

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor & Members of Council
From: Urvi Prajapati, Team Leader – Planning Services
Date: May 8, 2024
Subject: Zoning By-Law Amendment (ZBA-04-2024) – 1294 County Road 22

Recommendation

Approve Zoning By-law Amendment Application ZBA-04-2024 to Zoning By-law 2-2012, as amended, for the lands known municipally as 1294 County Road 22, and legally described as Part of Lot 1, Block A, Plan 1516, Maidstone, designated as Part 1 on Plan 12R4909 and Part 2 on Plan 12R1594; Part of Lot 1, Block A, Plan 1516 Maidstone, as in R1024134; Town of Lakeshore, being all of the Property Identifier Number 75004-0623(LT), to rezone to a site-specific Mixed Use zone to recognize the reduced side yard setbacks and to remove the requirements of County Road 22 street frontages; and

Direct the Clerk to read By-law 63-2024 during the Consideration of By-laws, all as presented at the May 28, 2024 Council meeting.

Background

The subject property, 1294 County Road 22 (CR 22), is located on the corner of CR 22 and Renaud Line Road. The parcel in question was previously two parcels, but it has been consolidated into a single parcel which merged after the purchase.

The applicant has proposed to rezone the subject lands to a site-specific Mixed Use zone to permit, a standalone eating establishment development with a drive-through and a mixed-use building consisting of main floor commercial space and two upper storeys consisting of six residential units. The restaurant will be one storey in height and the mixed use building three storeys in height.

The surrounding land use and zoning includes a mix of both residential and commercial uses. The four corners of County Road 22 and Renaud Line are all zoned as mixed use. The properties on the east side of Renaud Line have existing commercial development, whereas the property in question, and the property to the southwest of Renaud Line are currently vacant of commercial use.

Immediately to the west of the subject property are single detached residential uses, which are also zoned and designated as residential. Immediately to the north of the

proposal is single detached residential use, although the properties extending north to the rail line are zoned and designated as mixed use. Please refer to Appendix A.

Subject Land:	3,958.9 m ² Existing Use – Mixed Use (MU) Proposed Use – Site-specific Mixed Use zone to permit commercial and residential uses. Access — County Road 22 and Renaud Line Road Services — municipal water, municipal sewage disposal, storm drainage: municipal
Surrounding Uses:	North: Mixed Use/Residential Lands South: Mixed Use/Residential Lands East: Mixed Use/Residential Lands West: Residential lands
Official Plan:	Mixed Use
Existing Zoning:	Mixed Use (MU)

Comments

Provincial Policy Statement (PPS)

The proposal conforms to the following sections of the PPS:

- Section 1.1.1 b) Accommodating appropriate affordable mix of residential types along with employment that meets long term uses.
- Section 1.4.3, Housing – planning authorities shall provide a range of housing options and densities; the entire section is applicable to the proposal.
- Section 1.8 c) Focus major employment, commercial and other travel-intensive land uses on site which facilitate the establishment of transit in the future if not already served.

County of Essex Official Plan

The subject land falls within the Primary Settlement Area in the County of Essex's Official Plan. The proposal conforms to the following policies of the Settlement Areas.

1.5 Goals for a Healthy County

- c) To direct the majority of growth (including intensification and affordable housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas. These Primary Settlement Areas will serve as focal points for civic, commercial, entertainment and cultural activities.

3.2 Settlement Areas

3.2.2 Goals

- c) To promote development within Primary Settlement Areas that is compact, Mixed Use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- i) Promote residential intensification within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.
- j) Promote affordable housing within Primary Settlement Areas, and to a lesser extent, within full serviced Secondary Settlement Areas.

3.2.7 Intensification and Redevelopment

The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

Municipality of Lakeshore Official Plan

The subject property is designated Mixed Use in the Lakeshore Official Plan. The applicant has proposed a restaurant with a drive-through and a Mixed Use building with commercial on the first floor and residential on the upper floors.

6.9 Mixed Use Designation

6.9.1 Permitted Uses

Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated Mixed Use Designation on Schedule “C”.

- b) Residential uses will be permitted provided that the uses do not negatively impact the planned function of the area and subject to the following provisions:
 - i) in a building of a commercial character, residential uses will only be permitted above the ground floor...
- d) Commercial uses such as business and professional offices, eating establishments, service and convenience retail and similar types of uses are permitted.

The proposal conforms to the above-mentioned policies of the Official Plan.

Lakeshore Zoning By-law 2-2012

The subject property is currently zoned as Mixed Use (MU) and an eating establishment, eating establishment drive-through, and apartment are permitted.

71. EATING ESTABLISHMENT – shall mean a building or part of a building

where food is offered for sale or sold to the public for immediate consumption or take-out and includes such uses as a restaurant, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, or refreshment room or stand. An outdoor patio may be included as an accessory use.

72. EATING ESTABLISHMENT, DRIVE-THROUGH – shall mean an eating establishment which is also designed to serve patrons while they remain in a motor vehicle.

The rezoning will allow the proposed deficient side yard setbacks and permit the removal of the requirement of Section 6.17a) County Rd. 22 Street Frontages. The reduced interior side yard setback will not have major impacts on the surrounding land uses as the mixed use building will be located in the centre of the lot, away from the homes. As for the exterior side yard setback the applicants are requesting a setback of 1.5m as compared to the required 4.5m. This side of the property is adjacent to Renaud Line Road and Administration is of the opinion that the impacts would be minimal. Please refer to Appendix B.

6.17 County Road 22 Street Frontages

a) Where a continuous street frontage is required, as shown on Schedule B, the maximum front yard setback shall be the greater of the minimum front yard setback as established by the County's minimum building setback requirement or 3.0 m. This maximum front yard setback requirement shall apply to 75% of the length of the lot frontage. There shall be no maximum front yard setback requirement for the remaining 25% of the length of the lot frontage.

The applicant has also applied to seek relief from this provision as mentioned above. Administration supports the relief of the front yard setback required in Section 6.17 a) because it is the parking that is proposed in the front yard rather than the actual building. The parking in the front yard is also similar to the building to the east of the subject parcel.

The design of the restaurant with a drive-through requires the building to be moved back from County Road 22. Administration notes that the commercial uses east of Renaud Line and north of County Road 22 also have parking in the front. Therefore, the proposal is in conformity with the existing development in the vicinity and the relief from Section 6.17a) can be supported.

Additionally, the proponent has identified mitigation methods for the noise from the drive-through kiosk. The detailed design is being reviewed through the Site Plan process.

6.41.1 Parking Requirements

The proposal also conforms to the parking requirements shows below:

Purpose	Minimum Spaces Required	Proposed
Retail	1.0 parking spaces per 18.0 m ² (17 spaces)	
Apartment Building in combination with a non-residential use	1.25 spaces per dwelling unit plus 0.25 parking spaces per dwelling unit for exclusive use by visitors (7.5 + 1.5)	
Drive-Through Restaurant	1.0 parking spaces for every 5 seats (8.0 spaces)	
Total Required: 34.0		34.0 spaces

The 34 spaces include the required two persons with disabilities parking spaces.

Correspondence from external and internal agencies

The application was circulated to external and internal agencies and comments are summarized below:

Engineering

The proposal requires a crossing of the municipal drain which is under review. Engineering has no concerns from a sewage allocation and treatment capacity standpoint.

Please see Appendix C for the detailed comments.

Building

Comments received from the Building Division pertain to the Site Plan and will be addressed before the execution of the agreement.

Fire

No further comments from Fire.

Essex Region Conservation Authority (ERCA)

A storm water management plan must be designed and implemented. A permit has been submitted to ERCA and is under review. Detailed comments are in Appendix D

County of Essex

County Roads has no immediate concerns with the Traffic Impact Study. Permits for access and signage are required. Please see Appendix E for the detailed comments.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and regulations. As of the writing of this report, no comments were received from the public and comments from the agencies are attached in the Appendix.

Applicant-Driven Public Engagement

Administration recommended that the applicant host a formal open house to collect public feedback on the proposed development. The applicant declined the recommendation.

In lieu of a public open house, the applicant chose to go door to door to attempt to meet with the neighbours in the immediate vicinity. The applicant identified that they attempted to meet with twelve neighbours and were successful in speaking with eight. The applicant identified that they introduced themselves, their plans for the project, spoke about how they will operate the development, and offered contact information for any questions or concerns. Through these interactions, the applicant identified that they did not meet anyone who opposed the proposed project.

The applicant identified that the only questions/concerns that were brought forward through their doorstep engagement was the potential increase of traffic flow, questions related to noise and noise mitigation measures, and what is the future access to the property. Additionally, neighbours posed additional, non-directly related questions to the applicant pertaining to County Road 22 upgrades, and the function and improvement of the Renaud Line – County Road 22 intersection.

Administration is in possession of a summary list provided by the applicant; however, it is not included this in the report as the document has identifiable information about the residents.

Financial Impacts

The development will be subject to development charges and will incur annual taxation.

Attachments

- Appendix A – Key Map
- Appendix B – Site Plan
- Appendix C – Engineering Comments
- Appendix D – ERCA Comments
- Appendix E – County of Essex Comments

Report Approval Details

Document Title:	ZBA-04-2024 - 1294 County Road 22.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Key Map.pdf- Appendix B - Site Plan.pdf- Appendix C- Engineering Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - County of Essex Comments.pdf
Final Approval Date:	May 17, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Urvi Prajapati

Submitted by Ryan Donally and Tammie Ryall

Approved by the Corporate Leadership Team