

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council  
**From:** Aaron Hair, Planner III  
**Date:** September 10, 2021  
**Subject:** Subdivision Agreement of the Lakeshore New Centre Estates Phase 3B

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### Recommendation

Direct the Clerk to read By-law 78-2021, during the “Consideration of By-laws” to authorize the Mayor and Clerk to execute a Subdivision Agreement with the Owner of Phase 3B of Lakeshore New Centre Estates.

### Background

The site is located on the south side of Oakwood Avenue, east of Renaud Line Road (See Appendix 1).

The residential plan of subdivision was draft approved on April 8, 2019 by the County of Essex for a total of 288 residential units, consisting of 181 single detached dwellings, 8 semi-detached dwellings and 99 townhouse dwellings. One of the conditions of draft approval is that the owner / developer enter into a subdivision agreement with the municipality to satisfy all the requirements financial or otherwise, concerning the provision of roads and services, sidewalks, fencing, stormwater, lighting etc.

On October 21, 2019 Lakeshore Council authorized the execution of the subdivision agreement for Phase 3A. Phase 3A consisted of 47 Single detached dwellings, 6 semi-detached dwellings, and 48 townhouse dwellings.

The draft subdivision agreement for Phase 3B covers ninety-two (92) lots, being Lots 1 to 92 of the subdivision plan for single detached dwellings, in addition to internal roadways and .3 m reserves, as shown on the legal 12M-Plan, prepared by Roy A. Simone, O.L.S., in June 2021.

This residential development will ultimately be serviced by the Denis St. Pierre Water Pollution Control Plant located on Rourke Line. On March 24, 2003 the Town of Lakeshore entered into a Sanitary Trunk Sewer Agreement, with several developers, including the developer for Lakeshore New Centre Estates. In this agreement Lakeshore agreed to reserve sanitary sewage treatment capacity at its treatment plant for a period of 20 years.

Section 3.3 of the Subdivision Agreement for Phase 3B, states that the Owner agrees that Lakeshore shall not be obligated to provide any additional sanitary treatment capacity at Denis St. Pierre Pollution Control Plant beyond Lakeshore New Centre Estates 3B, until such time as the plant expansion has been completed and additional treatment capacity is available.

The following is background information concerning the application:

Subject Property to eventually be Developed	Overall Area: 23.76 hectares Existing Use: Vacant Residential Proposed Use: Residential Subdivision – townhomes (99), semi-detached (8), single detached dwellings 181 (Total 288 units – all 4 phases) Access: Oakwood Avenue Services: Full Municipal Services
Official Plan	Residential
Zoning By-law	R1 Zone

### Adjacent Land Uses

North	Oakwood Avenue, Residential
South	CPR Rail ROW, Hydro One Lands , Agriculture Lands
West	Residential, Renaud Line Road
East	Residential

### Comments

The proposed subdivision development is consistent with the applicable policies of the PPS. The subject lands are located within an identified Settlement Area. Although it can be stated that the proposal supports and implements many of the document’s policies, I would like to specifically highlight the following important policies which the project supports:

- 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.

## **County 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.

## **Zoning By-law**

The subject lands are zoned R1, Residential - Low Density. This zone currently permits single detached dwellings.

## **Plan of Subdivision**

A plan of subdivision is a legal survey (12M Plan) that divides a parcel of land into smaller lots or blocks and secures the developer's obligations through a subdivision agreement (See Appendix 2). The developer / owner is required to sign a subdivision agreement with the Municipality prior to construction. Once final servicing plans are approved, lots in the subdivision can be sold (legally transferred to the purchaser) and building permits issued.

The subdivision agreement will outline the developer's obligations to the Municipality, including but not limited to:

- Provision of performance and maintenance securities to guarantee satisfaction of the developer's obligations under the subdivision agreement;
- Provision of a mud deposit to keep Lakeshore's roads and other lands free from dirt and debris during construction;
- Provision of a payment for boulevard trees to enhance the streetscape;
- Payment of any outstanding taxes and other accounts (i.e. legal and engineering fees);
- Provision of public liability and property insurance during the period of construction;
- Installation of all stormwater management measures, including land conveyance for the pond and access road;
- Allocation of sanitary sewage treatment capacity for the plan
- Conveyance of .3 m reserves

- Compliance with the Lakeshore Development Manual for the construction of roads, sewers, watermains, stormwater, parks, sidewalks, lighting, fencing and other services in the subdivision;
- Requirement to post on all road frontages, a subdivision map to show the lotting pattern, land uses, roadways, sidewalks etc.; and
- Requirement to submit a Construction Management Plan.

### **Others Consulted**

Administration has reviewed the proposed residential development and implementing subdivision agreement and supports the residential proposal, subject to the recommendation set forth in this report.

### **Conclusion**

Detailed plans and specifications for the residential development will be required to be submitted to the Municipality and to be reviewed by Administration and or other agencies prior to the Municipality giving clearance to the County of Essex for final registration of the 12M-Plan.

All conditions of draft approval must be met, including the execution of the agreement with the Municipality before any lots can be sold or permits issued for construction.

Based on the foregoing, administration supports the recommendation in this report and recommends that Council move forward with the executed subdivision agreement.

### **Financial Impacts**

None.

### **Attachments:**

- Appendix 1: Key Map
- Appendix 2: 12M Plan
- Appendix 3: Phasing Plan

## Report Approval Details

Document Title:	Subdivision Agreement LNCE Phase 3B.docx
Attachments:	- Appendix 1 - Key Map.pdf - Appendix 2 12M Plan.pdf - Appendix 3 Phasing Plan.pdf
Final Approval Date:	Sep 23, 2021

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

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Jessica Gaspard

Kristen Newman

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