

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 48-2021

Committee Meeting Date: December 15, 2021

TO: Chair Robinson and Members of Committee of Adjustment

FROM: Will Nywening, Senior Planner

RE: Consent Application B-24/2021
Concession South Boundary, Part Lots 36 & 37
Beechwood Ave, Forest
PTF Properties Ltd. (Jack Geerts)

RECOMMENDATION:

That **Consent Application B-24/2021**, respecting lands known as Con SB, Part Lots 36 & 37, requesting permission to sever a parcel with an area of 0.26 hectares and 70 feet frontage on Beechwood Ave in Forest, leaving a retained parcel of 7.5 hectares, **be APPROVED**, subject to the following conditions:

1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar;
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
3. That the drainage assessment be reapportioned, if applicable;
4. That cash-in-lieu of parkland dedication requirements be paid in the amount of \$1000.00;
5. That the Owner install a water connection to the severed lot;
6. That the hydrogeotechnical report completed by Geoffrey Rether B. Sc., P. Geo. of Ian D. Wilson Associates Ltd., dated November 22, 2021, be registered to the title of the severed parcel together with a notice stating the parcel must be serviced by partially raised tertiary treatment units as outlined in the report and in compliance with all parameters in the Ontario Building Code, as part of any development on the lot;
7. That the Owner or his agents apply for and obtain a zoning by-law amendment to rezone the remnant parcel to a zone permitting the proposed land use of a school; and
8. That the Owner or his agents enter into an agreement of purchase and sale to acquire additional lands to create an access to Townsend Line in alignment with York Street and undertake to merge the acquired lands with the retained lands.

Application

The applicants seek consent to create a vacant residential building lot with 70 feet (21.3m) frontage on Beechwood Ave and a lot area of 0.64 acres (0.26 hectares). The remnant parcel would be a vacant parcel of 18.6 acres (7.5 hectares) with no street frontage. In this respect, the applicant proposes to convey the remnant parcel to the Lambton Kent District School Board for the development of a K-12 school and retain the severed parcel as a future residential building lot. LKDSB proposes to also acquire lands from the Municipality to create access to the remnant parcel from Townsend Line.

Comments

The Lambton Shores Official Plan designates the subject lands "Residential". This designation permits low and medium housing developments. It also permits uses considered compatible with residential uses, including institutional uses like schools, provided such uses are located on Arterial or Collector Roads. The proposed residential lot and use as a school conform to the permitted uses of the "Residential" designation.

In Zoning By-law 1 of 2003, portions of the lands are zoned "Agriculture-1 (A1)" or "Residential-6 (R6)". The majority of the property however, including the proposed severed lot are zoned "Residential-1 with a Holding-1 provision (R1-H1)". The R1 Zone permits low-density residential development (single detached, semi-detached, duplex, and group home dwellings). Conditions for removal of the holding provision are that the parcel be given provisional consent or draft subdivision approval and enter into an agreement with the Municipality for the orderly development and full servicing of the lands. The proposed severed lot is the only portion of the lands that will remain in the R1 Zone. Its proposed use for a residential building lot is consistent with the R1 Zone.

The current planning documents anticipate this parcel being developed as a plan of subdivision, presumably with a new street constructed to Beechwood Ave where the new residential lot is proposed. The proposed school development changes the assumed land use and would make the holding provision irrelevant (although it would have to be deleted prior to a building permit being issued to construct any house). A school use is generally compatible with the Residential Area designation policies, but this specific property needs to be deemed appropriate via rezoning, approved by Council. It also needs to obtain alternate site access as the consent would eliminate its only frontage (on Beechwood Ave). A benefit to the abutting residential areas is that the traffic generated by the development of this property will no longer gain access via Albert Street, Maple Street, and Beechwood Ave.

The LKDSB has submitted a Zoning amendment application to change the remnant lands to an Institutional Zone. The public meeting to hear the application is scheduled for the December 21, 2021 Council meeting. In Staff's opinion, the site is appropriate for the proposed school use, but obtaining rezoning must be a condition of consent. A more detailed Staff report will be provided to Council respecting the rezoning and the suitability of the location for this use. The site would have direct access to Townsend

Line and indirect access (via an easement to Amtelecom Parkway) to Rawlings Road. Both are Arterial Roads as required by the Official Plan for such uses. Community Services Staff anticipates no issues with providing adequate services to the site.

Before site development commences, LKDSB will also have to enter into a site plan agreement with the Municipality, respecting details such as internal site layout, servicing, parking, access, landscaping, and how the site use relates to adjacent properties such as the need for buffering, screening, fencing, etc. adjacent to neighbouring uses. Note that Section 3.20 of the zoning by-law requires planting strips where non-residential uses abut residential uses. LKDSB has a conceptual site plan concept, but it is very preliminary given that LKDSB is still in the process of acquiring the lands.

LKDSB has already gained preliminary support from the Municipality to acquire land to create site access from Townsend Line (a County Road). This includes a 66 feet wide and 666 feet deep, 1 acre parcel of land immediately east of the Municipal park. It also includes sufficient land in the southeast corner of the park to allow the entrance to align with York Street to the south, as required by the County of Lambton Public Works Department. This portion of the park has no designated use and has a small area in comparison with the new sports fields and recreational amenities that would be created by the new school site. LKDSB also has preliminary support from the Municipality to acquire an easement for a second site access across Municipal lands north of the Shores Recreation Centre to Amtelecom Parkway.

The proposed new residential lot on Beechwood Ave will be the same depth as the abutting lots and have a frontage and lot area within the range of typical existing lots on Beechwood Ave. The lot's 21.3m frontage and 0.26 hectare lot areal meet the R1 Zone's minimum lot frontage and lot area requirements (15m and 500m²). The lot will permit the construction of a home in character with the existing neighbourhood.

The lot will need a water service connection. Site access will be determined as part of a future building permit application (there are no specific plans at this time). Beechwood Ave has no sanitary sewers. The owner has had a hydrogeotechnical report completed to confirm the proposed lot size and soil conditions will allow the provision of private sewage disposal in compliance with Ministry reasonable use guidelines. County Building Services has reviewed and accepted the report and recommends the report be registered to title for reference to future owners. Partially serviced lots are appropriate for infilling on existing streets where full services are unavailable.

Based on the foregoing, it is Staff's opinion that the proposed severance meets applicable severance policies and represents good planning, provided the conditions of consent recommended at the beginning of this report are imposed and met. Foremost of these are conditions that, prior to the consent being finalized, the remnant lands be successfully rezoned to permit a school use and that the LKDSB come to a formal agreement to acquire Municipal lands for site access.