

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 25-2022**

**Council Meeting Date: August 9, 2022**

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

**FROM:** Will Nywening, Senior Planner

**RE:** ZBA Application ZO-12/2022 - SPA Application SP-04/2022  
Plan 24, Lots 382 and 393, 63 Main Street, Grand Bend  
2783822 Ontario Inc. (Agent: Zelinka Priamo Ltd c/o Katelyn Crowley)

### **RECOMMENDATION:**

**THAT** Report PL 25-2022, relating to a Zoning By-Law Amendment Application and Site Plan Application, submitted by 2783822 Ontario Inc. be received;

**THAT** Zoning By-Law Amendment Application ZO-08/2022 submitted by 2783822 Ontario Inc. requesting an amendment to Zoning By-Law 1 of 2003 to rezone 63 Main St, Grand Bend, respecting rear yard setback, exterior side yard setback, building height, and parking requirements, be approved in principle, subject to the execution of a site plan agreement; and

**THAT** staff be instructed to prepare an implementing by-law and site plan agreement for approval consistent with the recommendations of Report PL 25-2022.

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### **SUMMARY**

This report relates to the Zoning Amendment and Site Plan Approval Applications submitted by 2783822 Ontario Inc. affecting the lands known as 63 Main St, Grand Bend. The applicant seeks to amend Zoning By-Law 1 of 2003 by changing the existing "Commercial-10 (C10) Zone" to create site specific rear yard, exterior side yard, building height, and parking provisions. The applicant also seeks to enter into a site plan agreement with the Municipality. In this respect, the applicant proposes to construct a 3-storey, mixed use (commercial and residential) building with a 0m rear yard, a 0m exterior side yard, 12.5m maximum permitted height, and 19 parking spaces.

### **BACKGROUND**

The subject lands and surrounding properties are designated "Downtown Commercial" in the Lambton Shores Official Plan and "Commercial-10 (C10) Zone" in Zoning By-law 1 of 2003. Properties to the north, across King Street, are designated "Residential" in the

Official Plan and “Residential-4 (R4) Zone” in the zoning by-law, permitting single detached dwellings.

Zelinka Priamo Ltd., the agent, has prepared a Planning Justification Report (PJR), which is attached to Council's agenda. It includes additional details of the proposed development, surrounding properties, applicable planning policies and issues, and a rationale for the proposed zoning amendments and site plan. A site plan and architectural designs and renderings are also included in Council's agenda.

## **DISCUSSION**

**Location:** The site abuts three streets: Main Street on the south, Huron Street on the west, and King Street on the north. Single detached residential uses are located to the north across King St.

**Proposed Development:** The proposal consists of 239m<sup>2</sup> of commercial space and 19 parking spaces on the ground level. Both the 2nd and 3rd floors have 6 apartments each (two 2-bedroom and four 3-bedroom apartments), a total of 12 apartments in the building. The 2nd floor also contains an outdoor amenity area on the east side and a glassed corridor that reaches to above the roof. The roof contains a stairwell, elevator penthouse, mechanical room, HVAC units, and an open amenity space, but the majority of the roof area is “green roof”.

## **Zoning Amendment**

**Parking:** the proposed development requires 25 parking spaces under the zoning by-law, based on: 239m<sup>2</sup> of commercial space at 1 space / 37m<sup>2</sup> for retail uses = 7 spaces, and 12 apartments at 1.5 spaces / unit = 18 spaces. In further discussions, the applicants have agreed that all spaces should be prioritized for residential use. The site therefore meets the 1.5 spaces / apartment requirement, and requires relief on 6 commercial spaces.

Staff has clarified with the applicant that they are willing, through the site plan agreement, to pay cash-in-lieu on the 6 parking space deficit (6 x \$13,000 = \$78,000). This will satisfy the Zoning requirement and therefore not require a special parking space provision in the site-specific zone regulations as originally requested in the rezoning application.

In recently approved developments, 9 Main Street met its parking requirements. 62 Main Street (directly across the street from this site) provided 1.35 parking spaces per apartment and paid cash-in-lieu on the remaining 0.15 spaces per apartment and also on 9 parking spaces for the commercial uses. The apartments in this proposed development average larger and more bedrooms, so it is appropriate that the full 1.5 spaces / apartment be provided and there be less reliance on cash-in-lieu payments. Staff is satisfied with the amount of parking provided on site. Use of the commercial units for a use with higher parking needs than 1 / 37m<sup>2</sup> of floor area (e.g. a restaurant) will require a change of use

permit and be subject to further planning approvals and/or cash-in-lieu payments being approved by Council.

Rear Yard: The standard C10 Zone has a rear yard setback requirement of 7.5m. The C1 Zone (the By-law's other Downtown Commercial Zone) permits 0m rear yards or 3m where abutting residential uses. Staff speculates the C10 Zone's 7.5m setback is intended to provide a buffer from residential uses as the majority of lots in the C10 Zone back onto the R4 Zone. On this property however, King Street separates the lot from the abutting residential lots by more than 7.5m. The proposed 0m rear yard is therefore appropriate in Staff's opinion. Also, the proposed building design steps the upper floors back from Huron St to open up westerly views and reduce potential shadowing.

Exterior Side Yard: The standard C10 Zone requires a 1.5m exterior side yard for which Staff can see no particular reason. (The C1 Zone allows a 0m exterior side yards.) It may be intended to provide additional room or more visibility at intersections due to Grand Bend's narrower than normal road allowances, but that does not seem to be a concern in this instance. The building's 3.6m setback from Main St provides improved visibility also. Staff has no concerns with the proposed exterior side yard.

Height: The standard C10 Zone has a 10m maximum building height. The zoning by-law lists (sometimes in generic terms), various features that are exempt from height restrictions. The proposed rezoning would clarify that the proposed roof top features area permitted. The applicant seeks a maximum height restriction of 12.5m. The main building itself is only 31 feet (9.45m) according to architectural plans and meets the 10m height restriction. The highest point of the proposed building is 40 feet (12.19m), a relatively small structure housing the stairwell, elevator, a small lobby, and a mechanical room. The roof top amenity area may include shade pergolas, and a rail enclosure. Other portions of the building over the 10m height limit are HVAC units and architectural arches and the roof of a glassed corridor that extends down to the second floor amenity area on the east side of the building. These latter structures are open or glassed and minimize obstruction of light and horizontal views and also only encroach marginally above the 10m maximum, similar to the roof top amenity area safety rail. The majority of the roof is a "green roof".

The proposed height exemptions in this case are similar to the types of features that were permitted by minor variance – i.e. similar developments at 9 Main, 59 Main, and 62 Main. The proposal also maintains several Official Plan policies that require heights in Grand Bend to be restricted to 2-3 storeys, with lower building heights towards the lake. Staff can support the proposed height.

In follow-up discussion, the applicant has concurred that it would be better to list the items that may exceed the 10m height restriction rather than grant a blanket 12.5m height limit, which could theoretically allow a fourth floor. Also, it would be preferable to have a site plan agreement in place with approved designs, when the zoning is passed.

Draft Amending By-law: Subject to Council's approval of this report's recommendations and subject to the applicant's agreeing to draft a site plan agreement, Staff will bring back

a draft amending by-law to a future Council meeting. The draft by-law would rezone the subject lands to a new C10-2 Zone and will add provisions for the new Zone to the Zoning By-law:

- Permitting 0m rear and exterior side yard setbacks, and
- Listing building features that may exceed the 10m height restriction up to a maximum height of 12.5m. The list will reflect the submitted architectural plans.

### **Site Plan Approval**

Public Works Staff reviewed the civil drawings and civil design brief. Several items arose as part of the review that require minor revisions to the submitted civil plans, so a site plan agreement has not been prepared for Council's approval. Staff anticipates a draft agreement will be presented at the September 6, 2022 Council meeting. Staff would prefer also that the site plan agreement be reviewed and executed by the applicant before the zoning amendment is passed, so Staff will bring a draft zoning amendment at the same time as the site plan agreement. The applicant is agreeable to this approach, knowing that construction will not proceed until sanitary capacity becomes available.

Services: the applicant has had a Site Servicing Design Brief prepared, which has been reviewed by and is generally acceptable to Public Works Staff. The one concern is with sanitary sewage capacity.

The applicant is aware that the proposed development cannot proceed until sufficient additional sanitary sewage capacity is available and that there are other developments seeking capacity allocation as well. The applicant is seeking to have approvals in place for when that capacity comes available and also to establish a place in the "queue" among other tentatively approved developments. The site plan agreement will include a clause to this effect.

Respecting hydro, the building has been set back 3.6m from the Main St property line to accommodate the separation requirements from the hydro distribution lines that the applicant has determined in consultation with Hydro One. The applicant will seek to move, likely bury, distribution line on the Huron St side. As there is less Municipal investment in that street, the cost of burying will be more feasible.

The site plan provides an internal garbage storage area.

Parking: as noted, the site provides 19 at-grade parking spaces, sufficient to meet the residential use needs. The commercial parking requirements will be met through cash-in-lieu payments and on-site parking. The main access points are from Huron and King Streets. Two of the proposed parking spaces are located in tandem and require access either across other spaces or through a third small garage door facing Huron St. Only those units assigned these 2 spaces should have use of this third door given its proximity to the King St intersection.

Draft Site Plan Agreement: Subject to Council's approval of the recommendations in this report, Staff will work with the applicant to finalize a site plan agreement and bring it back for Council's endorsement at the same time as the zoning amendment by-law. The draft agreement would address municipal and public interests, be based on the Municipality's standard site plan agreement, and include several clauses normally applied to developments in Grand Bend. Unique or notable provisions would include:

- Making commencement contingent on sanitary sewage allocation and placing this development in the "queue" for prioritization of allocation,
- Payment of \$78,000 cash-in-lieu of parking (6 spaces at \$13,000),
- Payment of a parkland dedication cash-in-lieu fee (through passage of a parkland dedication by-law as required for site plan approvals),
- Provisions respecting timing and safety of road and sidewalk closures and hours of construction,
- Provisions respecting emergency contacts, garbage storage, and permitted uses of rooftop amenity areas,
- Provisions respecting access to parking spaces,
- Ensuring hydro distribution line setbacks are met.

Planning Opinion: Staff generally concurs with the analysis and conclusions included in the applicant's Planning Justification Report. It is Staff's opinion that the proposed rezoning is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good planning. Staff is satisfied the proposed building and site plan is consistent with applicable policies and good planning, provided the agreement contains the provisions noted in this report. Staff has no objection to Council's approval of the applications in principle and recommends that Staff be directed to prepare a site plan agreement and a zoning amendment by-law with the noted provisions and present them to Council for endorsement/passing at a future Council meeting, once the applicant has signed the site plan agreement for their part.

### **ALTERNATIVES TO CONSIDER**

None at this time.

### **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 25-2022;
- Approve ZBA Application ZO-12/2022 in principle subject to the execution of a site plan agreement; and
- Staff be instructed to prepare an implementing zoning amendment and site plan agreement consistent with the recommendations of this report.

### **FINANCIAL IMPACT**



The applicant has paid the Municipality \$2700 in application fees. The site plan agreement would include the payment of \$78,000 in cash-in-lieu of parking, cash-in-lieu of parkland dedication, and various securities for completion of the works and engineering review costs.

## **CONSULTATION**

Katelyn Crowley and Matt Campbell (agents), the applicants, Ben Hyland (applicant's engineer), Dan Acimovic (d a design inc)  
Municipal Staff: Nick Verhoeven and Jason Rawson (Public Works Department)

## **ATTACHMENT 1: LOCATION MAP**

