

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: June 16, 2025

Subject: SA-03-2024 Draft Plan of Subdivision Application for Cooper Mills Phase 2 by Cooper Estates Limited

Recommendation

Direct Administration to advise the County of Essex that the Municipality of Lakeshore supports the draft plan of subdivision approval for Cooper Mills Phase 2 by Cooper Estates Ltd. as described in the report presented at the July 8, 2025 Council Meeting.

Strategic Objectives

This report does not relate to a Strategic Objective, however, it is a core service to the Municipality and contributes to increasing the amount and type of housing units in Lakeshore.

Background

The site is located within the Community of Belle River between the subdivisions of Cooper Estates and Forest Hills (See Appendix A). The proposed subdivision will complete this part of the community and will complete the missing link of Blake Ave.

The subject lands are currently vacant and historically contained a woodlot.

In June 2021 the subject lands were rezoned from Residential-Low Density (R1) to Residential Medium Density Zone Exception 11 Holding Symbol 27 (R2-11(h27)) which was done to support the proposed subdivision of 113 residential units (105 town homes & 8 semi-detached) on 5.32 ha (13.14 acres). At the time of the rezoning a new holding provision was placed on the lands, and removal of the h27 was subject to: that the Denis St. Pierre Sanitary Treatment Plant expansion has been tendered; and draft plan approval from the County of Essex had been received.

Since the rezoning in 2021, the applicant (Cooper Estates Ltd. c/o John Vanderwerf) has been in consultation with the Municipality, and it has been identified that there is limited sanitary capacity at this time for new developments with the Municipality. The applicant

is the developer and the owner of the lands for both Cooper 2 and the proposed Forest Hills Subdivision 5A to the east of the Cooper 2 site. The proposal for Forest Hills Subdivision is for a total of 120 residential units and the applicant has requested that part of the approved allocation for the neighbouring Forest Hills Subdivision 5A be transferred to Cooper 2. Out of the 120 units, the applicant has requested that 90 units be transferred to Cooper 2 and the remaining 30 allotted units be allocated to Forest Hills Subdivision 5A.

As part of the Draft Plan, dated August 25, 2023 (Appendix B) Block 26 was proposed for future residential development following Record of Site Condition (RSC) approvals from the Ministry of the Environment, Conservation and Parks. Due to this reason, the Municipality and the County of Essex had requested the developer to remove Block 26 from the Draft Plan of Subdivision dated August 25, 2023; until such time as the RSC process has been completed and that additional servicing capacity is available. This Block was envisioned to accommodate twelve (12) townhouse residential units.

The privately owned portion of Cooper Mills 2 has been vacant and provides access to the former municipal waste disposal site to the south. These lands were identified as Block 27 on the Draft Plan of Subdivision dated August 25, 2023 (Appendix B). The County of Essex and the Municipality requested that these lands be removed from the Draft Plan of Subdivision as a Record of Site Condition (RSC) is also outstanding, this has been reflected in the updated Draft Plan of Subdivision and Concept Plan, dated February 12, 2025 (Appendix C and Appendix D).

Therefore, based on this the applicant has now come forward with a proposal to proceed with 90 residential units for Blocks 1 to 27 inclusive as shown on the Draft Plan, dated February 12, 2025, for Cooper 2 Subdivision (Appendix B).

Portion of Subject Property to be Developed	Lot Area — 4.44 ha (10.97 acres) Existing Use — vacant land, formerly a treed lot Proposed Use – residential units (82 town homes and 8 semi-detached) Access — east west extension of Blake Avenue. Services — municipal water, municipal sewage
Official Plan Designation	Residential Land Use
Zoning By-law	Residential Medium Density R2-11(h27)

Adjacent Land Uses

North	Single detached residential
East	Single detached residential, Forest Hills Subdivision Phase 5A
South	Vacant Lands owned by the municipality, Canadian Pacific Railway and Agricultural lands
West	Townhouse and semi-detached

The County of Essex (Approval Authority) has received and deemed complete an application for a Draft Plan of Subdivision, File No. 37-T-18004. 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 – February 12, 2025;
- Planning Justification Report Addendum – Revised March 10, 2025
- Stormwater Management Report – Revised April 8, 2025
- Functional Servicing Memo – September 2023
- Environmental Evaluation Report – March 2018
- Tree Inventory/Ecosystem Compensation Plan Update – July 2019
- Revised Tree and Meadow Compensation Plan – January 2020
- Tree Compensation Plan and Ecological Restoration Plan – November 2018
- Transportation Noise and Vibration Assessment – September 2023
- MNRF Stage 1 Species at Risk Information Request – February 2016
- Letter to Proponent Extension, MNRF – February 2020
- Record of Site Condition – September 2017
- Guideline D-4 Assessment – June 2016
- Concept Plan – Revised 2025
- Archaeological Assessment – May 2018

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 E). 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 notice of the meeting for Draft Plan of Subdivision was mailed to landowners within 120 metres of the Cooper 2, as required under the *Planning Act*.

Comments

Provincial Planning Statement 2024 (PPS)

The subject lands, Cooper 2 is located within an identified Settlement Area as defined under the Provincial Planning Statement 2024 (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 2.3.1.1, Settlement Areas, of the PPS states "Settlement areas shall be the focus of growth and development"
- Section 2.3.1.2(a), Settlement Areas, of the PPS states "Land use patterns...efficiently use land and resources"

- Section 2.2.1(c), 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 90 residential 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.

Stormwater Management (Section 3.6.8 – PPS, 2024)

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. Administration recommends the following conditions of approval which can be implemented through the plan of subdivision process.

- The subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulate that the Owner will undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm.
- The subdivision agreement contain provisions that requires that the Owner installs the stormwater management measures identified in the engineering analysis completed in the above noted condition as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
- That prior to final approval, the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans/reports and requirements noted above in the above noted conditions.

Natural Heritage Policies (Section 4.1 – PPS, 2024)

At the time of review in 2021, ERCA was responsible for natural heritage reviews. In 2023, the provincial government made changes to remove this from ERCA's scope of responsibilities. ERCA noted that they had received and reviewed the 'Revised Tree and Vegetation Compensation - Cash-in-Lieu Payment' report dated January 14, 2020, as prepared by Dillon Consulting Limited. ERCA has reviewed the submission on behalf of the County of Essex and Lakeshore and provided recommendations as part of the review of the EIA-06-16 in correspondence dated January 30, 2020. The final recommendation was that this compensation plan and associated cash-in-lieu of removal of natural vegetation payment be a condition of draft plan approval. In ERCA's opinion, this would satisfy natural heritage policies of the County of Essex Official Plan and Provincial Planning Statement, 2024.

Noise

A Noise Assessment report was prepared for the Forest Hill Subdivision to the east as well as the subject site by Stantec Consulting Ltd., dated June 2016 to assess the environmental noise conditions of the proposed development site. According to the report a safety berm, with a minimum height of 2.5m will be required along the full length of the CP Rail line. The Noise Attenuation Report Addendum does indicate that the 2.5m is a minimum berm height and in some locations does identify the need for a higher berm. The report also recommends that a Noise Warning Clause be added to all new lots

The Noise Assessment was completed for the entire Forest Hills Subdivision and Cooper Subdivision lands. This current phase is not directly adjacent to the rail line.

Servicing

A Stormwater Management (SWM) Plan was completed by Dillon Consulting, dated April 8, 2025, for Cooper Mills 2 and Forest Hills 5A, which included the subject site. A Functional Servicing Memo has been prepared by Dillon Consulting Limited, dated August 30, 2023, for Cooper Mills II.

As mentioned above, the applicant has requested that part of the approved allocation for the neighbouring Forest Hills Subdivision 5A be transferred to Cooper 2. Out of the 120 units, the applicant has requested that 90 units be transferred to Cooper 2 and the remaining 30 allotted units be allocated to Forest Hills Subdivision 5A. This transfer of allocation will be implemented through the draft plan approval conditions as well as the provisions in the subdivision agreement, and the subdivision agreement for Forest Hills.

Landfill Characterization Study and D4 Guideline Assessment

“Landfill Characterization Study – Former Water Disposal Area in Belle River Ontario” was prepared by Golder Associates in August 2016. The study was undertaken to supplement the D4 Study conducted by Dillon Consulting Limited on behalf of the applicant.

A D-4 Assessment report was prepared for the proposed Cooper II Subdivision, by Dillon Consulting Limited, dated June 2016 to evaluate the potential for environmental impacts at the Sites from the former adjacent landfill sites.

According to a letter from the Ministry of the Environment and Climate Change dated September 26, 2017 they advised that “based on my review of the background documents available in the Ministry files, as well as my review of the Golder report, I agree with Golder’s conclusion that the former landfill site (X-2046) is not the source of impact to the ground water quality in the area. There are no clear or definitive source of groundwater contaminants migrating from the site.”

On October 24, 2017, the Regional Environmental Planner / Regional EA Coordinator for the Ministry of the Environment and Climate Change - Southwestern Region advised “yes, the MOECC is now satisfied that the red-line revision to the draft plan can now be considered by the approval authority and the municipality subject to all other planning and development issues being properly addressed. In that regard, it is worthy to note that the

significant chloride concentration is something that should be considered in the construction of buildings and management of groundwater.”

Species-at-Risk and Environmental Impact Assessment

The Ministry of Natural Resources and Forestry (MNR) issued a Letter to Proponent dated May 18, 2018, where they determined that the activities associated with the project, as proposed will likely not contravene Section 9 and 10 of the Endangered Species Act, 2007.

An Environmental Impact Assessment (EIA) was also completed by Dillon Consulting Limited in March 2018 to identify potential opportunities for the impact avoidance, enhancement and mitigation of natural heritage features that would be associated with the development proposal.

County of Essex Official Plan

The application conforms to the County Official Plan and is designated as a 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.

Lakeshore Zoning By-law

The subject property is zoned as Residential Medium Density Zone Exception 11 Holding Symbol 27 (R2-11(h27)). The subject property was rezoned from Residential – Low Density Holding Symbol h5 (R1(h5)) to Residential – Medium Density Zone Exception 11 Holding Symbol 27 (R2-11(h27)) on July 13, 2021 (By-law 52-2021). The proposed townhomes and semi-detached units are permitted in this zone and hence the proposal is consistent with Lakeshore Zoning By-law.

The Holding Symbol can be lifted as the conditions have been satisfied and the applicant can proceed with an application to do so.

Draft Plan Considerations to be forwarded to the County of Essex

Local Roads

The proposed development will include a local road network with a right-of-way width of 20.0 meters. This proposed network contains 2 streets continuing from the other phases named Charlotte Crescent and Vincent Crescent and 2 unnamed streets currently classified as Streets A and B. 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

As a condition of draft plan approval, Traffic Impact Assessment will be required.

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. Pedestrian connectivity has been made available throughout the subdivision.

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*.

Administration recommends including a condition for payment-in-lieu as per the Parkland Dedication By-law (By-law 110-2024). Administration and the developer will continue discussions on how this condition will be met after the County grants draft approval.

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 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. The Sanitary Assessment completed in 2023 identified the maximum allowable units permitted at this time will be up to 120 units for both Cooper 2 and Forest Hills 5A. 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.

Stormwater Management

To satisfy the requirements of the storm water management plan for Cooper 2 As development and implementation of both quantitative and qualitative protection measure 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 of the current phase of Cooper 2 Development without significant implications on the existing stormwater management system.

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)

Administration assumes that the homes will not meet the definition of affordable, however the type of housing units (i.e. townhomes) does provide an expanded choice of housing types for the community.

Noise and Vibration

As a condition of draft approval, a Noise Study and Impact Assessment may be required.

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.

Conclusion

Administration supports the recommendation in this report that Council direct Administration to forward a resolution of support to the County of Essex.

Others Consulted

As requested by the County of Essex, notice of the proposed subdivision was mailed to adjacent landowners and signage was placed on the subject lands. As of the writing of this report, Lakeshore did not receive any comments from the public.

The County 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, dated August 25, 2023
Appendix C – Draft Plan, dated February 12, 2025
Appendix D – Concept Plan
Appendix E – County of Essex Letter of Direction

Report Approval Details

Document Title:	SA-03-2024 Draft Plan of Subdivision Application for Cooper Mills Phase 2 by Cooper Estates Limited.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Key Map.pdf- Appendix B - Draft Plan, dated August 25, 2023.pdf- Appendix C - Draft Plan, dated Feb 12, 2025.pdf- Appendix D - Concept Plan.pdf- Appendix E - County of Essex Letter of Direction.pdf- Appendix F - PJR.pdf
Final Approval Date:	Jun 27, 2025

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

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Approved by the Corporate Leadership Team