

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Urvi Prajapati, Team Leader – Community Planning

Date: September 10, 2024

Subject: S-A-01-2020 Draft Plan of Subdivision Application for Rourke Line and County Rd. 22 by MGV Development

Recommendation

Direct Administration to advise the County of Essex that the Municipality of Lakeshore supports the draft plan of subdivision approval for Rourke Line Rd and County Rd. 22 by MGV Development Inc. as described in the report presented at the October 1, 2024 Council Meeting.

Strategic Objectives

This does not relate to a Strategic Objective however it is a core service of the Municipality.

Background

An application has been received from MGV Development Inc. c/o Mike McMahon for a draft plan of subdivision application for lands legally described in Appendix E.

The proposal is for the development of 5 blocks for 10 semi-detached dwelling units, 8 blocks for 31 townhouse dwelling units, one block for 90 rental apartment units and one block for an easement.

The subject lands are currently vacant and have been used for residential and agricultural purposes and will be serviced fully on municipal services.

The subject lands are located on the southeast corner of the Rourke Line Road and County Road 22 intersection (Appendix 1). The County of Essex (Approval Authority) has received and deemed complete an application for a Draft Plan of Subdivision, File No. 37-T-24005. The subject property is designated as "Mixed Use" within Lakeshore's Official Plan, and zoned as Residential Type 1 (R1) Zone, By-law 4170-ZB-94 and Mixed Use Exception 37 (MU-37) Zone with Holding Provision 30 (H30) ((MU-37) (h30)) in the Municipality's Zoning By-law 2-2012. The applicant has applied for a rezoning of

the entirety of the subject site to a site-specific Mixed-Use zone (file number: ZBA-14-2024, By-law 93-2024) as presented at the October 1st, 2024 Council meeting to permit the proposed development.

Previously the rezoning was considered by Council on July 12, 2022. The plan of subdivision was not considered by Council at that time. The proponent has addressed the earlier comments of Council including:

- changing from 2 apartment buildings to 1;
- removing the commercial use from the apartment building;
- removing the originally proposed stormwater pond to be replaced with commercial building on the southeast side of the proposed development.
- The applicant conducted a public engagement meeting as requested by Council and the results can be found in Appendix F.

It is also to be noted that Council has determined a small parcel of land as surplus and a purchase of sale agreement has been signed between MGV Development and the Municipality. This will affect the parcel on the southeast side of the proposal and it will be acquired by MGV in the near future. The rezoning application will cover all of the parcels included in the concept plan (Appendix D).

The Applicant has applied for approval of a Draft Plan of Subdivision to permit the development of 10 semi-detached dwelling units, 31 townhouse dwelling units, and 90 rental apartment units. The rezoning application has been taken to Council in this same meeting and it will address the following provisions through a site-specific Mixed-use zone amendment:

- 1) Semi-detached dwellings, townhouses, and multiple dwelling buildings as a permitted use;
- 2) an increase in maximum building height from 10.5m to 24.0m;
- 3) a reduced buffer strip in a yard abutting an institutional zone from 4.5m to 1.5m;
- 4) an increase in maximum gross floor area from 3,000m² to 12,500 m²;
- 5) an increased maximum lot or block coverage to 52% as it relates to the semi-detached and townhouse

The new lots will have access from Girard Drive to the south, County Road 22 to the north and Rourke Line Rd to the east (Appendix B – Draft Plan of Subdivision).

As part of the Applicant's complete application for the Draft Plan of Subdivision to both the County of Essex and to the Municipality of Lakeshore, the following studies and reports in support of the proposal were submitted:

- Application form
- Draft Plan of Subdivision – December 2023;
- Planning Justification Report, Dillon Consulting, March 2024;
- Functional Servicing Report, Dillon Consulting, December 2023;
- Stormwater Assessment Report; Dillon Consulting – February 2024;

- Stormwater Assessment Report Response to ERCA Comments; Dillon Consulting – February 2024
- Concept Plan; Dillon Consulting – December 2023; and
- Phase 1 Environmental Site Assessment, Soil and Materials Engineering Inc. – March 2019
- Species at Risk Screening, Goodban Ecological Consulting Inc. - December 2019
- Traffic Impact Study, Dillon Consulting – March 2023
- Traffic Memo, Dillon Consulting – March 2023
- Transportation Noise Assessment, Dillon Consulting – February 2024
- Reduced County Road Setback Request, Dillon Consulting – February 2024
- Safe Access Memo, Dillon Consulting – April 2023
- Engagement Summary – September 2022

As a result of the changes to the *Planning Act* imposed under Bill 23, public meetings are no longer a legislative requirement to obtain approval of a Draft Plan of Subdivision. However, the Municipality is still required to give notice of application to the public, as directed by the County of Essex (see Appendix C). If the public has any questions or concerns regarding the Draft Plan of Subdivision, they are encouraged to contact the Manager of Planning at the County of Essex. A combined notice of the public meeting for the zoning change and the Draft Plan of Subdivision was mailed to landowners within 120 meters of the MGV Development Inc., as required under the *Planning Act*.

Comments

Provincial Policy Statement (PPS)

The subject lands, 1477 County Rd. 22 is located within an identified Settlement Area as defined under the Provincial Policy Statement (PPS). The proposal supports and implements many of the policies contained in the PPS, the proposed subdivision supports the following important policies which are specifically highlighted:

- Section 1.1.3.1, Settlement Areas, of the PPS states “Settlement areas shall be the focus of growth and development”
- Section 1.1.3.2(a), Settlement Areas, of the PPS states “Land use patterns...efficiently use land and resources”
- Section 1.1.3.2(b), Settlement Areas, of the PPS states “Land use patterns...are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion”
- Section 1.4.3, Housing – this section speaks to planning authorities providing for a range of housing options and densities, and this entire section is applicable.

The subdivision application proposes 10 semi-detached dwelling units, 31 townhouse dwelling units, and 90 apartment units and such units will contribute to the range of housing options and densities which will be available in the Municipality.

As a result of the above, the proposed subdivision development is consistent with the applicable policies of the PPS.

County Official Plan

The application conforms to the County Official Plan and is designated as a Primary Settlement Area, which permits residential developments of this nature.

Lakeshore Official Plan

The subject property is designated 'Residential' in the Lakeshore Official Plan. Therefore, the proposal conforms to the basic land use policies of the local official plan.

Zoning By-law

The subject property is currently zoned as Residential Type 1 (R1) Zone, By-law 4170-ZB-94, and Mixed Use Zone Exception 37 with Holding Provision 30 (MU-37(h30)).

The rezoning application will allow the proposed development through a site-specific mixed-use rezoning. Once passed and adopted the site-specific rezoning will be the following: Mixed Use Zone Exception 39 Holding Symbol 30 (MU-39(h30)).

Comments from internal departments

Building - has no comments at this stage.

Fire - has no comments at this stage.

Engineering - please see Appendix G.

Draft Plan Considerations to be forwarded to the County of Essex

Local Roads

As an extension to Coretti Drive from the intersection of Girard Drive and Coretti Drive (named as Street A); the proposed development will include a local road network with a right-of-way width of 20.0 meters. The Municipality will be recommending that these roads be dedicated, as public highways, to the Municipality.

In accordance with Zoning By-law 2-2012, as amended, site triangles are required on all corner lots and must conform to the guidelines set out in section 6.53. Visibility triangles are not the responsibility of the Municipality and are to be maintained by the owners/occupants of the lots in which they reside.

Traffic and Signalization

Traffic Impact Assessment was completed by Dillon Consulting Ltd. All traffic requirements should follow Lakeshore's guidelines along with coordination of County of Essex for necessary approvals before the complete build-out of the site.

Pedestrian Facilities

As per the Municipality'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 on County Road 22.

Parkland

Section 51 of the *Planning Act* provides that the Municipality may acquire up to 5% of the lands being developed through the plan of subdivision approval process for park purposes. Alternatively, the Municipality may choose to instead 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*, the Municipality 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*.

The developer has opted, and Administration agrees, to pursue Cash-in-Lieu of parkland on a per unit rate, as per the Municipality's prevailing parkland dedication and cash-in lieu by-laws. The current rate is \$2,000.00 per unit. It should be noted that By-law 90-2022 is currently being reviewed and Administration intends to present an amended by-law this year.

There is a designated amenity area indicated on the Concept Plan (Appendix D) for residents of the apartment building. This area could also serve as space for scooter and bicycle parking. As part of the County Rd. 22 Corridor Enhancement, the south side of County Road 22 will incorporate a multi-use path and a sidewalk on the north side with separated bicycle lanes to support active transportation within the corridor. Hence it will be important for the development to provide space for bike storage to encourage the use of active transportation. It is also to be noted that the site is within walking distance to Maidstone Park.

Site Servicing

According to the proposed development location within a primary settlement area, services such as water supply and sewage disposal shall be provided by the Municipality. Administrative comments confirm both that municipal water supply, storm sewers and sanitary sewer services are available to service the subject lands along the Girard Drive through connection to existing infrastructure. Sanitary servicing for the site

will be through the existing municipal sanitary sewer system. Sanitary Sewer reserves sanitary treatment capacity to these lands until October 1, 2027. Water servicing for the site will be through the existing municipal water main system. Detailed review will be undertaken through the submission of more detailed engineering drawings, following approval of the Draft Plan of Subdivision. Electrical distribution, telecommunications and natural gas are available for the site from the existing right-of-ways.

Stormwater Management and site servicing

To satisfy the requirements of the storm water management plan development and implementation of both quantitative and qualitative protection measures will have to be constructed. Protection measures include on-site source controls, conveyance system controls, end of pipe controls, and construction period runoff quality protection. This storm water management plan will allow an orderly development without significant implications on the existing stormwater management system.

According to the proposed development location within a primary settlement area, services such as water supply and sewage disposal shall be provided by the Municipality. 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. Detailed review will be undertaken through the submission of more detailed engineering drawings, following approval of the Draft Plan of Subdivision. Electrical distribution, telecommunications and natural gas are available for the site from the existing right-of-ways.

Affordable Housing

As per section 4.3.1.3 of the Municipality's Official Plan (2010), the Municipality will encourage the provision of affordable housing and the Municipality will work with the County of Essex to identify targets for housing that is affordable for low- and moderate-income households.

Under the 2021 Official Plan (currently pending County Approval), the Municipality will seek to achieve 20% of all new residential development on an annual basis, to meet the Municipality's definition of affordable housing, which may include ownership housing or rental housing.

Affordable: in the case of housing, means:

- a) in the case of ownership housing, the least expensive of:
 - i. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - ii. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

- b) in the case of rental housing, the least expensive of:
 - i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area. (Source: PPS, 2020)

As mentioned before the proposal is for the development of 5 blocks for 10 semi-detached dwelling units, 8 blocks for 31 townhouse dwelling units, one block for 90 apartment units and one block for an easement.

At this time, there is no information on how the proposed subdivision will meet the affordability criteria. We will request the County of Essex (approval authority) to provide detailed information on affordability as part of their review.

Noise and Vibration

As a condition of draft approval, the recommendations of the Noise and Vibration Impact Assessment will be required and it is to be implemented due to the proximity of the rail lines.

Conclusion

Administration supports the recommendation in this report that Council direct Administration to forward a resolution of support to the County of Essex. We request the County of Essex to put a lapsing period of 3 years in the conditions of Draft Approval that would lapse in 3 years if the conditions are not met.

Others Consulted

The County of Essex will be providing the Municipality with written comments from the external agencies such as Canadian Pacific Railway (CPR), Canada Post, utility companies, Essex Region Conservation Authority (ERCA), etc.

The Municipality will provide comments from various municipal divisions to the County of Essex prior to draft conditions being prepared by the County of Essex. As the approval authority, the County of Essex may grant draft approval to the plan and include conditions of approval which must be fulfilled by the developer within three years.

Financial Impacts

Upon completion of the subdivision there will be development charges and building permit fees collected, as well as additional taxation, water, and wastewater revenue.

Attachments:

Appendix A: Key Map

- Appendix B: Draft Plan of Subdivision
- Appendix C: County of Essex Letter of Direction
- Appendix D: Concept Plan of Subdivision
- Appendix E: Legal Description
- Appendix F: Engagement Summary
- Appendix G: Engineering Comments

Report Approval Details

Document Title:	S-A-01-2020 Draft Plan of Subdivision Application for Rourke Line and County Rd. 22 by MGV Development Inc. .docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Key Map.pdf- Appendix B - Draft Plan of Subdivision.pdf- Appendix C - County of Essex Letter of Direction.pdf- Appendix D - Concept Plan of Subdivision.pdf- Appendix E - Legal Description.pdf- Appendix F - Engagement Summary.pdf- Appendix G - Engineering Comments.pdf
Final Approval Date:	Sep 24, 2024

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

Prepared by Urvi Prajapati

Submitted by Ryan Donally

Approved by the Corporate Leadership Team