

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, Planner I

Date: March 30, 2022

Subject: Zoning By-law Amendment Application ZBA-21-2020, Jeremy St John

Recommendation

Defer Zoning By-law Amendment Application ZBA-21-2020 to amend the current zone category R2-21, Residential Type 2 Zone Exception 21 to permit a *Stacked Dwelling* containing a maximum of six dwelling units as an additional permitted use on the "Subject Property" (Appendix 1), including site-specific zone regulations, and introduce a holding provision (h29) which will only permit existing uses until site plan approval has been granted, and a site plan agreement has been entered into that adequately addresses sanitary capacity, until the applicant confirms that there is conveyance capacity for sewage flows to support the development, all as presented at the April 12, 2022 Council meeting.

Background

The subject property is currently a 1098.86 m² (0.27 acre) vacant residential lot located north of Broadway Street at the southeast corner of Dupuis Street and Railway Ave in the Community of Belle River (see Appendix 1).

The applicant is proposing to construct a new residential building known as a *Stacked Dwelling* housing six dwelling units, together with any necessary ancillary facilities (Appendix 2). A Stacked Dwelling is defined in the Zoning By-law as a residential use building containing four or more dwelling units where each dwelling unit is divided horizontally and vertically, and in which each dwelling unit has an independent entrance to the exterior. The subject property is currently zoned Residential Type 2 Zone Exception 21 (R2-21) which permits one single detached dwelling or semi-detached dwelling, group home and home occupation.

The Zoning By-law Amendment is proposed to include a holding provision which will only permit existing uses until site plan approval has been granted, and a site plan agreement has been entered into that adequately addresses sanitary capacity for the proposed development. It is recommended that Council defer the application until the applicant confirms that sewage flows can be conveyed for the proposed development. While the Denis St. Pierre Treatment plant expansion under construction will provide sanitary

treatment capacity, the capacity for sewage conveyance should be confirmed prior to rezoning the subject property.

Subject Parcel	Lot Area – 1098.86 m ² (0.27 acre) Existing Use – vacant Proposed Use – Stacked Dwelling (6 dwelling units) Access – Dupuis Street (proposed) Servicing – Municipal services
Surrounding Uses	North – residential land uses, VIA right-of-way beyond that East – residential land uses West – residential land uses South – residential land uses
Official Plan	Residential
Existing Zoning	Residential Type 2 Zone Exception 21 (R2-21)

Comments

The other aspects of the Zoning By-law Amendment application are supportable from a planning perspective with comments provided below for Council and the public meeting.

Provincial Policy Statement (PPS)

The proposed development is consistent with the policies of the PPS, including the following:

Section 1.1.1 of the PPS notes that healthy, livable and safe communities are sustained by:

- b. accommodating an appropriate affordable and market-based range and mix of residential types to meet long-term needs;

Section 1.4.3 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b. permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents...
- d. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities...

There are no issues of Provincial significance raised by this application.

County of Essex Official Plan and Municipality of Lakeshore Official Plan

There are no issues of County or Municipal significance raised by this proposed development. The subject property is located in a Primary Settlement Area in the County of Essex Official Plan. Promoting residential intensification within Primary Settlement Areas is an established goal of the County of Essex Official Plan (3.2.2 i). Furthermore, section 3.2.4.1 b) of the County of Essex Official Plan states that Primary Settlement Areas shall have a healthy mixture of housing types, and Section 3.2.7 encourages a range of housing choices to be achieved through residential intensification.

Section 4.3.1.2 a) of the Lakeshore Official Plan states that housing will, in part, be provided through urban residential intensification, which may include infill development and residential development of vacant land or underutilized land in existing neighbourhoods.

The subject land is designated Residential in the Lakeshore Official Plan. A variety of housing types are anticipated to be developed to meet the varying demands and characteristics of the population within this designation. The applicant is proposing a medium profile residential building in accordance with Section 6.6.1 b) of the Lakeshore Official Plan.

b) Medium density residential uses will be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings, subject to the following criteria;

i) the density, height and character of the development will be compatible with adjacent uses;

Comment: The proposed residential building will be attractively designed to have regard to the character of the surrounding residential area. It will comfortably meet the maximum height requirements in the Zoning By-law, and the proposed density of the medium profile building is considered appropriate in relation to the size of the subject property.

ii) the height and massing of the buildings at the edge of the medium density residential development will have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate transition;

Comment: The proposed residential building will be oriented towards Dupuis Street where there is an existing sidewalk. A 7.62 metre rear yard setback is proposed from the neighbouring property to the east to provide an appropriate transition. The development will only result in 23% lot coverage, with plenty of open space dedicated to landscaping including proposed trees/plants. The applicant is also proposing a new 1.8 metre high wood fence along the rear lot line and side lot lines which will enclose the rear yard.

iii) the development will be encouraged to have direct access to an arterial or collector road, where possible and appropriate;

Comment: Dupuis Street is an urban residential local road, while Broadway Street is in close proximity to the subject property and is an Urban Residential Collector Road

iv) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the Municipality, save and except where private septic systems will be permitted;

Comment: Full municipal services (sanitary and water) are available for connection from the existing road right-of-way. Section 8.3.2.1 of the Official Plan states that the Municipality may place a holding symbol on the zone that prevents development from occurring until the Municipality is satisfied that certain conditions have been met, allowing the Municipality to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding.

This application for rezoning was received in October 2020 and is identified as a category two development application in the December 4th 2020 report to Council entitled "Denis St. Pierre Water Pollution Control Plant, Sanitary Sewage Capacity". In this case of an application in process, a holding symbol is to be placed on the zone which will only permit existing uses until sanitary capacity is confirmed for the development. The Denis St. Pierre Treatment plant expansion is currently under construction and will provide sanitary treatment capacity by spring/summer 2023 under the expected timeline. However, it is recommended that Council defer an amendment to the Zoning By-law until the applicant confirms that there is conveyance capacity for sewage flows to support the development.

v) the development is adequately serviced by parks and school facilities;

Comment: Parks and school facilities are available and service the area.

vi) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;

Comment: The applicant is proposing landscaping, including trees/plants, north of the parking area and surrounding the building. The applicant is also proposing a new 1.8 metre high wood fence along the rear lot line and side lot lines which will enclose the rear yard.

vii) all required parking will be provided on the site, and cash-in-lieu of required parking in accordance with the policies of Section 7.2.2.2 of this Plan, will not be accepted by the Municipality;

Comment: Required parking will be provided on site (1.5 spaces per dwelling unit (6 units) = 9 parking spaces).

viii) in developments incorporating walk-up apartments, block townhouse dwellings and similar medium profile residential buildings, on-site recreational facilities or amenities such as private open space or playground equipment may be required;

Comment: The proposed development will incorporate some private open space on the subject property. On-site recreational facilities or amenities such as playground equipment are not included in the proposed design to maximize opportunity for landscaping. The subject property is in close proximity to Lakeview Park.

ix) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the Municipality;

Comment: Due to the small scale of the development a traffic study was not required by the Municipality. Water and sanitary services are in the area and will be reviewed in detail via the site plan control process.

x) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 8.3.4 of this Plan.

Comment: The proposed development is being reviewed under site plan control. Administration has completed their review of the site plan, elevation drawings, and storm water management. Confirmation that sewage flows can be conveyed is needed prior to development proceeding. A separate report will be brought back to Council in the future.

The subject land is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area. At the time of writing this report, no comments were received from ERCA with respect to the proposed Zoning By-law Amendment.

Zoning By-law

The subject property is currently zoned Residential Type 2 Zone Exception 21 (R2-21) which permits one single detached dwelling or semi-detached dwelling, group home and home occupation as the only permitted uses.

An amendment to Lakeshore Zoning By-law 2-2012 is required to permit a *Stacked Dwelling* containing a maximum of six dwelling units as an additional permitted use on

the subject property and to establish zone regulations specific to the development, including:

- The lot line adjacent to Dupuis Street will be deemed the front lot line

The proposed development will be oriented facing Dupuis Street where it can utilize the existing sidewalk infrastructure

- For the waste area enclosures to be setback 0.49 metres from the interior side lot line

The waste area enclosures are proposed south of the parking area adjacent to land owned by the municipality. The applicant is proposing to store waste in fully enclosed containers, and is proposing to further screen the waste by constructing a new wood fence along the south lot line and west of the enclosures.

- A minimum of 54% of the front yard shall be maintained as landscaping

The applicant is proposing to establish plants/trees in the front yard of the subject property to enhance landscaping. 54% of the front yard will be maintained as landscaping due to the proposed parking area being partially located in the front yard.

- The maximum lot coverage shall be in accordance with the Site Plan agreement

The Residential – Medium Density (R2) zone regulations do not specify the maximum lot coverage for a *Stacked Dwelling*. For clarity, the Zoning By-law Amendment will specify that the lot coverage shall be in accordance with the Site Plan agreement. The applicant is proposing only 23% lot coverage for the development, which will maximize opportunity for landscaping of the site.

If approved, the Zoning By-law Amendment will also place a new holding provision on the zone which will only permit existing uses until site plan approval has been granted, and a site plan agreement has been entered into that adequately addresses sanitary capacity and conveyance for the proposed development. It is recommended that Council defer the Zoning By-law Amendment application until the applicant confirms that there is conveyance capacity for sewage flows to support the development.

The site plan and elevation drawings attached as Appendix 2 prepared by the applicant details the proposed development.

Public Consultation

In February 2021, the municipality circulated a request for public comment to landowners within 120 metres of the subject property. The site plan and elevation drawings were shared with the public as part of circulation. One comment sheet was received signed by four different residents residing at 471, 467, 473 and 477 Railway Ave. A separate email response was received from the resident residing at 513 Railway

Ave. Generally, the comments expressed concerns with parking, compatibility including height, sewer capacity, and property values.

Traffic and Parking

With respect to the amount of traffic the proposed use will generate, a traffic study was not deemed necessary given the number of dwelling units proposed and its nominal impact to the municipality's road system. The required number of parking spaces will be provided on site (1.5 spaces per dwelling unit (6 units) = 9 parking spaces). The applicant has developed the same building with the same number of parking spaces on a different property – 272 Renaud Line Road (see Appendix 3) – and has experienced no issues related to parking.

Compatibility to surrounding uses

The height of the building is proposed to be 8.71 metres to the mid-point of the roof, and 7.46 metres to the roof. This proposed height comfortably meets the maximum height requirement under the Zoning By-law. The building is proposed to face Dupuis Street and to be setback 7.62 metres from the rear lot line to provide an appropriate transition from the neighbouring property to the east. Proposed landscaping features and attractive building design will result in a compatible development.

Sewer Capacity/Infrastructure

This issue has been addressed in the report.

Property Values

When intensification proposals are reviewed, residents may perceive that their property values will be negatively impacted. Devaluation of properties is a perceived effect that is difficult to assess. Property values are influenced by many factors and are primarily determined by the condition of the property for sale and other broader, more complex forces, such as, overall area development and neighbourhood prosperity. The location of the residential development has no significant impact on these other conditions which determine property values. The assumption that property values will decline with the location of the development is typically based on an idea that this one development would affect the whole neighbourhood.

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 comments were received from the public, other than those noted above, and no concerns were expressed from any agencies.

If Council decides to defer the application until capacity for sewage conveyance is confirmed, then a future report and by-law will be presented to Council to reflect this

change to the requested Zoning By-law Amendment. It is the opinion of administration that this change to the proposed Zoning By-law Amendment would be minor and therefore would not require another public meeting.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Conclusion

Based on the foregoing, Administration recommends that Council defer ZBA-21-2020 as per the Recommendation section of the report.

Attachments

Appendix 1 – Key Plan
Appendix 2 – Site Plan
Appendix 3 – Elevations
Appendix 4 – 272 Renaud Line Road
Appendix 5 – Alternatives under the Planning Act

Report Approval Details

Document Title:	ZBA-21-2020 Jeremy St. John.docx
Attachments:	- Appendix 1 - Key Plan.pdf - Appendix 2 - Site Plan.pdf - Appendix 3 - Elevations.pdf - Appendix 4 - 272 Renaud Line Road.pdf - Appendix 5 - Alternatives under the Planning Act.docx
Final Approval Date:	Apr 7, 2022

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

Aaron Hair

Tammie Ryall

Justin Rousseau

Kristen Newman

Truper McBride