

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: November 8, 2024

Subject: Subdivision Agreement Amendment and Part Lot Control Exemption By-law (PLC-02-2024) - River Ridge Phase 7

Recommendation

Approve the amendment to the River Ridge Phase 7 Subdivision Agreement; and

Approve the application for exemption for Part Lot Control for Blocks 9 and 10, on Registered Plan 12M-659 in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 114-2024, By-law 115-2024, and By-law 116-2024 during the “Consideration of By-laws”, as presented at the December 10, 2024 Council meeting.

Strategic Objectives

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

Background

The subject lands known as the “River Ridge Phase 7C” received final approval from the County of Essex on May 18, 2018 (File # 37-T-17002). The subject lands under consideration are located on the south side of Oakwood Ave, east of Matese Street and north of the CP Railway. (See Appendix A).

The developer has submitted a request for a Part Lot Control Exemption for Blocks 9 and 10 on Registered Plan 12M-659, to divide the blocks into lots shown on Reference Plan 12R-29940 (See Appendix B). A supplemental subdivision agreement was entered into by the Municipality and the developer on September 11, 2018 and was registered on title on October 3, 2018 as instrument number CE852528. This agreement amended the original subdivision agreement dated November 2, 1999.

The site is designated 'Residential' in the Lakeshore's Official Plan and is zoned (R2-22), Residential – Medium Density, which permits single detached dwelling, semi-detached dwelling, duplex, triplex, townhouses, and accessory uses.

The lots will be serviced by municipal water and sanitary was allocated and reviewed as part of the subdivision approval process. A total of 185 units were approved under the registered subdivision agreement CE852528.

The subdivision consisted of the following blocks and corresponding units:

Block 9 consists of 14 townhomes (2 triplexes and 2 fourplexes) on the west side of Caserta Crescent.

Block 10 consists of 13 townhomes (3 triplexes) on the east side of Caserta Crescent and 2 duplexes on the south side of Orsini Court.

Block 11 – part lot control cannot be applied to part of a block. Hence, a consent application is in progress for the division of those lots through the Committee of Adjustment.

The developer has now come forward with a proposal to add an extra unit under Block 10 as there is sufficient land to accommodate a fourplex instead of the original proposed triplex. Therefore, an amendment to the original subdivision agreement will address this addition and permit a total of 186 units for Phase 7C.

Hence, the part lot control application includes Block 9 consisting of 14 townhomes (2 triplexes and 2 fourplexes) on the west side of Caserta Crescent and Block 10 to include 14 townhomes (2 triplexes, 2 duplexes, and one fourplex).

Comments

The *Planning Act* under Subsection 50(7) authorizes Council to pass a by-law to designate a part or parts of a registered plan of subdivision as not being subject to the part lot control provisions of Section 50(5) of the *Planning Act*, in effect allowing further subdivision of the designated lands by means of a Reference Plan and without going through the consent or subdivision process. Passage of the part lot control by-law would permit the owner to convey all or portions of a Lot of Block in a registered Plan of Subdivision. Applications of this type are not subject to public hearings or appeal. Final approval of the by-law rests with the County of Essex, the subdivision approval authority.

Provincial Planning Statement (PPS)

The part lot control application is consistent with the applicable policies of the PPS. The subject lands are located within an identified Primary Settlement Area. Although it can be stated that the proposal supports and implements many of the document's policies, the following important policies specifically apply to the proposal:

- Section 2.2, Housing – this section speaks to planning authorities providing for a range of mix housing options and densities, and this entire section is applicable.

- Section 2.3.1 General Policies for Settlement Areas is applicable to this proposal as this section talks about the growth of Settlement Areas and the role of Municipalities in encouraging efficient use of land and resources. Specifically, the following sections apply the most to the proposal.
- Section 2.3.1(1), General Policies for Settlement Areas, of the PPS states “Settlement areas shall be the focus of growth and development”
- Section 2.3.1(2a & b), General Policies for Settlement Areas, of the PPS states “Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Optimize existing and planned infrastructure and public service facilities...”
- Section 2.3.1(3) “Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.”
- Section 2.4 Strategic Growth Areas – this section also speaks on intensification to encourage complete communities by providing a mix and range of housing.

Considering the policies above, the proposed subdivision development and part lot control request is consistent with the applicable policies of the PPS.

County of Essex Official Plan

The subdivision is located within the Primary Settlement Area. The proposal conforms to the County of Essex Official Plan.

Lakeshore Official Plan

The lands are designated ‘Residential’ in the Lakeshore Official Plan and the proposal conforms to the applicable policies.

Zoning

As noted, the subject lands are zoned for Residential Uses in accordance with the site-specific zoning of R2-22, Residential – Medium Density in the Municipality of Lakeshore Zoning By-law.

Conclusion

Approve the amendment to the River Ridge Phase 7 Subdivision Agreement;

Approve the application for exemption for Part Lot Control for Blocks 9 and 10, on Registered Plan 12M-659 in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 114-2024, By-law 115-2024, and By-law 116-2024 during the “Consideration of By-laws”.

Others Consulted

The County of Essex has been forwarded the draft by-law and the County advised that Part Lot Control exemption can only be used to permit whole blocks and lots within a registered plan of subdivision to be further divided. As a result of these comments Part of Block 11, was removed from this Part Lot Control exemption, and will be dealt with under a separate planning application as noted above.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachments

Appendix A - Key Map

Appendix B – Reference Plan 12R-29940

Report Approval Details

Document Title:	Subdivision Agreement Amendment and Part Lot Control Exemption By-law (PLC-02-2024) - River Ridge Phase 7.docx
Attachments:	- Appendix A - Key Map.jpg - Appendix B - Registered Reference Plan 12R29940.pdf
Final Approval Date:	Nov 26, 2024

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

Prepared by Urvi Prajapati

Submitted by Daniel Mercer and Tammie Ryall

Approved by Justin Rousseau