



## **The Corporation of the Town of LaSalle**

**To:** Mayor and Members of Council

**Prepared by:** G. Beggs, Director of Planning & Development

**Department:** Planning & Development

**Date of Report:** September 15, 2022

**Report Number:** PD-33-22

**Subject:** Wyoming East Apartment Development – Application to Remove the Holding Provision

### **Recommendation**

That the report of the Director of Planning and Development dated September 15<sup>th</sup>, 2022 (PD-33-22) regarding the request to remove the holding provision from the property on the north side of Wyoming Avenue, identified in Figure 1, be received; and

That Council approve the Applicant's request to remove the holding zone symbol from the above-noted lands, and that Administration prepare a corresponding by-law for adoption for removal of the holding provision once the required site plan agreement is properly executed by the Corporation; and

That Council deems the alley and municipally owned property adjacent to Turkey Creek abutting the Applicant's property as surplus land, and that the sale of these lands be incorporated into the corresponding site plan agreement to be registered on title.

### **Report**

28055249 Ontario Inc. (Timberland Homes) is proposing to construct a new rental apartment building on land along the north side of Wyoming Avenue in the Town of LaSalle. To facilitate the proposed development, the Owner/Applicant has submitted the following *Planning Act* Applications:

1. An application to remove the holding zone symbol from the subject lands, which are currently zoned Town Centre Two Zone Holding – TC2(h) in the Town's Comprehensive Zoning By-law;
2. An application to obtain site plan control approval for a new 5-storey, 38-unit residential apartment building;

3. An application to acquire approximately 630 square metres of closed alley and town-owned lands, zoned Recreational “RE” to be added to the site. The closed alley is currently zone TC2 (h) and it will be used to create proper on-site circulation for the easterly off-street parking area. The town-owned “RE” land will remain in its natural state, and the town will retain an easement over this property for future access and maintenance of Turkey Creek. The sale of these lands will be incorporated into the site plan agreement and the policies and procedures outlining the acquisition of municipally owned property, previously adopted by Council, will apply.

When assessing the merits of this application, the following are offered for Council’s consideration:

1. Section 36 of the *Planning Act* provides the legislative framework for a municipality to add and remove an “H” holding provision. A formal public meeting is not required; however, a notice of Council's intention to pass the amending by-law must be given to the current Owner.
2. The public meeting request, pursuant to the removal of the holding symbol, is a result of a prior resolution of the Town of LaSalle Council (1994) in an attempt to help keep the residents informed of adjacent development being brought forward on neighbouring properties. The prior resolution established that once a signed development agreement was established and municipal servicing capacity was confirmed, a public meeting associated with the removal of the holding provision would be held as a way to advertise future development. The intent of the meeting is not necessarily to solicit public feedback regarding the detailed proposal but is intended to be used as a way to inform residents of upcoming development in the community. There is no legislated Planning Act requirement to hold a public meeting pursuant to the removal of the holding provision.
3. Removal of the holding provision is further addressed under Section 7.6.3 of the Town of LaSalle’s Official Plan, wherein it stipulates that the holding symbol will not be removed until such time as Council is satisfied that the required development agreements are in place and that there is adequate municipal services available to support the intended development. Administration has reviewed the application and supporting documentation associated with this proposal and is satisfied that adequate services are available to accommodate the building. Should Council approve the request to remove the holding provision, Administration will begin to prepare a site plan agreement for the development that incorporates all municipal requirements necessary to ensure the orderly development of the lands.
4. To reiterate, the holding provision is a mechanism to ensure that the above conditions are fulfilled prior to the development of the lands in accordance with the approved zoning. There is no right to appeal Council’s decision on the removal of a holding provision, other than on the part of the Applicant/Owner.

5. The proposal conforms to the LaSalle Town Centre District Official Plan designation for the property, which supports Mid-Rise and High-Rise residential uses in standalone buildings and encourages a range of housing types in support of a complete and integrated community. Higher-density housing forms also help to promote opportunities for more affordable housing and help to facilitate the achievement of affordable housing goals that are mandated as part of the Town of LaSalle's Official Plan. The proposed apartment building also complies with the zone provisions and requirements for the TC2 zone.
6. In August of 2022, an Area-Specific Development Charge By-law was adopted for certain properties within the Town Centre to facilitate future sanitary service improvements. This property is identified as part of this area-specific development charge and the Owner has been made aware of this requirement. The area-specific development charge will be captured as part of the site plan agreement, and the fee will be paid to the Corporation at the time of execution of the agreement.
7. With site plan approval delegated to Administration by By-law, Staff will complete a detailed site plan review process wherein the proposal will be evaluated against the current zoning by-law and applicable official plan policies, approved municipal engineering standards, and fire-route safety requirements to ensure the development is integrated and properly coordinated. The Owner will be required to comply with the terms of the development agreement, including the installation of driveway approaches, adequate services, sidewalks, streetlights, required landscaping, fencing, etc. Administration will be evaluating the need to mitigate any impacts on surrounding land uses and will be incorporating these requirements into the site plan agreement if necessary.
8. To date, we have received comments from the Essex Region Conservation Authority (ERCA) suggesting that they have no major concerns with the proposal as it relates to floodline/floodway hazards. ERCA has requested as part of their correspondence that the Applicant obtain a permit under Section 28 of the Conservation Authorities Act. This requirement will form part of our registered site plan agreement with the Owner.
9. The Owner does own abutting property to the west with frontage along Malden Road. At this time, the holding removal request is only for the easterly owned property along Wyoming. The Owner is aware that any subsequent proposals for future development along the Malden Road frontage will require both Site Plan Approval as well as an additional Planning Act Application to remove the holding provision for that portion of the property.

On the basis of the information contained within this report, it is recommended that the By-law to remove the holding symbol from the subject lands be adopted once the corresponding site plan agreement has been executed to the satisfaction of the Corporation.

## Consultations

This proposal was circulated internally to engineering as well as emergency services for review and comment. Consultation occurred with the ERCA as it relates to the floodway/floodline and associated impacts given the development's proximity to the Turkey Creek watercourse. At the time of preparation of this report, no additional correspondence was received regarding the proposal.

## Financial Implications

None.

## Prepared By:



Director of Planning and Development

Gudrin Beggs

## Link to Strategic Goals

1. Enhancing organizational excellence - Not Applicable
2. Strengthen the community's engagement with the Town - Not Applicable
3. Grow and diversify the local economy - Yes
4. Build on our high-quality of life - Not Applicable
5. Sustaining strong public services and infrastructure - Not Applicable

## Notifications

Notifications pursuant to the *Planning Act* and a former Council Resolution regarding H Removal and Public Meeting Request.

**Report Approval Details**

Document Title:	Wyoming East - Z-04-22 and SPC-04-22 .docx
Attachments:	- Figure 1.pdf - ERCA Comments.pdf
Final Approval Date:	Sep 16, 2022

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

  
Chief Administrative Officer

Joe Milicia