

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 10-2022**

**Council Meeting Date: May 17, 2022**

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

**FROM:** Will Nywening, Senior Planner

**RE:** Official Plan Amendment No. 4 – Application OP-02/2022 and Zoning By-Law Amendment Application ZO-05/202 for 6320 Lakeshore Road

### **RECOMMENDATION:**

**THAT** Report PL 10-2022, relating to Official Plan and Zoning By-law Amendment applications, submitted on behalf of Lekker Homes, be received;

**THAT** Official Plan Amendment Application OP-02/2022, requesting a change in land use designation from “Highway Commercial” to “Residential” on lands known as 6320 Lakeshore Road, be approved;

**THAT** By-Law 33 of 2022 to adopt Official Plan Amendment No. 4 be approved;

**THAT** Zoning By-law Amendment application ZO-05/2022, requesting an amendment of Zoning By-law 1 of 2003 to change the zone designation from the C5-3 to the R3 Zone on lands known as 6320 Lakeshore Road, be approved; and

**THAT** By-Law 34 of 2022 to implement the zoning amendment be approved.

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### **SUMMARY**

This report relates to Official Plan and Zoning Amendment applications submitted on behalf of Lekker Homes, affecting the parcel known as 6320 Lakeshore Road, at the intersection of Vance Drive. The applicant seeks to amend the Lambton Shores Official Plan by changing the designation of the subject lands from “Highway Commercial” to “Residential”. The applicant also seeks to amend Zoning By-law 1 of 2003 by changing the zone designation of the parcel from the “Commercial-5 Exception 3 (C5-3) Zone” to the multi-residential “Residential-3 (R3) Zone”. In this respect the applicants propose to convert the existing commercial plaza building on the subject lands into a residential building with 7 dwelling units.

### **BACKGROUND**

In the County Official Plan, the subject lands are designated “Secondary Settlement”. In the Lambton Shores Official Plan, the subject lands are designated “Highway Commercial”. In Zoning By-law 1 of 2003, the property is zoned “Commercial-5 Exception 3 (C5-3) Zone”. Permitted uses of the C5-3 Zone include a local retail store, personal service store, restaurant, retail store, office, bank, tavern, gas bar, and an accessory dwelling unit. The lands are not regulated under the *Conservation Authorities Act*.

The subject lands are approximately 1.38 hectares (3.4 acres). The east side of the property contains an existing 7,470 ft<sup>2</sup> commercial plaza (constructed in 1985) and parking area. The west side contains the site’s septic system. Previous uses included a farmer’s market, convenience store, restaurant, and gasoline retail facility.

Conceptual drawings and a Planning Justification Report (PJR), were produced on behalf of the applicant and are included in Council’s agenda following this staff report. The drawings show plans to convert the existing building into seven dwelling units, ranging from 928 to 1,116 ft<sup>2</sup> in floor area, each with two bedrooms. The PJR indicates that the applicants anticipate marketing the proposed units to seniors and snowbirds.

Underground storage tanks associated with the gasoline retail facility and some of the surrounding soils were removed in 2015. Soil samples were analyzed for contaminants. In 2016 a report was completed recommending that “no further actions were deemed necessary with respect to the underground storage tank decommissioning and remedial excavation”. The report is Appendix 3 to the PJR.

The applicant’s investigations into private sewage disposal suggest the anticipated sanitary flows will be less than 10,000 liters/day, allowing an Ontario Building Code approved system rather than a Ministry approved system. The existing private sewage disposal system has more than sufficient capacity to accommodate the proposed residential use. Information respecting this is included as Appendix 2 to the PJR.

## **DISCUSSION**

The applicant’s Planning Justification Report describes applicable planning policies, surrounding land uses, and compatibility and presents a planning rationale in support of the proposed official plan and zoning amendments. Staff will therefore keep its comments brief in this respect.

Staff generally agrees, with some minor reservations, that the proposed amendments are consistent with the 2020 Provincial Policy Statement, conform with the County and Lambton Shores Official Plans, and generally represent good planning. On the one hand, housing of all kinds is needed, especially apartments and rentals. The proposal promotes redevelopment over greenfield development. On the other, this location is semi-rural and car-reliant. Urban areas, within walking distance of a variety of amenities and services, are the preferred location for medium density residential uses. This

proposal would eliminate the only commercial property in the immediate area, but the existing lakeshore residential areas and Lakeshore Road traffic appear to have been insufficient to date in supporting commercial use. There is a considerable amount of designated land in the “West Bosanquet” area, the development of which would assist the feasibility of commercial uses. These residential areas’ development is dependent on the provision of a sanitary sewer collection system, however. The owner of designated lands to the south towards Cedar Point Line (Sifton) has been exploring options for a sanitary sewage treatment facility that may open up additional properties for development, but there is no timeframe or certainty in this respect.

Ultimately, the property contains an existing building that is derelict and requires reinvestment soon if it is to be salvaged. Commercial demand does not appear to be sufficient at present to justify that reinvestment. The Municipality can look at the need to designate alternate commercial lands in the “West Bosanquet” area through future Official Plan updates and/or if future residential development in the area proceeds and creates demand for commercial lands.

Page 41 of the PJR describes the proposed reuse of the building as a “multiple dwelling”. The proposed use of the building would however be better described as a “townhouse” under zoning regulations, since the proposed units are divided vertically from each other and have independent access from the exterior. Either way, the planning considerations are similar. Also, the multi-residential R3 Zone requested by the applicants permits both “multiple dwellings” and “townhouses”, and the applicable zone regulations differ only in some of the minimum yard requirements. The existing building meets the R3 Zone setbacks and other zone regulations regardless of whether it is classified as a “multiple dwelling” or “townhouse”.

The proposed development will be subject to site plan control, which will determine the final layout of the property, addressing items such as parking, servicing, access, and stormwater control. No difficulties in these matters are anticipated. Lakeshore Road is a County Road. Staff anticipates the access to Lakeshore Road will need to be removed and the applicants indicate they would have no concerns with relying on the existing Vance Drive access. Staff has indicated to the applicants that it intends to require a high standard of site plan in terms of things like landscaping and outdoor amenity areas – a standard in character with neighbouring single detached residential uses on Vance Drive and appropriate for a high visibility, car-reliant location. The conceptual drawings of the proposed renovations are consistent with this and the applicant has already indicated they intend to pave the parking area.

Draft Amending By-law: Staff has drafted amending by-laws included in the by-laws section of Council’s agenda. As drafted, OPA No. 4 would change the lot’s designation in the Lambton Shores Official Plan from “Highway Commercial” to “Residential”. The other amending by-law would change the zoning on the subject lands from the C5-3 Zone to the “Residential-3 (R3) Zone”. This is an existing zone. It permits various forms of multi-residential uses, including “multiple dwellings” and “townhouses”. The existing

building complies with the R3 Zones zone regulations. There is no need for any site-specific zone provisions.

The County of Lambton is the “approval authority” under the *Planning Act*. OPA No. 4, if adopted by Council, will be forwarded to the County for approval. The zoning amendment will not be deemed to have come into force and effect until OPA No. 4 is approved by the County and in effect.

Planning Opinion: As noted above, it is Staff’s opinion that the proposed amendments generally conform to applicable planning policies and represent good planning. Staff has no objection to approval of the Official Plan and Zoning amendment applications and adoption of the respective implementing by-laws as presented in the by-laws section of Council’s agenda.

### **ALTERNATIVES TO CONSIDER**

None at this time.

### **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 10-2022;
- Approve Official Plan Amendment application OP-02/2022;
- Approve By-law 33 of 2022 to adopt OPA No. 4 to the Lambton Shores Official Plan
- Approve ZBA Application ZO-05/2022; and
- Approve By-law 34 of 2022 to implement the Zoning Amendment.

### **FINANCIAL IMPACT**

The applicant has paid the Municipality \$2250 and \$1200 application fees, for the Official Plan and Zoning Amendments, respectively.

### **CONSULTATION**

Notice of the application was posted on the property, mailed to property owners within 120m of the property, and mailed or emailed to prescribed public agencies.

A pre-consultation meeting was held September 23, 2021 with:

- Roger Buurma, applicant
- Monteith Brown Planning Consultants, as agent for applicant
- Nick Verhoeven, Director of Public Works, Municipality of Lambton Shores
- Corrine Nauta, Manager, County of Lambton Building Services Department
- Will Nywening, Senior Planner, Municipality of Lambton Shores

## Attachment 1: Subject Lands



**Subject Lands**