

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 40-2021**

**Council Meeting Date: November 9, 2021**

**TO:** Mayor Weber and Members of Council

**FROM:** Will Nywening, Senior Planner

**RE:** Site Plan Approval Application SP-06/2021  
Lt 15, W Pt Lt 14, Plan 1; Pt Lt 62, Plan 4 and RP 25R7033 Part 1 (GB)  
62 Main Street West, Grand Bend

### **RECOMMENDATION:**

**THAT** Report PL 40-2021 being a report respecting a Site Plan Application for the development of a new mixed commercial residential building on lands known as 62 Main Street West, Grand Bend be received; and

**THAT** By-Law 83 of 2021 being a by-law to allow the collection of cash in lieu of parkland dedication in the amount of \$84,000.00 for the redevelopment of the lands be approved; and

**THAT** the Site Plan Agreement between the Corporation of the Municipality of Lambton Shores and Top Shelf Properties Inc. be approved; and

**THAT** By-Law 84 of 2021 be approved to execute a Site Plan Agreement between the Corporation of the Municipality of Lambton Shores and Top Shelf Properties Inc. for lands known as 62 Main Street West, Grand Bend.

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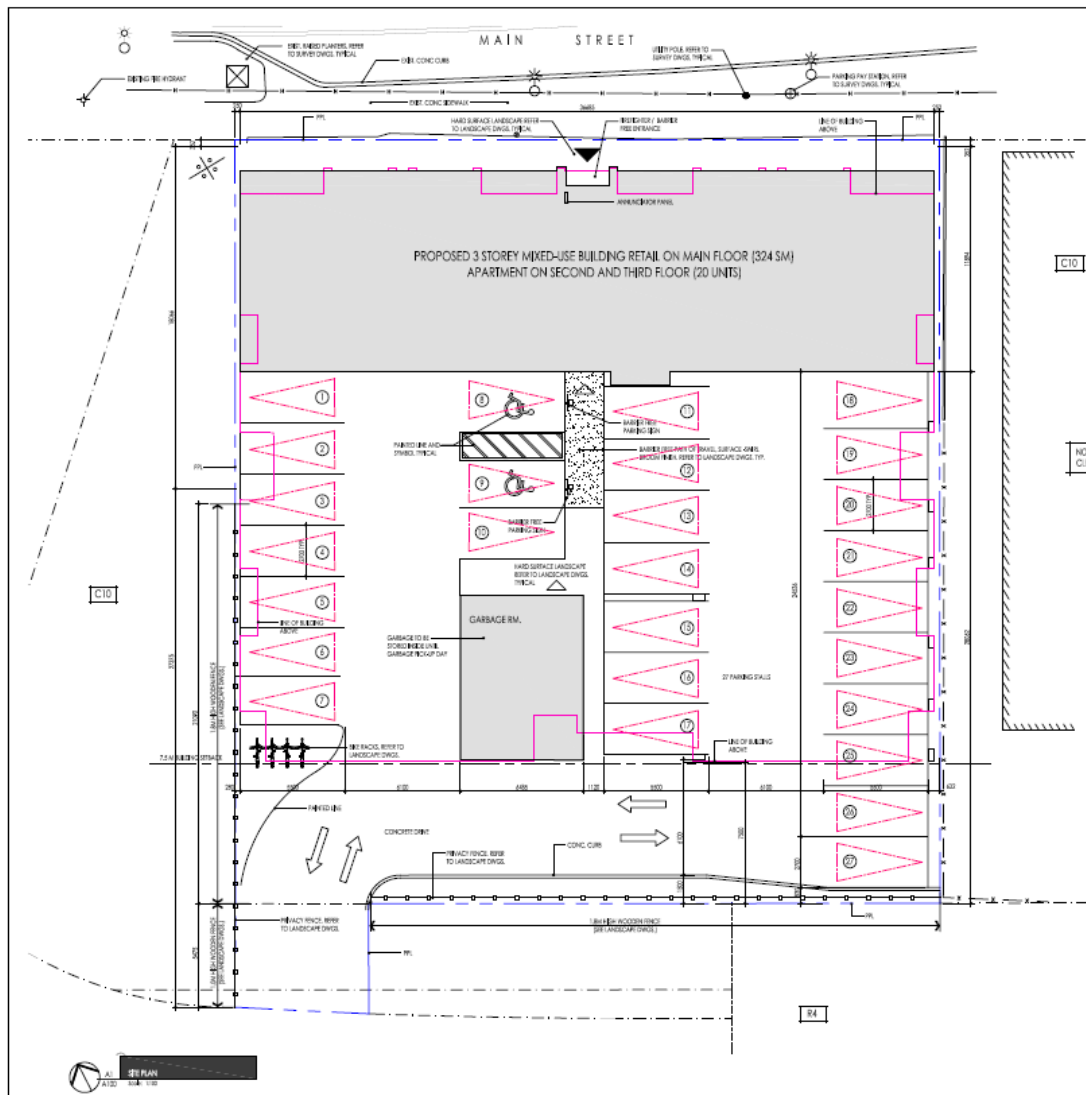
### **SUMMARY**

This report relates to a request by Top Shelf Properties Inc. to obtain site plan approval for a new mixed commercial/residential building on lands known as 62 Main Street West in Grand Bend.

### **BACKGROUND**

Proposal: The Applicant is proposing to develop land known as 62 Main St West, Grand Bend by demolishing the existing building and constructing a three storey mixed use building. It would have 324m<sup>2</sup> (3488ft<sup>2</sup>) of commercial space on the main level, a total of 20 apartment units in the second and third levels, 27 surface parking spaces, and a roof top

patio. The upper floors' footprint is larger than the main floor, overhanging most of the surface parking. The site access is via Shady Lane to the rear of the property.



The building will fill the Main St frontage from side to side with commercial space on the main floor. This promotes a good streetscape, a good relation to pedestrian traffic, and a walkable downtown. Residential uses support the downtown's commercial viability.

In support of the proposed development, the applicant has submitted:

- Architectural drawings including site plan, interior layouts of each floor, elevations, and renderings.
- Civil Drawings for servicing, grading, erosion control, etc.
- A site servicing brief
- Landscaping plan
- Photometric plan of site lighting



The applicants have revised their original site layout and building height based on discussions with Staff respecting parking and direction from Council respecting cash-in-lieu of parking fees. In particular, the applicant has reduced the main floor commercial space to add surface parking closer to the zoning by-law's parking requirements. The site plan and civil drawings attached to the agreement have been updated accordingly. The landscaping plan and photometric plan have not been updated to reflect the revised building footprint and parking layout. A clause is included in the draft agreement to address this (section 4 m).

Planning Document Designations: The subject properties and other abutting properties on Main St West are designated "Downtown Commercial" in the Lambton Shores Official Plan. Properties to the south are designated "Residential". Corresponding Zone designations in By-law 1 of 2003 are the "Commercial-10 (C10) Zone" and "Residential-4 (R4) Zone". The C10 Zone is the downtown-type commercial zone that applies to Main St West in Grand Bend. Permitted residential-type uses in the C10 Zone include dwelling units located above a commercial use as is proposed in this development.

Minor Variances: The applicant obtained minor variances from the Committee of Adjustment (Application A-19/2021, August 25, 2021) for the following:

1. To reduce the required planting strip width from 3m to 0.6m along the rear lot line
2. To increase the permitted height from 10m to 11.7m. This was intended to allow a little more ceiling height on each level and enough ceiling height on the main level for stacked parking, not to permit a 4<sup>th</sup> floor.
3. To clarify what uses are permitted on the roof (above the maximum height). This includes mechanical rooms, stairwells, and a roof top patio facing Main St.

Conditions of minor variance approval include entering into a site plan agreement with the Municipality.

Public Input: Residents of Shady Lane provided input as part of the minor variance application. Their correspondence is included in the agenda following this report. Concerns include:

- That the variance for height may be used for further building alterations (it is only good for the presented concept).
- Reduction in the planting strip width.
- Access to the site via Lakeside Circle and Shady Lane.
- Impacts of headlights to 9 Shady Lane, across the street from the site's entrance.
- Commercial deliveries and garbage pick-up via Shady Lane.
- Emergency vehicle access

They propose possible solutions:

- An access directly to Main St.
- A shared access with/over the adjacent OPP station
- Widening Shady Lane's physical road surface
- Eliminating parking at the rear of lands with the Jurassic Park miniature golf

Staff is aware that the applicant has been in discussions with these residents. In consultation with the applicant and residents, Staff has done its best to address the noted concerns through the site plan agreement as noted in various sections of this report.

Site Access: The site has approximately 7m (23 feet) frontage on Shady Lane at the rear of the property. Shady Lane from Main St via Lakeside Circle has historically served to provide the site vehicular access. The entire Shady Lane, Gibbs Lane and Lakeside Circle neighbourhood is developed on especially narrow road allowances and can be entered only through the Lakeside Circle / Main St intersection, where it can be difficult for vehicles to pass each other. Staff considered whether a traffic study should be undertaken, but determined a study would only tell us what is obvious: that the level of access to this area is less than desirable. Residents are concerned vehicle headlights exiting the site may point at neighbouring property.

However, the existing building on the site already has its parking area and entrance and a right of access at the rear, and Staff is supportive of continuing to provide site access at this point as the best of available options. Staff is not in favour of an access directly to Main St, as this would greatly compromise the main floor commercial space, disrupt the existing streetscape and pedestrian traffic, and introduce an additional crossing hazard to the sidewalk. Staff does not consider an access via the abutting OPP lands a viable alternative - neither the Municipality nor applicant have rights of access, and mixing the site's traffic with emergency service uses is not a good idea.

The agreement does however include a provision making the applicant responsible for the removal of the pillars at the Lakeside Circle / Main St intersection in order to increase visibility and provide additional room for cars to pass each other there (section 4 h). The agreement also prohibits commercial deliveries via Shady Lane (section 4 g). The proposed fencing on the landscaping plan is intended to minimize the amount of light from vehicles leaving the property.

Parking: The Zoning By-law requires 39 parking spaces for the uses proposed by the development, and the site plan provides 27 parking spaces. Requirements are calculated as follows:

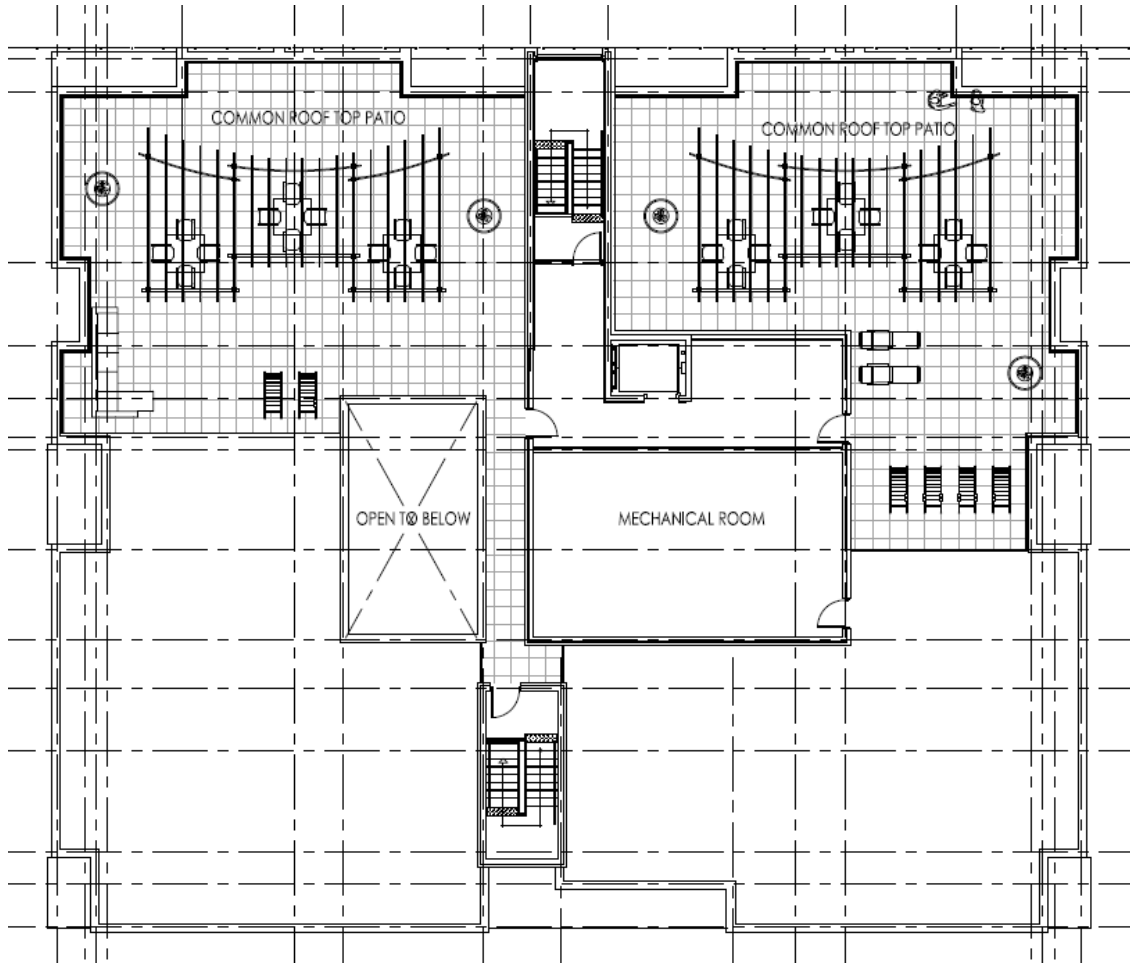
- Commercial:  $324\text{m}^2$  of retail space at 1 space/ $37\text{m}^2$  gross floor area = 9 spaces
- Residential: 20 apartments at 1.5 spaces per multiple dwelling unit = 30 spaces
- Total required spaces:  $9 + 30 = 39$  parking spaces

The site provides 1.35 spaces per dwelling unit rather than the required 1.5 spaces per dwelling (3 spaces short) and supplies none of the 9 spaces required for the commercial space. Staff is however supportive of accepting cash-in-lieu on the 12 space parking deficit, since the 27 spaces that are provided are more than enough for each of the 20 apartment units to have one designated space. At the rate established by Council this would equal a payment of \$156,000.00 (12 spaces a \$13,000.00 per space), which is noted in section 8 d) of the draft agreement.

The applicants had proposed the use of lifts to satisfy parking requirements, however upon further review Staff has concerns about safety standards, long-term maintenance, and the practicality and reliability of using such units. The agreement requires that the parking deficit be satisfied with the noted \$156,000.00 cash-in-lieu payment, but the agreement also includes a clause allowing the applicants to use car lifts to supply addition spaces above and beyond the minimum zoning / cash-in-lieu requirements if they can find a lift suitable (and legal) for use in this application (section 4 a).

Height: The Official Plan sets a height limit of “generally” 3 storeys for downtown Grand Bend. The proposed building complies with this. The maximum permitted height in the C10 Zone is 10m (32.8 feet), which allows 3 storeys. The applicants obtained a minor variance to allow 11.7m (38.4 feet) in order to allow additional ceiling height and the use of a car lift system for stacked parking, not for an additional floor. The initial building plans had a main floor ceiling of 15 feet for the type of car lifts proposed at that time and an overall building height of 38.3 feet. With the removal of the original car lift proposal, the applicant has lowered the height to 13 feet on the main floor and 36.3 feet overall. This would potentially still allow the use of alternate car lift technology for the provision of spaces over and above the zoning / cash-in-lieu requirements, as noted above. Section 3.16 exempts certain features from height; the minor variance clarified/allowed the mechanical rooms, stairwells, and features associated with a roof top patio on the roof as in the plans submitted.

Roof-top Patio: A portion of the roof would be developed as an outdoor amenity area with sitting areas and structures for protection from the sun. The layout of the roof top patio is shown in the architectural plans that are to be attached to the agreement. It is located at the side of the building facing Main St, away from residential areas to the south. A provision in the agreement requires that the owner take steps to restrict access to the roof top areas to building residents only and to limit activities to passive recreation. The owner is required to post contact information on site in event of emergency or nuisance situations, and more particularly, to post noise by-law and prohibited activity notices in the roof-top area (sections 4 j) to l).



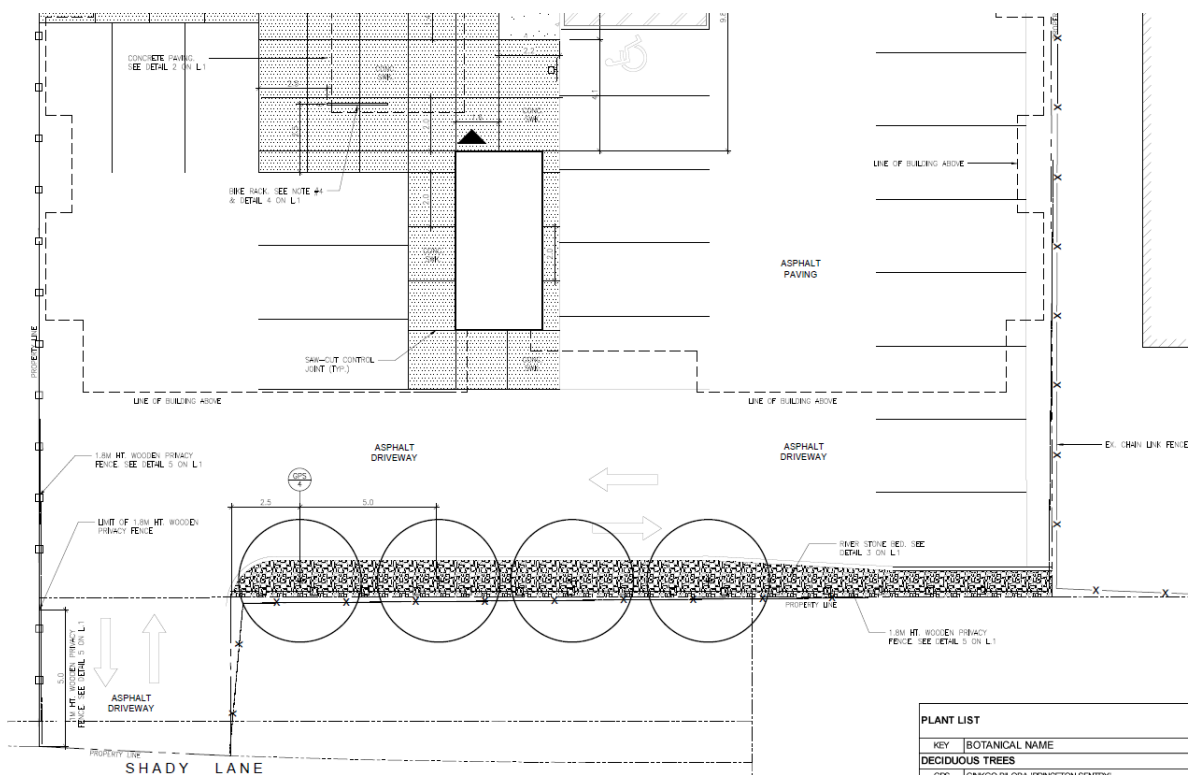
Services: The applicants have provided a servicing report respecting storm water management and expected water and sanitary service needs in comparison with the estimated actual use of the previous use. Community Services Staff have reviewed the report. Staff have determined that the sanitary sewage collection and treatment system is able to accommodate the proposed development (section 4 i). Stormwater will be directed to an underground infiltration chamber under the parking lot.

Hydro: The property has hydro lines along Main St. The Ontario Building Code requires setbacks based on voltage and swing allowance. The upper floors are stepped back from

the hydro lines. The applicant has designed the building in consultation with Hydro One to determine their required setbacks (section 4 f).

**Garbage:** The proposal includes a garbage storage area within the rear stair well of the main level. Staff has also included a provision in the draft agreement requiring that garbage be kept indoors until garbage day or the preceding evening (section 2 f).

**Landscaping:** The applicant was granted a minor variance to reduce the required planting strip to as little as 0.6m to assist in the parking layout. The applicant will instead supply a solid board fence along the south and west lot lines, stepped down to 1m in height immediately adjacent to Shady Lane to help catch sweeping headlights, but low enough to provided visibility of traffic. Along much of the rear lot line, the applicant has provided more than the 0.6m allowed by the minor variance and enough to permit several trees that will help provide screening of the site to the residential properties on Shady Lane. As the landscaping plan and photometric plan have not been updated to reflect the revised parking layout and main floor plan, the agreement includes a note that only the landscaping details on the landscaping plan are applicable (section 4 m).



**Parkland Dedication:** The Agreement also includes a provision for the payment of cash-in-lieu of parkland dedication in the amount of \$84,000.00 (section 8 e). The *Planning Act* permits the Municipality to take cash-in-lieu of parkland dedication at a rate of 2% of the pre-development value of the land for commercial development and 5% for residential. Section 42(1) of the *Planning Act* also allows the Municipality to take park dedication as a condition of development or redevelopment of an existing lot, but only where the

Municipality has passed a by-law allowing such. The Municipality has in the past passed a site-specific parkland dedication by-law for major site redevelopments such as this.

A By-law for the collection of \$84,000 cash-in-lieu of parkland dedication is included in the By-laws section of Council's agenda. The amount is based on what the applicant paid for the property. The development consists of 1 commercial floor and 2 residential floors. The cash-in-lieu payment is therefore based on charging the 2% commercial rate on one third of the value of the lands and the 5% residential rate on two thirds the value.

Draft Site Plan Agreement: Staff has prepared a Site Plan Agreement for Council's consideration which is attached to the By-laws section of the agenda. The agreement contains the standard site plan agreement provisions as well as provisions unique to this development as noted above. It also contained provisions related to development in Grand Bend (see sections 4 b) to e):

- Restrictions on road and sidewalk closures from May 15 to September 5
- Requirements to comply with Municipal Noise By-laws, provide the Municipality with contact numbers for emergencies and complaints, and take measures to prevent activities that could be a public nuisance.
- Provisions for pedestrian safety during construction.

Summary: Staff has prepared by-laws to authorize the collection of cash-in-lieu of parkland dedication and for the clerk and mayor to execute the site plan agreement as drafted. Staff has no objection to Council's approval of the site plan agreement as drafted. Staff is satisfied that the proposed development complies with applicable policies and regulations and addresses Municipal and public concerns subject to the provisions contained in the draft site plan agreement. This includes a cash-in-lieu of parking payment of \$156,000.00 for 12 parking spaces and certain restrictions and improvements with respect to access via Shady Lane.

## **ALTERNATIVES TO CONSIDER**

None at this time.

## **RECOMMENDED ACTIONS**

That Council:

- receive Report PL 40-2021;
- approve a By-law to collect a \$84,000.00 parkland dedication fee;
- approve the draft site plan agreement; and
- approve a By-law to authorize the execution of the site plan agreement.

## **FINANCIAL IMPACT**

The Developer has paid a Site Plan Application fee of \$2,000.00.



The Site Plan Agreement requires the Developer to provide to the Municipality:

- an engineering review deposit of \$4000.00
- a legal fee deposit of \$1000.00;
- a cash-in-lieu parkland dedication fee of \$84,000.00;
- a cash-in-lieu of parking fee of \$156,000.00; and
- a security deposit equal to the value of any works being done on the Municipal road allowances.

### **CONSULTATION**

John Knifton (Agent) and Harry Froussios (Planning Consultant) for Applicants  
Stephanie Allen, resident of Shady Lane  
Steve McAuley, Director, Community Services Department  
Nick Verhoeven, Engineering Specialist, Community Services Department

## Attachment 1 – Subject Lands



**Subject Lands**