

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Aaron Hair, MCIP, RPP, Division Leader – Community Planning

Date: September 8, 2022

Subject: Giorgi Subdivision (347 Renaud Line) Zoning By-law Amendment Application ZBA-28-2021 and Draft Plan of Subdivision Public Meeting – Revised Report

Recommendation

Approve Zoning By-law Amendment Application ZBA-28-2021 (By-law No. 64-2022), to Lakeshore Zoning By-law 2-2012, as amended), to rezone 347 Renaud Line Road, legally described as Part of Lot 4, Concession East of Puce River, designated as Parts 2 and 3 on Plan 12R22568, Lakeshore, subject to a Right-of-Way over Part 3 on Plan 12R22568 as in R375899, being all of the Property Identifier Number 75005-1536(LT), indicated as the “Subject Lands” on the Key Map, Appendix 1 from “Residential – Low Density (R1)(h4) Zone” to “Residential – Medium Density (R2)(h4)” zone;

Direct Administration to notify the County of Essex that the Municipality of Lakeshore supports the draft plan approval for the Giorgi Subdivision Development as described in the report “Giorgi Subdivision (347 Renaud Line) Zoning By-law Amendment Application ZBA-28-2021 and Draft Plan of Subdivision Public Meeting – Revised Report” presented at the September 13, 2022 Council Meeting; and,

Direct Administration to forward any comments from the public meeting to the County of Essex.

Background

At the August 9th Council meeting the Public Meeting was closed, but Council deferred making a decision on the applications in order to review the sanitary sewage available for the proposal.

The following motion was passed:

307-08-2022

Defer consideration of the application to the September 13, 2022 Council meeting, for Administration to conduct a review of sanitary conveyance and capacity associated with ZBA-28-2021 and Draft Plan of Subdivision.

Result: Carried Unanimously

Subsequent to the meeting, Administration has confirmed that there is available sanitary conveyance for the proposed subdivision (Attachments 5 and 6). Under the 2003 Oakwood Agreement, the subject lands are identified as part of the “Renaud Line Development”, and consisted of 65.4 acres and reserved 288 units of sanitary capacity. 98 Units were absorbed as part of the Rosewood Subdivision, and after the Giorgi Subdivision (the subject application), there will be remaining reserved capacity for 83 Units. These additional 83 units are anticipated to be located on the northern side of Oakwood which will be included in the “Renaud Line Development”.

The Giorgi Subdivision proposes a development of 107 residential units: 37 being single detached dwellings, and 70 being semi-detached dwellings. The development will take place upon the property at 347 Renaud Line Rd which is currently vacant.

Primary access to the Giorgi Subdivision is through proposed Street ‘A’ which connects to Renaud Line. Street ‘B’ connects to the existing subdivision to the south. Future access to Oakwood Ave will be provided through future development of the vacant land found to the west.

Street C will provide frontage for future development opportunities for the strip of land to the north abutting Oakwood Ave which is under separate ownership.

The subject land is surrounded by residential development and is in close proximity to schools and River Ridge Park. All municipal services are available and the “Pirolì” storm water retention pond next to this site has been oversized for these lands.

Property to be Developed	347 Renaud Line Rd
Overall Area	7.86 Hectares
Current Use	Vacant Land
Proposed Use	Residential subdivision
Access	Main access to Renaud Line. Rosewood Subdivision streets, to the south and future access to Oakwood Ave to the west.
Services	Full Municipal Services
Official Plan	Primary Settlement Area
Zoning By-law	R1(h4) – Residential Low Density.

Adjacent Land Uses

North	Vacant Land for future residential development
South	Rosewood Subdivision (developed and built).
West	Vacant Land for future residential development
East	Residential, Single-family dwellings

Proposed Development Details

Area of Draft plan (ha)	Total subdivision area: 7.86 ha
	Total residential area: 5.32 ha
Number of Proposed Lots	37 lots for Single Detached Dwellings
	70 lots for Semi Detached Dwellings
	107 Total Lots
Proposed Local Road ROW Width	20 Meter ROW width
Parkland	Cash in lieu of Parkland
Density (Dwellings/ha)	13.61 units per hectare
Minimum lot frontages	15.0 m – Single Detached
Required by R2 Zone	9.0 m – Semi-Detached (12.0 m for Corner Lots)
Minimum Lot areas	500 m ² – Single Detached
Required by R2 Zone	270 m ² – Semi-Detached
Zoning By-law	R2 Zone – Residential Medium Density

Comments

Provincial Policy Statement (PPS)

The proposed subdivision is located in an urban settlement area, will provide for a mix of housing types (single and semi-detached) and will make efficient use of existing municipal services consistent with the policies of the Provincial Policy Statement (2020). Although it can be stated that the proposal supports and implements many of the document's policies, the proposed subdivision supports the following important policies which are specifically highlighted.

- 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 designates the subject lands as a settlement area as seen in Schedule A1. Schedule A1 depicts the subject lands as a Primary Settlement area.

The proposed subdivision conforms to the COP due to the subject lands being within the urban settlement area.

Lakeshore Official Plan (LOP)

The current Lakeshore Official Plan designates the subject land as residential. The proposed plan of subdivision conforms with this designation by providing Single-detached dwellings, and Semi-detached dwellings.

The application for the Giorgi Subdivision conforms to the draft Emeryville Secondary Plan as it remains consistent with Section 2.2.2 Connecting and Internal Roads which maintains spacing for future roadway access. Future development along Oakwood Avenue will also be accessed through the subdivision right-of-ways.

Zoning By-law

The existing R1(H4), residential zoning on the lands does not permit any new development. The applicants have applied for a zoning bylaw amendment. As supported through the COP and the LOP residential designation and development of the subject lands would prove favorable. A designation under R2, residential zoning on the subject lands would permit the development of the proposed single-detached dwellings and semi-detached dwellings.

Plan of Subdivision

The draft plan consists of 37 lots for single detached residential use and 35 lots for semi-detached dwellings (70 units) (See Appendix 2). 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.

The conditions of draft subdivision plan approval will include the developer's obligations to the Municipality, including but not limited to the following:

- 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;

- Allocation of sanitary sewage treatment capacity for the plan.
- 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.

Draft Plan Considerations

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 7 unnamed streets currently classified as Streets A through G.

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 / Signalization

No Traffic Impact Assessment was required as IBI completed an impact assessment for the creation of the Emeryville Secondary Plan to study the impact of future development within the subject area. No comments of significant concern were presented. Therefore, no future traffic assessment and considerations are needed.

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.

Parkland

Under section 51 of the *Planning Act* the municipality may acquire up to 5% of the lands being developed through the Plan of Subdivision process for park purposes or collect the cash value of 5% of the property in lieu of parkland dedication.

Administration recommends cash-in-lieu of parkland dedication on a per unit rate, as per Lakeshore's Parkland Dedication and Cash in Lieu By-law. It should be noted that the By-law is currently being reviewed and an updated cash-in-lieu rate and by-law will be presented to Council at this Council meeting (September 13).

Site Servicing

According to the proposed development location within a primary settlement area, services such as water supply and sewage disposal shall be provided. 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 2003 Oakwood Trunk Sanitary Sewer system currently allocates sanitary treatment capacity to these lands until 2023. Further details are included in the Background Section, and in Attachments 5 and 6.

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. Electrical distribution, telecommunications and natural gas are available for the site.

Regarding sewage capacity at the Denis St. Pierre Sewage Treatment Plant, the subdivision application has been in process for several year, and Administration considers this subdivision to be in category "2" as described in the December 2020 report to Council, and can proceed to the draft plan approval stage of development. The subdivision agreement will contain provisions regarding the timing of development and the connection to the Denis St. Pierre Sewage Treatment Plant.

Stormwater Management

To satisfy the requirements of the storm water management plan for development along Renaud Line the implementation of both quantitative and qualitative protection measure is 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 be implemented through the conditions of draft approval and the subdivision agreement. The stormwater facility that the proposed development would utilize is in the Rosewood Subdivision. During construction of the Rosewood subdivision all stormwater infrastructure and the pond were oversized to accommodate the run-off generated from this proposed development. Based on the current design and layout of the proposed subdivision, no improvements are required to the existing storm infrastructure.

Archeological Assessment

A stage 1 and 2 Archeological Resource Assessment was conducted by Archeoworks Inc. Based on their findings the proposed site is considered to have low cultural heritage value or interest, therefore requiring no further testing.

Affordable Housing

As per section 4.3.1.3 of Lakeshore's Official Plan (2010), the Municipality will work with the County of Essex to identify targets for housing that is affordable to low and moderate income households and that the Municipality will encourage the provision of affordable housing.

Under the 2021 Official Plan (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)*

At this time, there is no information on how the proposed subdivision will meet the affordability criteria. We assume that the lots will not be affordable. However, it is noted that semi-detached units do create a mix of housing types.

Noise and Vibration

A Noise and Vibration Impact Assessment was conducted upon the proposed site due to the proximity to the CP Rail line. Based on the report the study area is within the guideline limits set by the Ontario Ministry of the Environment, Conservation and Parks and requires no further assessments and considerations.

Others Consulted

The County of Essex has provided Lakeshore with written comments from the following agencies:

Bell Canada (No Objections) Requested the following condition:

- *"The Owner agrees that should any conflict arise with existing Bell Canada Facilities where a current and valid easement exists within the subjected area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."*

Canada Post (No Objections)

- Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
- If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install, and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Canadian Pacific Railway Facility (No Objection) requested the following condition:

- *"Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."*

Essex Region Conservation Authority (No Objection) Requests the following Conditions:

- *That the subdivision agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulates, that prior to obtaining final approval, for any phase of the development, that the Owner, will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with the Windsor-Essex Region Stormwater Management Standards Manual and any other relevant municipal/provincial, standards or guidelines, in consultation, with the ERCA;*
- *That the subdivision agreement between the Owner and the Municipality contain provisions, that requires, that the Owner, installs the stormwater management measures, for any phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, 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;*

- *That prior to undertaking construction or site alteration activities, any necessary permits or clearances, be received, from the Essex Region Conservation Authority, in accordance with Section 28 of the Conservation Authorities Act. If the works are located within an area, not regulated by Section 28 of the Conservation Authorities Act, then a Development Review, must be obtained from the Essex Region Conservation Authority, prior to undertaking construction or site alteration activities; and*
- *That 1156756 ONTARIO LIMITED, the Owner of 'the benefiting lands' to the north and the current Owner of the subject lands, enter into a separate landowner's cost sharing agreement for the construction and cost sharing for the portion of Street 'C' and other services, that benefit their respective lands, that form part of the subject lands. Further that 1156756 ONTARIO LIMITED and the Owner of the subject lands, shall provide the ERCA with written acknowledgement, advising, they have signed the aforementioned cost-sharing agreement, that it is in good standing, that the deeds have been delivered and payments made or secured, prior to the ERCA providing final clearance to the County of Essex.*

The Greater Essex County District School Board (No Objections)

- *That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board, and the Municipality, requiring a sidewalk be provided along the internal streets within the proposed plan pursuant to standard municipal requirements to facilitate pedestrian movement, bus routing and stops, and safety of school children.*
- *That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School and the Municipality, requiring notice in every agreement of purchase and sale advising purchasers of units to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.*
- *That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 1 and 2 above have been satisfied.*

Hydro One (No Objection)

Windsor-Essex Catholic District School Board

- *"The Developer and Municipality should note that families purchasing property within the proposed development may not be able to be accommodated in the Catholic school nearest to their place of residence and may require busing to a school with available capacity."*
- *"The Developer and Municipality should note that sidewalks or recreation pathways shall be provided to facilitate bus stops, student safety and walkers to the satisfaction of the Municipality and the Windsor-Essex Catholic District School Board."*

Fire Services has no comments for the subdivision layout as presented.

Public Notice of the Subdivision

Notice of the public meeting was sent by mail to property owners within 120m of the subject lands. In addition, a notice sign was posted on site at the principal entrance to the subject site.

As of the writing of this report, no submissions from the public have been received.

Conclusion

Based on the foregoing, Administration recommends support of the proposed zoning by-law amendment and the draft plan of subdivision, as they are consistent with the Provincial Policy Statement and conform with the policies of the County of Essex and Municipality of Lakeshore Official Plans.

Further, Administration recommends that Council direct administration to submit any verbal or written comments received to the approval authority, being the County of Essex.

Financial Impacts

Upon completion of the subdivision 37 single family detached dwellings and 35 semi-detached dwellings will create an estimated \$2,153,808 ($37 * \$29,914 + 35 * \$29,914$ (DC By-law 56-2022)) in development charges for the municipality. As well as additional taxation, water, and wastewater revenue.

Attachments

- Attachment 1 – Key Map
- Attachment 2 – Draft Plan of Subdivision
- Attachment 3 – Aerial Photo
- Attachment 4 – Area Map
- Attachment 5 – Lakeshore Engineering Comments
- Attachment 6 – Sanitary Agreement Schedules (Engineering Comments)

Report Approval Details

Document Title:	Giorgi Subdivision (347 Renaud Line).docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 – Key Map.pdf- Attachment 2 – Draft Plan of Subdivision.pdf- Attachment 3 - Aerial Map.pdf- Attachment 4 - Area Map.pdf- Attachment 5 - Engineering Comments Giorgi Subdivision and Zoning By-law Amendment Application ZBA-28-2021.pdf- Attachment 6 Sanitary schedules to Engineering Comments.pdf
Final Approval Date:	Sep 8, 2022

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

Prepared by Aaron Hair

Submitted by Tammie Ryall

Approved by Justin Rousseau