

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor and Members of Council

**From:** Jonathan Derworiz, Planning Consultant (WSP)

**Date:** September 10, 2024

**Subject:** Zoning By-law Amendment; File ZBA-12-2024 (0 Rourke Line Road, Vacant Lot) and ZBA-14-2024 (1477 County Road 22)

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-12-2024 (0 Rourke Line Road) to amend Zoning By-law 2-2012 as it relates to the lands legally described as Part of Lot 1, Concession between River Puce and Belle River, Maidstone, designated as Part 1 on Plan 12R29307; Town of Lakeshore, being all of the Property Identifier Number 75021-1688(LT), to rezone the lands from the Mixed Use Exception 37 (MU-37(h30)) Zone to Mixed Use Holding Provision 30 (MU(h30));

Approve Zoning By-law Amendment Application ZBA-14-2024 (1477 County Road 22) to amend Zoning By-law 2-2012 as it relates to the lands legally described as:  
(i) Part of Lot 1, Concession between River Puce and Belle River, Maidstone, Town of Lakeshore being all of the Property Identifier Numbers 75031-1690(LT) and 75031-1689(LT); and (ii) Part of Lot 1, Concession between River Puce and Belle River, Maidstone, designated as Part 1 on Plan 12R16113; Lakeshore; being all of the Property Identifier Number 75031-0292(LT); and

Direct the Clerk to read By-law 92-2024 (0 Rourke Line Road) and By-law 93-2024 (1477 County Rd 22) during the Consideration of By-laws, all as 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 from MGV Development Inc. (ZBA-14-2024) has been received to amend the Lakeshore Zoning By-law 2-2012 to facilitate development of the subject site as a mixed-use development comprised of residential uses and commercial plaza. Currently,

the subject lands are zoned Residential Type 1 (R1) Zone, By-law 4170-ZB-94, and Mixed Use Exception 37 (MU-37) Zone with Holding Provision 30 (H30). The applicant is proposing to rezone two portions of the subject site:

- The west and north portions of the property are to be rezoned to Mixed Use Exception (MU-39) Zone with Holding Provision (H30) to permit development of 41 townhouse/semi-detached dwellings and six-storey residential building containing approximately 90 dwelling units.
- The southeast corner of the site is to be rezoned to Mixed Use (MU) Zone with Holding Provision 30 (H30). This is to revert the zoning of the parcel back to Mixed Use (MU) Zone. The MU-37(H30) Zone was applied inaccurately as part of By-law 70-2022. It is to be noted that the former water tower property (approximately 14,746 ft<sup>2</sup>) has been declared surplus by the Municipality and a purchase of sale agreement has been signed. These lands will be transferred to the developer shortly.

Another application (ZBA-12-2024) has also been received by the Greater Essex County School Board for 0 Rourke Line Road to amend the split zoning of the property that was created as part of the severance application(s) that took place in 2020.

- This parcel is also known as the future school site and it is currently 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). The proposal is to rezone it to Mixed Use Holding Provision H30 (MU(h30)).

A summary of the Zoning By-law amendments ZBA-14-2024 and ZBA-12-2024 can be found in the table below:

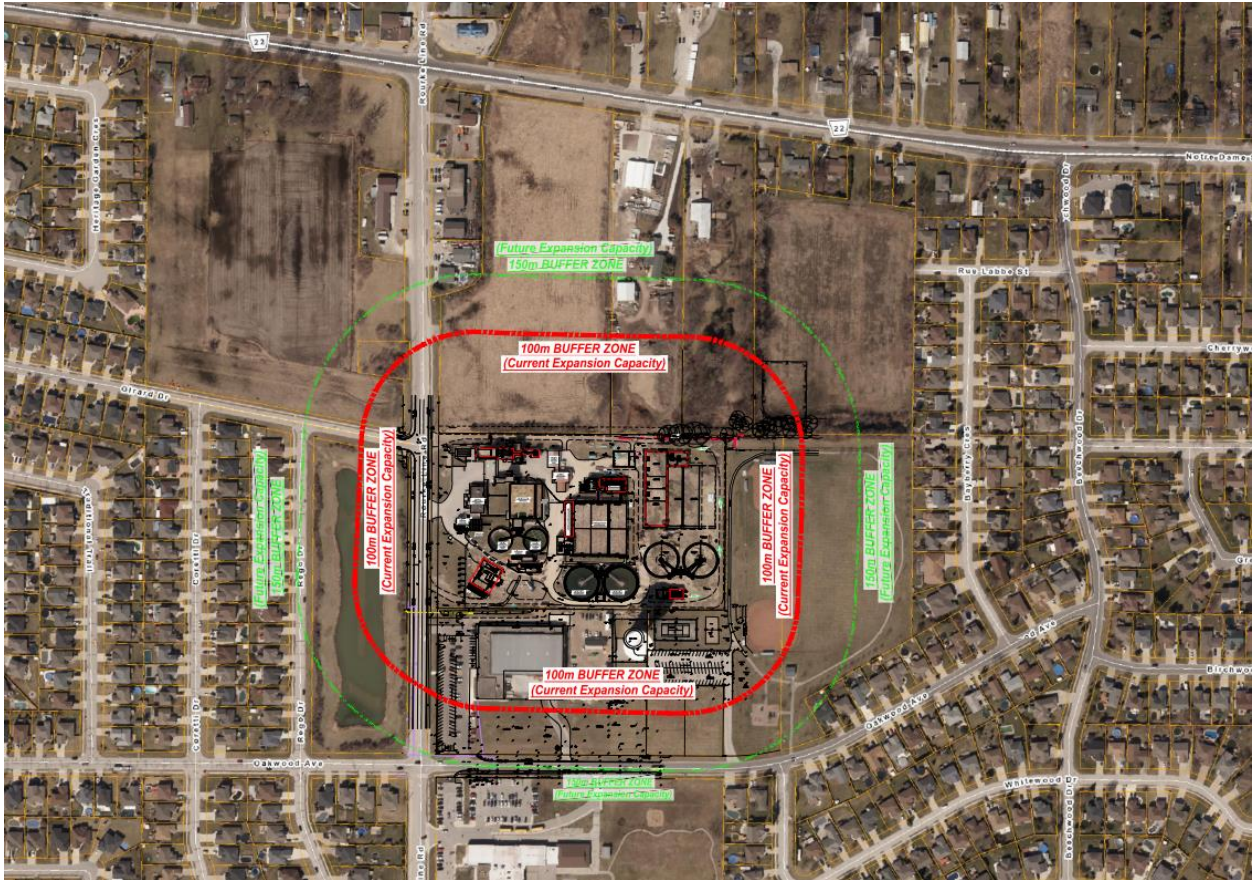
<b>Reference:</b>	<b>ZBA-14-2024 – West and North Portions of the Subject Site</b> (see map below)	<b>ZBA-14-2024 – Southeast Corner of the Subject Site</b> (see map below)	<b>ZBA-12-2024 – 0 Rourke Line Rd.</b> (see map below)
<b>Subject Land:</b>	Part of Lot 1, Concession between River Puce and Belle River, Maidstone, Town of Lakeshore	Part of Lot 1, Concession between River Puce and Belle River, Maidstone, designated as Part 1 on Plan 12R16113; Lakeshore and Part of Lot 1, Concession between River Puce and Belle River, Maidstone, Town of Lakeshore	Part of Lot 1, Concession between River Puce and Belle River, Maidstone, designated as Part 1 on Plan 12R29307; Town of Lakeshore
<b>Existing Use:</b>	Residential and Vacant/Agricultural	Vacant land, undeveloped	Vacant land, undeveloped
<b>Proposed Use:</b>	Mixed Use – Apartment & Subdivision	Commercial use	Institutional (Elementary School)

<b>Neighbouring Land Uses:</b>	North – Residential, commercial East – Commercial South – Residential West - Residential		
<b>Official Plan:</b>	Primary Settlement Area; Mixed Use		
<b>Existing Zoning:</b>	Residential Type One (R1) and Mixed Use Zone Exception 37 (MU-37)(H30)	Mixed Use Zone Exception 37 (MU-37)(H30)	Residential Type One (R1) and Mixed Use Zone Exception 37 (MU-37)(H30)
<b>Proposed Zoning By-law Amendment:</b>	Mixed Use Exception 39 Holding Provision 30 (MU-39(h30))	Mixed Use Exception 39 Holding Provision 30 (MU-39(h30))	Mixed Use Holding Provision 30 (MU(h30))
<b>Servicing</b>	Municipal: sewage, water, and stormwater		



In addition to the two proposed Zoning-by-law amendments detailed in this report, the development is also undergoing a plan of subdivision application review. It is also undergoing a Site Plan application for the future school development.

It is also to be noted that the southeast portion of the MGV lands (ZBA-14-2024), falls within the buffer zone for future sanitary plant expansion of the Denis St. Pierre Water Pollution Control Plant (refer to map below) and hence no residential uses will be permitted in this area. The applicant has taken this into account and changed the proposed use from initial residential use to commercial use.



## Comments

The following materials were submitted in support of this application:

1. Planning Justification Report (March 2024) was prepared by Dillon Consulting Limited. This report provides a review of the proposed Zoning by-law amendments and their alignment with relevant planning policies and considerations.
2. Stormwater Management Report (February 2024) was completed by Dillon Consulting Limited. The purpose of this report is to present the Storm Water Management (STM) strategy for the proposed development. The Stormwater Management Report addresses questions and comments submitted by the Essex Region Conservation Authority.
3. Functional Servicing Study (December 2023) was completed by Dillon Consulting Limited. This document outlines the servicing strategy including supporting studies and related information for the transportation, noise and odour, sanitary, stormwater management, and watermain servicing for the site.
4. Transportation Noise Memorandum (December 2023) was completed by Dillon Consulting Limited. The purpose of the memorandum was to address predicted transportation noise impacts and recommended noise control measures.

5. Transportation Impact Study (December 2023) was completed by Dillon Consulting Limited. The study documents the existing traffic operations within the vicinity of the site, as well as assesses the future traffic conditions both with and without the proposed development. The objective of this study is to determine the transportation impact of the development and whether any transportation infrastructure modifications are required to accommodate traffic generated by the development.
6. Stage 1&2 Archaeological Assessment (October 2019) was prepared for the subject site by Amick Consultants Limited to assess the archaeological potential of the subject site.
7. Phase 1 Environmental Site Assessment (March 2019) was prepared for the subject site by CT Soil & Materials Engineering Inc., to assess the potential contamination of the subject site.
8. Species at Risk Assessment (December 2019) was completed for the subject site by Anthony Goodban. It was determined that there are no species at risk on the subject site.
9. Engagement Summary (September 2022) was prepared by Dillon Consulting Limited. The Engagement Summary was prepared following the Public Information Centre (PIC) held on June 28, 2022. The feedback received from residents at the PIC contributed to changes in the proposed development.
10. Shadow Study (January 2022, Updated March 2024) was prepared by Dillon Consulting Limited to analyze and evaluate shadow impacts from the proposed development onto neighbouring properties and the public realm.
11. Safe Access Memo (April 2023) was prepared by Dillon Consulting Limited to verify that safe access can be provided to the proposed development during the regulatory flood event.
12. Reduced Setback from County Road 22 Memorandum (May 2023) was prepared by Dillon Consulting Limited. The analysis suggested that the proposed reduction in setback was appropriate.

## **Planning Services**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. All planning decisions are required to be consistent with the PPS.



According to Section 1.1.1 of the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range and mix of housing, including affordable housing, which sustain the financial well-being over the long term, and promote cost effective development patterns to minimize land consumption and servicing costs. The proposed development is consistent with these policies by proposing infill and intensification of land on underutilized lands, by seeking compatibility with the surrounding neighbourhood, and by creating opportunities for increased municipal taxes.

Section 1.1.3 of the PPS states that settlement areas should be the focus of growth and development and that their regeneration shall be promoted. The subject site is located within a settlement area and is in alignment with the objective of infill and intensification on vacant and underutilized lands.

Section 1.2.6 relates to land use compatibility and states that major facilities and sensitive land uses should be planned to ensure they are buffered and/or separated from each other. The surrounding area consists of a diverse mix of uses, including single detached dwellings to the west, north and south, and commercial uses to the north and east. The Denis St. Pierre Water Pollution Control Plant is located southeast of the proposed development site. To ensure that potential impacts related to noise, and odour are mitigated, the proposed townhouse dwellings and mixed use development are located at the furthest extent possible of the subject site.

Section 1.4.1 and 1.4.3 relate to providing for an appropriate range and mix of housing types and densities to meet projected needs of current and future residents within the regional market. The proposed development is consistent with these policies by proposing a total of 131 residential units, including 41 townhouse/semi-detached dwellings and one 6-storey multiple dwelling with approximately 90 dwelling units.

Section 1.5 relates to active transportation, and the promotion of healthy, active communities, Section 1.6.7 relates to transportation systems, while Section 1.8.1 relates to the ways in which land use and development patterns shall support active transportation and energy conservation. The proposed development includes frontages onto County Road 22, Rourke Line Road, and Girard Drive, with a proposal to create an extension of Coretti Drive north to provide access to the site from Girard Drive and create two new driveways to the multiple dwelling development with access via Rourke Line Road and County Road 22. The development will include a barrier-free pedestrian sidewalk network that will connect residents throughout the development to the existing sidewalks and trails in the neighbourhood. The subject site is located adjacent to a multi-use path which will encourage residents to utilize active transportation methods.

Section 1.6.6 relates to municipal sewage and water services. Due to the expansion of the Denis St. Pierre plant there is capacity available for this development. The development will ensure that sewage and water services will comply with all regulatory requirements and protect human health and the natural environment.

Section 1.7.1 relates to ways in which long-term economic prosperity should be supported. The proposed development optimizes the use of vacant lands, infrastructure, and public service facilities available to the subject site while enhancing the vitality of the neighbourhood.

The proposed Zoning By-law Amendments are generally consistent with the Provincial Policy Statement (2020).

### **County of Essex Official Plan**

The Essex County Official Plan establishes a comprehensive policy framework for managing growth, protecting resources and providing direction on land use decisions. All planning decisions within the Municipality of Lakeshore are required to conform with the Essex County Official Plan.

Section 1.5 relates to goals for a healthy County and includes directives for development located within settlement areas. Section 2.2 relates to growth management, with a particular emphasis on primary settlement areas as the focus of growth and development. According to Section 3.2.4.1, the subject site is designated as a primary settlement area, allowing for a broad range of land uses. Furthermore, Section 3.2.7 relates to intensification and redevelopment and encourages well-planned intensification development projects in settlement areas. The proposed development will make use of underutilized and vacant land through infill and intensification to bring new residential and commercial space to the settlement area, in order to meet the future growth and demand for additional residential options within the settlement area.

Section 2.10 relates to sewage and water systems, with policies relating to development in settlement areas. The proposed development will take advantage of existing servicing connections and will not require an extension of municipally owned or operated infrastructure. The proposed development will take advantage of existing servicing connections and will not require an extension of municipally owned or operated infrastructure. The Denis St. Pierre Water Pollution Control Plant has been expanded and the proposed development can now be proceeded with.

Section 2.8 relates to transportation, including the facilitation of safe, energy efficient and economical movement of people and goods throughout the County. Section 2.13 relates to energy, air quality and green infrastructure, encourages efficient land uses and a mixture of uses and housing types where the development's design incorporates compact form. The proposed development promotes compact form and compact neighbourhood design, increased density, and enables the use of active transportation for residents through various pedestrian sidewalk networks.

Section 3.4 relates to natural environment. A Species-At-Risk screening was completed determining that the proposal will not be in contravention with the Endangered Species Act. Section 2.7 relates to archaeological resources, which are addressed in the Stage 1 & 2 Archaeological Assessment for the subject site in accordance with this section.

Section 4.6.1 relates to draft plan subdivision and Section 4.7 relates to site plan control. The development is undergoing a plan of subdivision application review. The proposed development is subject to site plan control and will be further reviewed upon approval of the Zoning By-law Amendment and Draft Plan of Subdivision in accordance with these sections. A Site Plan application will also be required for the apartments and townhomes once the rezoning has been passed and in effect.

The proposed zoning by-law amendments generally conform with the County of Essex Official Plan.

### **Municipality of Lakeshore Official Plan**

The Lakeshore Official Plan (OP) establishes the growth management and land use structure for the Municipality to the year of 2031.

The subject site is designated as Mixed Use in the Official Plan. The Mixed Use designation provides for a range of commercial and residential uses characteristic of a transit supportive and higher intensity mixed use corridor (Section 6.9). The proposed land uses are permitted under the existing zoning and the proposal is consistent with the intent of the Mixed Use Official Plan designation and will not require an Official Plan Amendment.

The subject site is located within the County Road 22 Mixed Use Corridor. As a mixed use corridor, County Road 22 is intended to provide a range of commercial and residential uses characteristic of a transit supportive and higher intensity mixed use corridor (Section 6.9). Growth within the corridor is expected to occur through infilling, intensification and redevelopment and the development of vacant and/or underutilized lands (Section 3.3.9).

Residential intensification is intended to allow for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of the Municipality's housing needs (Section 4.2.2, 4.3.1.2). The proposed development is in accordance with the objective of infill and intensification on vacant and underutilized lands, with the highest intensity use being proposed along County Road 22 in order to develop with more intense land uses.

Section 2.3.1 seeks to ensure the viability and long-term health of the Municipality's main streets, including County Road 22, while Section 2.3.2 relates to active transportation and seeks to improve the movement of goods and people, including improvements to County Road 22. The proposed development will have frontage onto County Road 22 for the multiple dwelling, to promote vitality along the urban arterial road accessibility to commercial and recreational opportunities through active transportation modes, and connections to two urban centres (2 km and 10 km from the site, respectively).



The subject site is designated under the County Road 22 Corridor Special Planning Area (Section 3.4.3). The County Road 22 Corridor Special Planning Area is to be subject to a Corridor Study in accordance with this section.

Section 8.3.3 relates to draft plan subdivision and Section 8.3.4 relates to site plan control. The development is undergoing a plan of subdivision application review. The proposed development is subject to site plan control and will be further reviewed upon approval of the Zoning By-law Amendment and Draft Plan of Subdivision in accordance with these sections.

Overall, the proposed Zoning By-law Amendments conform to the policies of the Municipality of Lakeshore Official Plan.

## Zoning By-law

### ZBA-14-2024

The west and northern portions of the subject site are zoned Residential Type One (R1) Zone (By-law 4170-ZB-94) and Mixed Use Zone Exception 37 (MU-37(h30)) Zone. The applicant is requesting a Zoning By-law Amendment to a site-specific Mixed Use zone (MU-39(h30)) with the following site-specific provisions noted below as it relates to the apartment and townhomes:

	<b>Required (Mixed Use (MU) Zone)</b>	<b>Proposed</b>
Minimum Lot Area	N/A	12,219.39 m <sup>2</sup>
Minimum Lot Frontage	15.0 m	15.0 m
Maximum Lot Coverage	50%	52%
Minimum Landscaped Open Space	20%	37.4%
Maximum building height	10.5 m	24.0 m *assumed 4.0 m per storey
Minimum Front Yard Depth	Where the lot fronts on County Road 22, setbacks shall be in accordance with the County's minimum building setback requirement of 10 m.	26.0 m setback from centerline of County Road 22
Maximum Front Yard Depth	Shall be in accordance with Schedule B and the County Road 22 Street Frontage requirements of section 6.17	10.8 m

Minimum Interior Side Yard Width	7.5 m (where the yard abuts a residential, institutional or parks and open space zone)	7.5 m
Minimum Exterior Side Yard Width	4.5 m	5.0 m
Minimum Rear Yard Depth	10.5 m (where the yard abuts a residential, institutional or parks and open space zone)	10.5 m
Maximum Gross Floor Area	3,000 m <sup>2</sup>	2,078.0 m <sup>2</sup> x 6-storeys = 12,468 m <sup>2</sup>
Buffer Strip	4.5 m shall be provided in a yard abutting a residential, institutional or the parks and open space zone	1.5 m
Parking Rate	113 spaces	156 spaces
Accessible Parking	4	4
Loading Spaces	2	2

The proposed site-specific provisions are to accommodate the proposed 6-storey multiple dwelling building, accommodate an appropriate mix and range of unit types and sizes, and to allow for the site to develop in a manner that optimizes site circulation and appropriate site intensification along the County Road 22 Corridor. The proposed site-specific provisions are in keeping with the general intent of the Mixed Use Zone category.

In summary, to facilitate the development of the multiple dwelling residential rental building the following site-specific provisions are requested:

- An increase in maximum building height from 10.5 m to 24.0 m;
- an increase in maximum gross floor area from 3,000 m<sup>2</sup> to 12,500 m<sup>2</sup>;
- and a reduction to the required buffer strip in a yard abutting an institutional zone from 4.5 m to 1.5 m.

In addition to the multiple dwelling residential building, the applicant is also proposing semi-detached and townhouse dwellings. Currently, only existing semi-detached dwellings are permitted in the MU Zone while townhouse dwellings are permitted outright. The MU-39h(30) Zone would permit new semi-detached dwellings as well as increase the allowable lot coverage to facilitate the development as proposed. The site-specific request for an increase in maximum lot coverage from 50% to 52% is required to accommodate the proposed forty-one (41) townhouse/semi-detached dwellings along Street 'A'. The requested site-specific provision is in keeping with the general intent of the Mixed Use zone category.

Further, as part of the Zoning By-law Amendment, the applicant is requesting to rectify the zoning of the southeast corner of the subject site at the corner of the Rourke Line

Road and Girard Drive intersection. A Zoning By-law Amendment was approved following the severance of approximately 2.39 hectares (5.91 acres) of land from the original parcel for an institutional site. Following the change in zoning for the institutional parcel, it has been noted that the property previously identified as a stormwater pond (now envisioned for commercial uses) has been rezoned to institutional in error. As mentioned before, as this parcel falls within the future St. Denis Plant expansion boundaries, residential uses will not be permitted. The applicants have taken that into consideration and commercial uses have now been proposed. As part of this application, the applicant is requesting the parcel(s) be rezoned to correct the error made during the severance application.

### **ZBA-12-2024**

The applicant is requesting to rectify the split zoning of the subject site and propose a single zoning of Mixed Use Holding Symbol 30 (MU(h30)). As mentioned before a Zoning By-law Amendment was approved following the severance of the MGV lands and now the Greater Essex School Board Lands. This will help to fix the error and amend the zoning to reflect as one across the subject site.

The proposed Zoning By-law Amendment is reasonable for the subject site, and the proposed development is in keeping with the permitted uses of the zone and the surrounding neighbourhood characteristics and can be suitably designed to ensure compatibility with all surrounding land uses.

### **Conclusion**

It is recommended that Council approve Zoning By-law Amendment Application ZBA-14-2024 (By-law 93-2024) and Zoning By-law Amendment Application ZBA-12-2024 (By-law 92-2024) on the basis that the proposal is consistent with the Provincial Policy Statement and conforms with the County of Essex Official Plan and the Lakeshore Official Plan.

### **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 written submissions have been received from members of the public.

### **Agency Comments**

#### **ZBA-12-2024 & ZBA-14-2024**

Cogeco:

- No concerns with the proposed rezoning.

Bell:

- No concerns with the proposed rezoning. As part of the Site Plan Agreement, the

following condition should be included: 1) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

County of Essex:

- Please be advised that the County has reviewed the aforementioned submission and the comments provided are engineering-related only. Based on the proposed change of zoning, there are no objections.
- The County requests to be consulted in the future development of both sites.

Essex Region Conservation Authority:

- Our office has no objection to ZBA-12 (0 Rourke Line Rd). As noted, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Our office has received application for ERCA Permit # 269 - 24 for this development.

### **ZBA-14-2024**

Fire and Building indicated no issues with the proposed rezoning as the development is also subject to site plan approval.

Engineering comments – Appendix D.

### **ZBA-12-2024**

Fire: As we have addressed the fire truck turning issues, we have no further concerns with this project.

Engineering: We have no comments on this file as this file is under Site Plan Application to support a school building and we support a Site-Specific Zoning request.

Building: Signs applied under separate permits.

### **Financial Impacts**

There are no adverse financial budget impacts resulting from the recommendation. Additional costs may arise in the case of an appeal to the Ontario Land Tribunal.

### **Attachments:**

- Appendix A – Key Map – 0 Rourke Line Rd
- Appendix B – Key Map – 1477 County Rd 22
- Appendix C – Concept Plan – 1477 County Road 22
- Appendix D – Engineering Comments for ZBA-14-2024

## Report Approval Details

Document Title:	Zoning By-law Amendment ZBA-12-2024 (0 Rourke Line Road) and ZBA-14-2024 (1477 County Road 22).docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - 0 Rourke Line Rd.jpg</li><li>- Appendix B - 1477 County Rd. 22.jpg</li><li>- Appendix C - Concept Plan - 1477 County Rd 22.pdf</li><li>- Appendix D - Engineering Comments for ZBA-14-2024.pdf</li></ul>
Final Approval Date:	Sep 24, 2024

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

Jonathan Derworiz

Submitted by Ryan Donally and Tammie Ryall

Approved by the Corporate Leadership Team