PITCH
.03	BLEACHER AREA	-
.04	SERVICE LANE	-
.05	PAVILLION	COVERED AREA
.06	VOLLEYBALL COURT	-
.07	BASKETBALL COURT	-
.08	TRACK & FIELD	-
.09	ELEMENTARY PLAYGROUND	-
.10	OUTDOOR CLASSROOM	-
.11	PARKING A	49 SPOTS
.12	PARKING B	115 SPOTS
.13	PARKING C	18 SPOTS
.14	COULTIS PARK	BASEBALL DIAMOND
.15	THE SHORES REC. CENTRE	ICE PAD, TRACK & GYM