

# 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:** Tracey Estates Phase 2 Subdivision Agreement

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### Recommendation

Direct the Clerk to read By-law 77-2021, during the “Consideration of By-laws” to authorize the Mayor and Clerk to execute a Subdivision Agreement with the Owner of Phase 2 of Tracey Estates.

### Background

The site is located on the north side of County Road 46, west of Taylor Avenue, in the Community of Comber (See Appendix 1). The subject lands are continuous to Phase 1 of the Tracey Estates Subdivision and is being referred to as Phase 2, which is proposed to contain 37 lots, for single detached dwellings in addition to internal streets. The subject lands are currently vacant and used for agricultural purposes (crop farming).

In May of 2019 the Municipality entered into a Subdivision Agreement with the applicant for Phase 1, for 41 lots for single detached dwellings, 1 block for stormwater management and one parkland block.

Portion of Subject Property to be Developed	Overall Area: 9. 14 Hectares Existing Use: Vacant Land / Farming of Crops  Proposed Use: Residential Subdivision — 37 single detached dwelling lots  Access: internal subdivision roads, primary access is off of Taylor Avenue and County Road 46  Services: Full Municipal Services
Official Plan	Residential Land Use, Flood Plain, Limit of Regulated Area - LTVCA
Zoning By-law	R1 Zone – Residential Low Density

## Adjacent Land Uses

North	School, Residential
South	Residential, County Road 46
West	Agricultural
East	Taylor Avenue, Commercial, Residential and Institutional

## Proposed Development Details

Area of Draft Plan (ha)	Total area of subdivision: 6.709ha Total Residential Area: 3.813ha
Number of Proposed Lots	37 Lots for Single Detached Dwellings
Proposed Local Road ROW Width	20 metre ROW 66 feet
Parkland	Block 51 was dedicated as part of Phase 1.
Density (dwellings / ha)	9.703 units per hectare
Minimum lot frontages Single Detached Dwellings Required by R1 Zone	Min. 15 m
Minimum Lot Area Required by R1 Zone	500m <sup>2</sup>

## Comments

### Provincial Policy Statement (PPS)

The proposed subdivision development is consistent with the applicable policies of the PPS. The subject lands are located within Comber, 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 (COP)

The County of Essex Official Plan, Schedule A1, Land Use Plan, designates the subject lands as Settlement Area. Schedule A1, Settlement Structure Plan, designates the subject lands as Secondary Settlement Area.

It can be stated that the proposed subdivision development conforms to the COP in that the subject lands are currently designated to support the proposed residential subdivision.

### **Lakeshore Official Plan (LOP)**

The current Lakeshore Official Plan, as well as the New Lakeshore Official Plan (County approval pending), designates the subject property as Residential. The proposed plan of subdivision conforms to the applicable policies within both of these documents in that the subject lands are currently designated to support the proposed residential subdivision.

### **Zoning By-law**

The existing R1, Residential zoning on the subject lands permits the development of the proposed single-detached dwellings, and provides for the applicable performance standards for each lot.

### **Plan of Subdivision**

A plan of subdivision is a legal survey (for example, M-166) 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 to a maximum of 37 single detached dwellings;

- 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: Registered Plan M-166
- Appendix 3: Tracey Phasing Plan

## Report Approval Details

Document Title:	Tracey Estates Phase 2 Subdivision Agreement.docx
Attachments:	- Appendix 1 Key Map.pdf - Appendix 2 Draft Plan.pdf - Appendix 3 Tracey 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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