

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Kim Darroch, Manager of Development Services

Date: February 20, 2020

Subject: 37-T-19002, Lakeside Estates Phase 2, Amico Properties Incorporated

Recommendation

1. Council adopt the proposed draft conditions for draft plan of subdivision application S-A-01-2019 (County File 37-T-19002) attached as Appendix "1"; and
2. The proposed draft conditions be submitted to the approval authority, the County of Essex.

Background

The site is located at the south-east quadrant of County Road 2 (Old Tecumseh Road) and Wallace Line Road. The lands are currently vacant and used for agricultural purposes (See Appendix 2). The following is background information concerning the application:

Portion of Subject Property to be Developed	Overall Area: 9.256 hectares Existing Use: Vacant Land Proposed Use: Residential Subdivision Access: Wallace Line and County Road 2 (Old Tecumseh Road) Services: Full Municipal Services
Official Plan	Residential Land Use, Flood Plain, Limit of Regulated Area - ERCA
Zoning By-law	R1 Zone – Residential Low Density

Adjacent Land Uses

North	Old Tecumseh Road, Residential Uses and Lake St. Clair
South	VIA Rail ROW, County Road 22, Urban Reserve Lands
East	Residential Uses
West	Wallace Line, Residential Uses

Proposed Development Details

Area of Draft Plan (ha)	9.256 hectares
Number of Proposed Single Detached Dwelling Lots	75 Lots
Proposed Local Road ROW Width	20 metre ROW 66 feet
Blocks for Site Triangles and ROW Conveyance Block 76 & 77 & 78 & 79	VIA Rail (Conveyed to Lakeshore), County of Essex Road (# 2) Site Triangles and ROW Conveyance
Density (dwellings / ha)	8.1 lots per hectare
Minimum lot frontages of Single Detached Dwellings Required by R1 Zone	Min. 15 m
Minimum Lot Area Required by R1 Zone	500 m ²

Comments

Provincial Policy Statement (PPS)

The application is consistent with the PPS.

County Official Plan

The application conforms with the County Official Plan. The subject land is designated 'Settlement Area' and permits residential subdivisions of this nature.

Lakeshore Official Plan

The subject property is designated 'Residential' in the Lakeshore Official Plan. Therefore the proposal conforms with the basic land use policies of the local official plan. However, Section 3.2(a) states *"the Town will discourage any new applications for draft plan of subdivision"*. With the recent approval of the new County Official Plan, this policy is now outdated and will be amended in the Town's Five Year Review of its Official Plan.

Zoning By-law

The subject lands are zoned R1- Residential Low Density. This zone permits single detached dwellings and lot sizes proposed in the subdivision. A certificate to that effect has been received from the Ontario Land Surveyor retained by the developer.

Plan of Subdivision

The draft plan of subdivision is attached as Appendix 3. The residential development consists of 75 single detached dwelling lots divided into 2 phases for stormwater management purposes (Appendix 4). Lots are accessed internally from the proposed local road network and County Road 2 (Old Tecumseh Road). The owner is providing a continuation of the size and style of single detached dwellings found in the adjacent subdivision to the west. It will conform to the latest version of the updated Development Manual and detailed design matters will be reviewed during the further processing of the application to ensure compliance with Town development standards and other policies.

Draft Plan Considerations

Local Roads

The proposed development will include a local road network with a typical right-of-way width of twenty (20) metres or 66 feet. Access to the site is to be accommodated by the provision of a new intersection at Wallace Line Road and County Road 2 (Old Tecumseh Road) into the proposed subdivision. There are some lots along Old Tecumseh Road, that are proposed to have direct driveway access to that road. Access to the County Road will require approval from the County of Essex. Site triangles are proposed at the intersection of Old Tecumseh Road and the new local roadway and at the VIA right-of-way. The Town's Zoning By-law 2-2012, as amended, requires site triangles on all corner lots fronting local roads, however these triangles are not dedicated to the town to maintain. It will be the responsibility of the individual homeowners to maintain those lands in accordance with the Town's Zoning By-law regulations for site triangles on local roads.

Wallace Line Road Improvement

Wallace Line Road has been identified in the Development Charges (DC) Background Study as a future road upgrade project. The reconstruction of Wallace Line Road was tentatively identified in the DC Schedule for the year 2025. It is proposed that the timing of the reconstruction will be accelerated to reflect the local development growth as well as the existing road condition and right-of-way limitations. The timing of the road reconstruction will be subject to future Council approval and budgetary considerations. A road widening conveyance along the Wallace Line road frontage abutting the subject lands was required as part of Phase 1 of Lakeside Estates.

Traffic / Signalization

A *Traffic Impact Assessment* was prepared by Stantec Consulting Ltd. dated June 18, 2019. No capacity improvement measures or additional traffic control devices were warranted. The County Road 22 Class Environmental Assessment (EA) did identify the potential for significant development in the Wallace Woods area south of County Road 22 and suggests future signalization at County Road 22 and Wallace Line when development occurs south of County Road 22 (Wallace Woods Area). The County of Essex is requesting conveyance of site triangles at the intersection of the proposed local road and County Road 2 (Old Tecumseh Road) and a partial right-of-way conveyance

along the southern frontage of the subdivision (lots 1 and 2) to provide a consistent limit along the subdivision in relation to the road right-of-way.

Access and Parking

Access for all proposed lots, with the exception of the lots fronting Old Tecumseh Road, will be from the proposed local road network. For the 75 lots with minimum frontages of 15 metres or greater, it is anticipated that the dwellings will have two-car attached garages, with parking available for a minimum of two additional vehicles in the driveway. On street parking will be available on one side of the street only, typically on the side of the street that does not have a sidewalk. No parking signs on the other side of the street will be posted in accordance with Town standards.

VIA Rail Corridor

A VIA Rail corridor abuts the proposed development along the southern limit of the property. A *Environmental Noise and Railway Vibration Opinion Letter* dated June 12, 2018 was submitted to VIA for their review. VIA is satisfied with the study. As with Phase 1 to the west of this development, VIA identified a preference to not have the site triangle at the intersection of Wallace Line and the rail right-of-way be transferred into their ownership. Administration will therefore be recommending it be conveyed to the Town, as part of the land to be maintained along the Wallace Line road right-of-way. A safety berm, acoustical fence (3 m acoustic fence atop a 2.5 m high berm) is recommended for lots 41 to 54 and a 30 metre (98.43 feet) railway setback. A standard warning clause is registered on title for all lots within 300 metres with requirements to mitigate noise. This would likely encompass all the lots within the development and not the abutting homes. The clause is inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling warning of noise and vibration, potential alterations or expansions of the rail facilities on the rail right-of-way and the requirement for attenuating measures in the design of the development and individual dwellings (mandatory air conditioners, brick veneer exterior wall construction etc.).

Pedestrian Facilities

As per the Town's Development Manual, sidewalks will be required on one side of the right-of-way on all local roads (excluding cul-de-sacs) internal to the proposed subdivision. In addition, pedestrian facilities along the Wallace Line Road frontage, abutting the subject land, will be considered by the Town, at the time of the reconstruction of the road. Pedestrian improvements to the existing pathway along Old Tecumseh Road are currently being considered by the Town and the County of Essex through the *County Wide Active Transportation System (CWATS)* process.

Parkland

Under Section 51 of the *Planning Act* the municipality may acquire up to 5% of the lands being developed through the Plan of Subdivision process for park purposes or collect the cash value of 5% of the property in lieu of parkland dedication. In the case of development or redevelopment where land has not been conveyed or has not been required pursuant

to sections 51.1 or 53 of the Planning Act, Lakeshore shall require the conveyance of land as a condition of development or redevelopment prior to building permit issuance in accordance with Section 42 of the Planning Act.

For residential development, the amount of parkland required depends on where in the Town the development is proposed. In this case, a small parkette has been provided in Phase 1 of Lakeside Estates and will be connected by the emerging CWATS Trail System and existing pathways on County Road 2 (Old Tecumseh Road) to the subject lands (Phase 2 of Lakeside Estates). A large community park to service this population area, is also located further west (Leffler Peace Park), along with a small parkette / public open space area, located at the end of the Wallace Line road allowance (Wallace Line Lakefront Parkette).

In this case, Administration is recommending to Council, that parkland be provided as cash-in-lieu of land, which the Town then uses to purchase lands for new parks and improve existing parks within the municipality, in accordance with the direction and priorities outlined in the recent Parks Master Plan. The Parks Master Plan speaks to higher priority or larger parkland acquisitions. Section 4.3.3.3 f) iii Parkland Dedication of the Official Plan, notes that the Town will consider cash-in-lieu of parkland dedication when the area is well served with park and open space lands and no additional parks and open spaces are required. A larger parkland dedication in this subdivision would render the remainder of the site unsuitable or impractical for development. Section 4.3.3 f) Recreation, of the Town's Official Plan promotes and encourages walking, cycling and trail linkages and the integration of parks and open spaces. The recent Parks Master Plan also supports the establishment of a network of greenways and connections to existing parks and open space areas to encourage recreation and exercise.

Fencing

The owner will also be required to provide all corner and exterior lot fencing, in accordance with the Development Manual and to the satisfaction of the Town. The location of all required fencing shall be shown on a plan submitted by the owner / developer to the Town's satisfaction. Fencing maintenance and repair shall be the responsibility of the individual property owner purchasing a lot, unless otherwise stated in the implementing subdivision agreement.

Site Servicing

Administrative comments confirm both that municipal water supply and sanitary sewer services are available to service the subject lands. Sanitary servicing for the site will be through the existing municipal sanitary sewer system. Water servicing for the site will be through the existing municipal watermain system. Administration has completed a cursory review of the site servicing and are in agreement with the proposal. Detailed review will be undertaken through the submission of more detailed engineering drawings, following approval of the draft plan. A Servicing Design Brief (June 2019) was prepared by Amico Engineering Inc. in support of the proposed development. Electrical distribution, telecommunications and natural gas are available for the site from the existing right-of-ways.

Stormwater Management

A Stormwater Management Report dated February 2020 has been prepared for the site and reviewed by the Essex Region Conservation Authority and the staff.

Peralta Engineering Ltd. ('Peralta') prepared an Engineer's Report under the Drainage Act with Stantec Consulting Ltd. ('Stantec') prepared a supporting Watershed Drainage Report that included re-directing the majority of the Phase 2 lands to the Wallace Line Drain. Although the subject lands are currently assessed as tributary to the Reaume Drain, the topographic survey indicates that a portion of site is currently tributary to the adjacent Wallace Line Drain to the west, which drains north and outlets to Lake St. Clair. The Reaume Drain discharges into the Wallace Line Drain at the intersection of Old Tecumseh Road and Wallace Line Road. The drain outlets at Lake St. Clair through a gate structure which is normally open to provide a gravity outlet; however, during high lake levels, the gate can be closed manually. When the gate is closed, a de-watering pump draws water from the drain after the rainfall event and discharges it into the lake.

The first stage of the Wallace Line Drain improvements, referred to in the Stantec Watershed Drainage report as the Proposed Condition (see Section 2.4), proposes to enclose the Wallace Line Drain between Old Tecumseh Road and the railway tracks along the south property line of the Meconi lands (recent construction was completed in 2017/2018). Future upgrades, referred to as the Future Condition, propose enclosure of the downstream portion of the Wallace Line Drain between Old Tecumseh Road and Lake St. Clair. These future upgrades may also include the addition of a secondary outlet pump and redesign of the outlet structure to increase the conveyance capacity of the Wallace Line Drain to the ultimate future design capacity. Another portion of the site is currently tributary to the Reaume Municipal Drain along Old Tecumseh Road to the north. Enclosure of this Drain is required as well, subject to approval of a separate drain report by Peralta Engineering and Stantec. Additionally, future upgrades to Old Tecumseh Road along the subject site are anticipated to be undertaken by the Town of Lakeshore.

Full development of the subject lands would require completion of all previously noted upgrades to the Wallace Line Drain and the Reaume Drain. It is anticipated that the future municipal drain upgrades will not all be completed prior to initial development. As such, a sub-phasing strategy has been created for the Lakeside Phase 2 subdivision to allow development to progress as the municipal drain upgrades are completed (Appendix 4).

Environmental Impact Study

LGL Limited prepared a scoped Environmental Impact Assessment dated October 2018. Biophysical inventory of the pre-construction condition within the limits of the subject property identified fish habitat (municipal drains), habitat for endangered or threatened species (two planted Kentucky Coffeetree in a residential rear yard), and two trees with potential to provide habitat for bat maternal roosting (including SAR). The mitigation measures described in Sections 7.0 and 8.0 include a setback to municipal drains functioning as fish habitat, measures to maintain surface water quality, transplantation of the SAR trees, and implementation of timing windows specific to the protection of bats.

Adjacent lands include a small Cottonwood swamp community that functions as significant wildlife habitat for species of conservation concern and a small dug pond that has the potential to function as SWH for turtle overwintering. Mitigation measures as outlined in Sections 7.0 and 8.0 are anticipated to protect these features and their functions through implementation of a buffer, construction of a retaining wall, and installation of temporary and exclusionary fencing. Given all of the above, no residual impact to natural features or their functions are anticipated as a result of the Lakeside 2 proposed development.

Archeological Assessment

A *Stage 1, 2, 3 and 4 Archaeological Resource Assessment* was conducted for the subject lands by The Archaeologists Inc. The assessment concluded that archaeological sites or heritage resources were documented. In summary, the Stage 4 excavation of Site AbHq-14 identified 3 cultural features. The complete excavation of these features resulted in the recovery of 204 artifacts. The artifact assemblage is currently under analysis, however, initial observations confirm that the site represents an early to late nineteenth century Euro-Canadian occupation associated with a homestead. Site AbHq-14 has been completely excavated and has no further cultural heritage value or interest. The Ministry of Tourism, Culture and Sport is satisfied that the fieldwork and archaeological assessment is consistent with the Ministry's standards and the report has been entered into the Ontario Public Register of Archaeological Reports.

Phase 1 Environmental Site Assessment (EA)

The EA (dated January 20, 2019) stated no potential environmental concerns were identified.

Conclusion

As the County of Essex is the approval authority for draft plan of subdivision applications, the options open to Council need to be considered in terms related to the recommendation of this report:

- i) Accept the recommendation – the proposed draft conditions, which are acceptable to the applicant, will be forwarded to the County of Essex. Theoretically the County could revise or refuse these conditions and the Town and/or the Developer would have the right to appeal to the Local Planning Appeal Tribunal.
- ii) Refuse the recommendation – in this case Council would in effect refuse to support the application. Similar to above, the County could proceed with an approval, which the Town could appeal, or following Council's lead, refuse the application, which the developer could then appeal to the Local Planning Appeal Tribunal.
- iii) Modify the recommendation – Council could alter the proposed draft conditions, which would then be forwarded to the County. Depending on the nature of the modifications, the Developer could ultimately appeal the decision to the Local Planning Appeal Tribunal.

Based on the foregoing, the Town's Planner supports the proposed plan, subject to the draft conditions attached as Appendix "1" and recommends that the draft conditions be submitted to the approval authority, the County of Essex.

Others Consulted

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements and to identify preliminary issues with the proposal.

Departments and Agency Comments

The application has been circulated to all internal departments for Town comments and staff have attached their recommended draft conditions to Council as Appendix "1" to this report. External agencies were circulated for comments by the approval authority, the County of Essex. The County of Essex will append any outside agency draft conditions to a draft approval.

Public Open House and Statutory Public Meeting

An open house was held on October 28, 2019. The statutory public meeting was held on March 10, 2020. Notice was circulated in accordance with the *Planning Act*. In addition, those who signed in or sent in written comments were notified of Council's meeting on March 10, 2020 to consider the draft conditions.

To summarize, the following were raised by the public at the open house and the corresponding responses follow:

1. Provision of a parkland. Staff have indicated that there are no plans for additional parkland being required in this particular area of the Town.
2. Need for sidewalks or pedestrian connections or linkages: Will be provided on one side of the local road internal to the subdivision. Consideration will be given for facilities on Wallace Line at the time of reconstruction of the road and along Old Tecumseh Road through the CWATS process;
3. Road improvements on Wallace Line: Improvements to Wallace Line Road. Identified in the DC Study. Consideration will be given to accelerate timing;
4. Traffic flows and need for traffic lights: The Traffic study did not warrant traffic signals or controls in the vicinity of the development;
5. Lot sizes, lot number, density and dwelling type: Meets zoning, similar to the lot sizes and dwelling types in the surrounding area;
6. Storm water management: Phasing plan in place and development subject to future infrastructure improvements. Ongoing review by Administration and ERCA prior to final clearance by the County of Essex.

At the time of writing this report no more comments had been received from the public.

Financial Impacts

In order to accommodate new development in this area, new investment in infrastructure has been centred on road improvements on Wallace Line Road and the Wallace Line Municipal Drain enclosure. The developer was responsible for costs associated with the municipal drain enclosure. As identified in the DC Background Study, the Town will be responsible for the future upgrades to Wallace Line Road, subject to Council and or budget considerations / approvals. Future upgrades, referred to as the Future Condition, propose enclosure of the downstream portion of the Wallace Line Drain between Old Tecumseh Road and Lake St. Clair. These future upgrades may also include the addition of a secondary outlet pump and redesign of the outlet structure to increase the conveyance capacity of the Wallace Line Drain to the ultimate future design capacity. Another portion of the site is currently tributary to the Reaume Municipal Drain along Old Tecumseh Road to the north. Enclosure of this Drain is required as well, subject to approval of a separate drain report by Peralta Engineering and Stantec. Additionally, future upgrades to Old Tecumseh Road along the subject site are anticipated to be undertaken by the Town of Lakeshore. An increase in assessment or tax revenue is expected, as a result of the 75 new homes being constructed in the Town of Lakeshore.

Attachment(s):

Appendix 1: Draft Conditions
Appendix 2: Key Map
Appendix 3: Draft Plan
Appendix 4: Phasing Plan

Report Approval Details

Document Title:	37-T-19002 Lakeside Estates Phase 2 R1.docx
Attachments:	- APPENDIX 1 Draft Conditions.docx - Appendix 2 keymap_0OldTecumseh.pdf - Appendix 3 Draft Plan Phase 2.pdf - Appendix 4 Lakeside Estates 2 - Phasing Plan.pdf
Final Approval Date:	Mar 2, 2020

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

Tammie Ryall

Truper McBride