

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council
From: Tammie Ryall, Corporate Leader – Growth & Sustainability
Date: January 3, 2023
Subject: Admiral’s Cove Development – Amendment to the Development Agreement

Recommendation

Approve the amendment to the Development Agreement for the Admiral’s Cove Development between the Municipality of Lakeshore, 507822 Ontario Inc. and 1403543 Ontario Inc.; and

Direct the Clerk to read By-law 14-2023 during the “Consideration of By-laws” to authorize the Mayor and Clerk to execute an amendment to the Development Agreement dated December 9, 2014 as presented at the February 14, 2023, Regular Council meeting.

Background

The Municipality of Lakeshore entered into a development agreement with 507822 Ontario Inc. and 1403543 Ontario Inc. (“Admiral’s Cove Development”) on December 9, 2014, for the development of lots on a registered plan on Haven Avenue in the Community of Lighthouse Cove. This development agreement permitted the development of 22 lots for single detached residential use.

The design drawings were completed by the consulting engineers retained by the Developer. The design drawings were completed in accordance with Lakeshore’s development standards and the construction of the services and road commenced in April 2016. The road (Haven Avenue) and services were accepted onto maintenance period in accordance with the development agreement in July 2016. Transfer of ownership of the lots occurred, and issuance of building permits began in 2016. To date, eighteen (18) homes have or are being built (fifteen (15) are complete and three (3) are under construction).

The community of Lighthouse Cove is prone to flooding due to precipitation; high winds which can temporarily increase the lake level and wave action; and from flooding due to water backing up at the mouth of the Thames River in spring weather conditions. Haven Avenue has been susceptible to flooding due to the low elevation of the road.

Since 2016, Lake St. Clair water levels began to rise dramatically to the point where the static lake level was higher than portions of the Haven Avenue road surface. Based on concerns with water ponding conditions, roadway elevations were investigated, and it was determined that the roadway was installed below the elevation required to minimize the impacts of flooding.

In the spring of 2019, the static lake water level was at a high point with water accumulating on the road for extended periods of time. The Developer installed a temporary pump, but a more permanent solution was required. As the road and services are still under the maintenance period and have not been assumed by the Municipality of Lakeshore, Administration advised the Developer to come up with a solution to alleviate the flood waters on Haven Avenue.

The Developer has proposed to undertake road remediation in order to raise the elevation of the road to reduce the flood risk to the existing and future residents on Haven Avenue. The elevation will be similar to the elevation of the connecting street, Tisdelle Road. Lakeshore Administration and the Lower Thames Valley Conservation Authority support this solution. Engineered drawings have been prepared by the Developer to undertake this work.

Official Plan and Zoning By-law Context

The community of Lighthouse Cove is designated in the Official Plan as “Lighthouse Cove Special Planning Area”, with permitted residential uses, with a Lake St. Clair Floodprone Area/ Inland Floodprone Area overlay. The Official Plan requires that a Secondary Plan be developed to guide future land use. The Municipality has retained a consultant to develop the Secondary Plan, which is currently in process.

The Official Plan states that a holding symbol may be placed on the urban area, until municipal water and sewage systems are available (Section 7.3.1.1 f)). This policy was included to be consistent with the Provincial Policy Statement which states that full municipal services are the preferred way to service new development in Settlement Areas. This is particularly relevant in the Lighthouse Cove community where high-water tables and the potential for flooding could make the operation of traditional individual septic systems problematic. At the time the Official Plan was reviewed, the province, the Conservation Authority and the County of Essex were concerned about allowing further development in the Lighthouse Cove Area without a municipal sewage system in place.

The Official Plan policies (approved through Official Plan Amendment No. 7) does allow for some infill development.

As Section 9.7, e) Lighthouse Cove Special Planning Area states:

“Long-term municipal servicing for Lighthouse Cove must be established prior to considering any further development, other than development of a single detached residence as infilling or rounding out on existing lots of record, within the Urban

Area, provided that the site conditions are suitable for the long-term provision of such services with no negative impacts. For greater clarity, those lots for which full municipal servicing shall be required will be identified by use of the “h” Holding Symbol in the Zoning By-law”

Development of Phase 1 of Lighthouse Cove (Haven Avenue) proceeded due to a policy omission in the 2010 Official Plan which permitted development of a single detached dwelling, on a private septic system, for existing lots of record in the “Urban Area”. In Phase 1, the existing lots of record were doubled up under the provisions of the Development Agreement to create more area for a building footprint and a septic system, and there is monitoring of the septic systems through the agreements registered on title.

Official Plan Amendment No. 7 corrected the omission by including Section 3.4.6 d) (now Section 9.7 e) above) in the Official Plan. In keeping with the policy in the Official Plan, the area is currently covered by a Holding Zone which prevents development until full municipal servicing is available.

Comments

The proposal is to permit an amendment to the Admiral's Cove Development Agreement to provide a framework for the remediation of Haven Avenue. Remediation of the road will provide the existing and future residents on Haven Avenue with safer access in times of flooding conditions.

As mentioned above, the Developer is prepared to undertake this work and has prepared drawings to amend the elevation of the roadway. Administration and the Lower Thames Valley Conservation Authority have agreed to this solution.

Subsequent to the execution of the amending Development Agreement, the Developer will apply for a zoning change to the Municipality of Lakeshore Zoning By-law 2-2012, as amended, remove holding provisions, to permit the development of four additional lots for single detached use. The existing lots of record, Lots 253 and 254 will be combined for one lot; and Lots 256 and 257 will be combined into a second lot. Lot 255 and Lot 301 have adequate frontage for a building permit and septic system and will be the 3rd and 4th lot respectively. These are referred to the Amending Development Agreement as “Proposed Phase 1B”. The additional lots will bring the total number of lots on Haven Avenue to 26 lots, serviced initially by individual septic tanks and tile bed systems and piped municipal water (partial municipal services).

It is understood that municipal sanitary sewers may be provided for the Community of Lighthouse Cove at some point in the future in keeping with the Municipal Water and Wastewater Master Plan (WWWMP) and the Lakeshore Class Environmental Assessment Environmental Study Report for Lakeshore Eastern Communities Sewage Works, dated November 2012. However, an update to the WWWWMP is currently being undertaken and the Environmental Study Report for Lakeshore Eastern Communities Sewage Works has since expired.

The extension of the road to allow the development of four additional building lots is being proposed to provide the Developer with the financial means to raise the elevation of the road, to alleviate future flooding on the road. The existing temporary cul-de-sac would be built out further and in a more permanent nature, providing access and turning radius for municipal and emergency vehicles. Owners of the four lots would be able to apply for building permits when the “H” holding zoning provisions has been removed.

Development of four lots on the Haven Avenue extension can be considered as infilling and rounding out under the Official Plan policies as mentioned above as three of the four proposed lots are currently fronting on the temporary Haven Avenue cul-de-sac. The fourth proposed lot is partially fronting on the cul-de-sac.

In Section 3.2 of the current Development Agreement, which will apply to the four additional lots, if approved, it is required that proof that individual private septic tank and tile field systems are functioning properly be submitted to Lakeshore, to ensure that any adverse environmental impacts are addressed. Further, this Section of the Development Agreement requires owners to connect to a municipal sewage system when one becomes available.

Consideration of the lifting of the Holding provision (for the four lots) and a further amendment to the Development Agreement will occur through a future report to Council.

Others Consulted

Lower Thames Valley Conservation Authority

Financial Impacts

It is understood that the Municipality will not need to contribute financially to remediating the road.

Attachments

Attachment 1 – Existing Development Agreement (2014)

Report Approval Details

Document Title:	Admiral's Cove Development - Amendment to the Development Agreement.docx
Attachments:	- Attachment 1 Existing Development Agreement, 2014, Admirals Cove.pdf
Final Approval Date:	Feb 8, 2023

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

Prepared by Tammie Ryall

Approved by Krystal Kalbol, Justin Rousseau and Truper McBride