



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday, June 11, 2018**

**5:30 PM**

**Council Chambers**

**271 Sandwich Street South, Amherstburg, ON, N9V 2A5**

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

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**Pages**

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

### 3. SPECIAL PLANNING REPORTS

#### 3.1 Statutory Public Meeting for a Zoning By-law Amendment at 433 Sandwich St S

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It is recommended that:

1. The report from the Manager of Planning Services dated May 24, 2018, regarding the Zoning By-law Amendment at 433 Sandwich St S **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, By-law 2018-62 to Amend Zoning By-law 1999-52 **BE CONSIDERED** at a future Regular Council Meeting.

### 4. ADJOURNMENT

That Council rise and adjourn at     p.m.



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES**

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name: Rebecca Belanger</b>	<b>Report Date: May 24, 2018</b>
<b>Author's Phone: 519 736-5408 ext. 2124</b>	<b>Date to Council: June 11, 2018</b>
<b>Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a></b>	<b>Resolution #: N/A</b>

**To: Mayor and Members of Town Council**

**Subject: Statutory Public Meeting for a Zoning By-law Amendment at 433 Sandwich St S**

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**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated May 24, 2018, regarding the Zoning By-law Amendment at 433 Sandwich St S **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, By-law 2018-62 to Amend Zoning By-law 1999-52 **BE CONSIDERED** at a future Regular Council Meeting.

**2. BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from Lumed Management Incorporated. The subject property has approximately 210 ft of frontage, 317 ft of depth with an area of 1.53 acres is situated on the east side of Sandwich Street South, municipally known as 433 Sandwich Street South. The subject lands affected by the proposed amendment are described as Part Lot 3, Concession 1 designated as Part 1, 12R-3753.

### **3. DISCUSSION:**

The purpose of the Zoning By-law Amendment would change the zoning of the subject lands from “Commercial Highway (CH) Zone” to “Special Provision Commercial Highway (CH-14) Zone” to permit the further development of the site for commercial space specifically for a pharmacy and doctor’s offices, within a three floor addition to the front of the existing building and a second floor addition at the rear of the existing building. The parcel is designated General Commercial in the Town’s Official Plan. The rezoning conforms to the applicable Official Plan policies.

The effect of the Zoning By-law Amendment will be to allow for the full range of commercial highway uses on the subject property. The zone change to permit the purposed development will allow for a reduced interior side yard minimum of 0.2 m, and a reduced rear yard depth abutting a Residential Zone of 7 m. The applicant is also seeking relief from the height restriction in the By-law of 7.5 m; proposing 14 m in height on the front of the building to support 3 storeys and 12 m in height on the back of the building for 2 storeys of medical offices.

To the north, south and west of the subject property are commercial establishments. The subject property abuts low density residential uses to the east. According to Section 4.4.2 of the Official Plan, adequate buffer planting will be required between the commercial use and the residential uses.

The proposed CH-14 Special Provision Zoning is compatible with the surrounding neighbourhood and consequently is in keeping with the intent of the Official Plan. The Site Plan Control process will ensure that appropriate stormwater management, landscaping, buffering, lighting, fencing and all criteria of Section 41 in the Planning Act are incorporated into the final site design and as provisions in the development agreement.

The subject property is located within the Town of Amherstburg’s Settlement Area. Section 1.1.3.1 of the Provincial Policy Statement (PPS) states that ‘Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted’. The proposed Zoning By-law Amendment would appear to be in conformity with the PPS.

The proposed Zoning By-law Amendment also appears to be in conformity with the County of Essex’s Official Plan. Growth and development is meant to be directed to the Primary Settlement Areas in the County. The proposed development on the subject site is in conformity with Section 3.2.2(f) which is Settlement Area Goal f) which states “to increase the opportunity for job creation within each County municipality by attracting and maintaining industries and businesses closer to where County residents live”. The proposed use of the subject land will increase job opportunities in Amherstburg’s Settlement Area.

### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality. The proposed site plan provides for the expansion of the commercial building located on the subject property. An amendment to the Site Plan Control Agreement for the property will be required. The

Site Plan Control process, regulated by Section 41 of the *Planning Act* serves to protect the municipality's interest and ensure the orderly development of the land, as the agreement will be registered on the title of the property.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant. Support of commercial operations promotes stability in commercial assessment base.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

The Essex Region Conservation Authority (ERCA) has stated that the lands are not located within a regulated area that is under their jurisdiction. ERCA has no objection to this application.

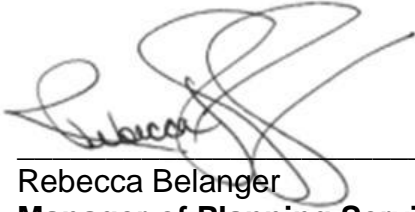
The Engineering and Public Works Department identified no objection to the application.

The Building and Fire Departments identified no objection to the application.

*This space left blank intentionally.*

7. **CONCLUSION:**

It is recommended that the Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



Rebecca Belanger  
**Manager of Planning Services**

jm

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**

**Phone #: 519 736-3664 ext. 313**

**Name: Building Services**

**Phone #: 519 736-5408 ext. 4136**

**Name: Fire Services**

**Phone #: 519 736-6500**

**Name: Union Gas**

**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**

**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**

**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**

**Phone #: 519 253-2481**

**Name: Greater Essex County District School Board**

**Phone #: 519 255-3200**

**Name: Windsor Essex Catholic District School Board**

**Phone #: 519 253-2481**

## Report Approval Details

Document Title:	Statutory Public Meeting for a Zoning By-law Amendment at 433 Sandwich St S.docx
Attachments:	- Report to Council- June 11- Statutory Public Meeting- ZBA- 433 Sandwich St S- ATTACHMENTS.pdf
Final Approval Date:	Jun 5, 2018

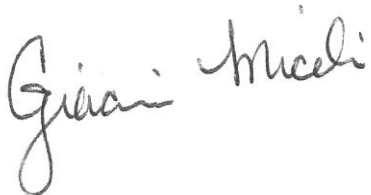
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - May 30, 2018 - 10:17 AM**



**Cheryl Horrobin - Jun 1, 2018 - 3:29 PM**



**John Miceli - Jun 4, 2018 - 7:59 AM**



**Paula Parker - Jun 5, 2018 - 10:56 AM**



Town of Amherstburg  
433 Sandwich St S





**CORPORATION OF THE TOWN OF AMHERSTBURG  
NOTICE OF PUBLIC MEETING**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, June 11, 2018 commencing at 5:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

**THE SUBJECT LAND** affected by the proposed amendment is described as a portion of Part of Lot 1, Concession 3, designated as Part 1, 12R-3753, municipally known as 433 Sandwich St S. The property has 210 ft of frontage along Sandwich St S and 317 ft depth with a total area of 1.53 acres (see key map below).

**THE PURPOSE OF THE AMENDMENT** is to change the zoning of the subject lands noted above from the “**Commercial Highway (CH) Zone**” to “**Special Provision Commercial Highway (CH-14) Zone**” to permit the further development of the site for commercial space specifically for a pharmacy and doctor’s offices, within a three floor addition to the front of the existing building and a second floor addition to the existing building at the rear of the property. The parcel is designated General Commercial in the Town’s Official Plan.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for the full range of commercial highway uses on the subject property. The zone change to permit the purposed development will allow for a reduced interior side yard minimum of 0.2 m, a reduced rear yard depth abutting a Residential Zone of 7 m. The applicant is also seeking relief from the height restriction in the By-law of 7.5 m; proposing 14 in height on the front of the building to support 3 storeys and 12 m in height on the back of the building for 2 storeys of medical offices. Any future development will be subject to site plan approval.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation in support of or in opposition to the proposed Zoning By-law Amendment.

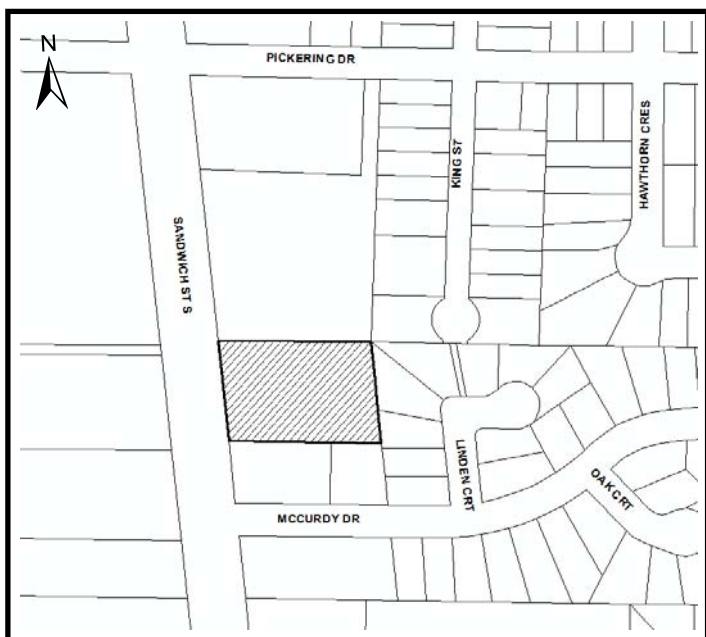
**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council for the Corporation of the Town of Amherstburg to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

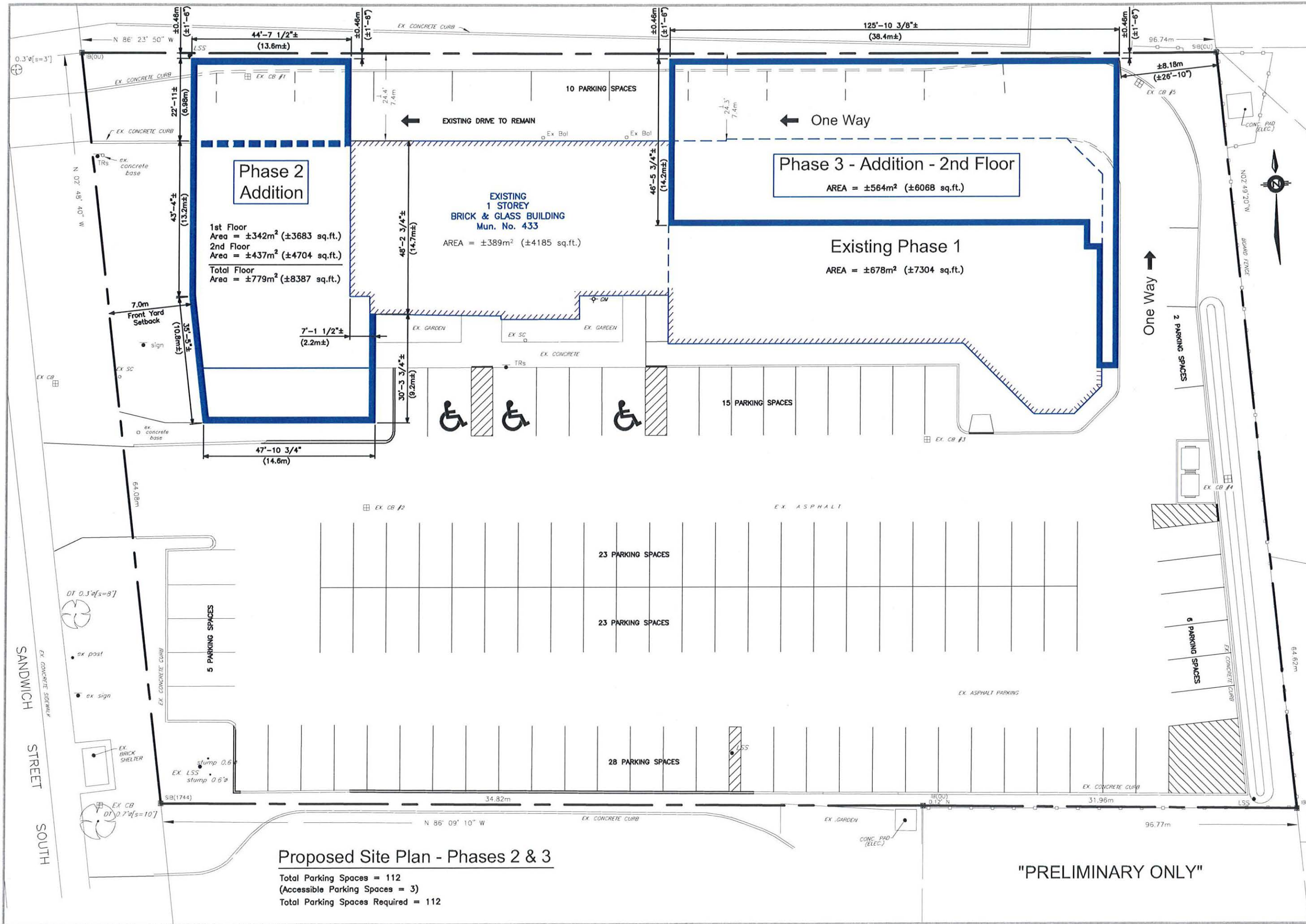
**ADDITIONAL INFORMATION** relating to the proposed Zoning By-law Amendment (File No. ZBA/9/18) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 18<sup>th</sup> day of May, 2018.

**KEY MAP**



Rebecca Belanger, MCIP, RPP  
Manager of Planning Services  
Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)



**Phase 2 Addition**

1st Floor  
Area = ±342m<sup>2</sup> (±3683 sq.ft.)  
2nd Floor  
Area = ±437m<sup>2</sup> (±4704 sq.ft.)  
Total Floor  
Area = ±779m<sup>2</sup> (±8387 sq.ft.)

**Phase 3 - Addition - 2nd Floor**

AREA = ±564m<sup>2</sup> (±6068 sq.ft.)

**Existing Phase 1**

AREA = ±678m<sup>2</sup> (±7304 sq.ft.)

**EXISTING 1 STOREY BRICK & GLASS BUILDING**  
Mun. No. 433  
AREA = ±389m<sup>2</sup> (±4185 sq.ft.)

**Proposed Site Plan - Phases 2 & 3**

Total Parking Spaces = 112  
(Accessible Parking Spaces = 3)  
Total Parking Spaces Required = 112

"PRELIMINARY ONLY"

**MEO & ASSOCIATES INC.**  
Architectural & Engineering Consultants

3600 Seven Lakes Drive, Suite 200, LaSalle, Ontario, N9H 0E5, Canada  
TEL: (519) 250-8088 FAX: (519) 250-8070  
EMAIL: rmeo@meoassociates.com WEB SITE: www.meogroup.net

**HEALTH CARE CENTER PHASES 2 & 3**  
433 SANDWICH STREET SOUTH, AMHERSTBURG, ONTARIO

**SITE PLAN (PRELIMINARY)**

PROJECT: SHEET TITLE:  
SCALE: 1:300  
AUTOCAD REF.: 4717-2 - Site Plan - Ph2 & 3  
DATE: MAY 2, 2018  
PROJECT No.:

**4717.2**

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2018-62**

**By-law to amend Zoning By-law No. 1999-52  
433 Sandwich Street South, Amherstburg**

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**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 45 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from CH to CH-14" on Schedule "A" attached hereto and forming part of this By-law from "Commercial Highway (CH) Zone" to "Special Provision Commercial Highway (CH-14) Zone".

2. THAT Section 16(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (n) as follows;

"(n) CH-14 (433 Sandwich Street South)

Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CH-14 on Schedule "A" hereto, the zone requirements of Section 16 of the By-law shall apply with the exception of the following:

(i) Interior Side Yard Width (Minimum) 0.2 m  
provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard/ rear yard width shall be 7 m.

(ii) Height Maximum 7.5 m

(i) within the front (west) 25 m of the Zone- 3 storeys to a maximum of 14 m

(ii) within the rear (east) 50 m of the Zone- 2 storeys to a maximum of 12 m"

3. THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Commercial General Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 25<sup>th</sup> day of June, 2018.

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MAYOR- ALDO DICARLO

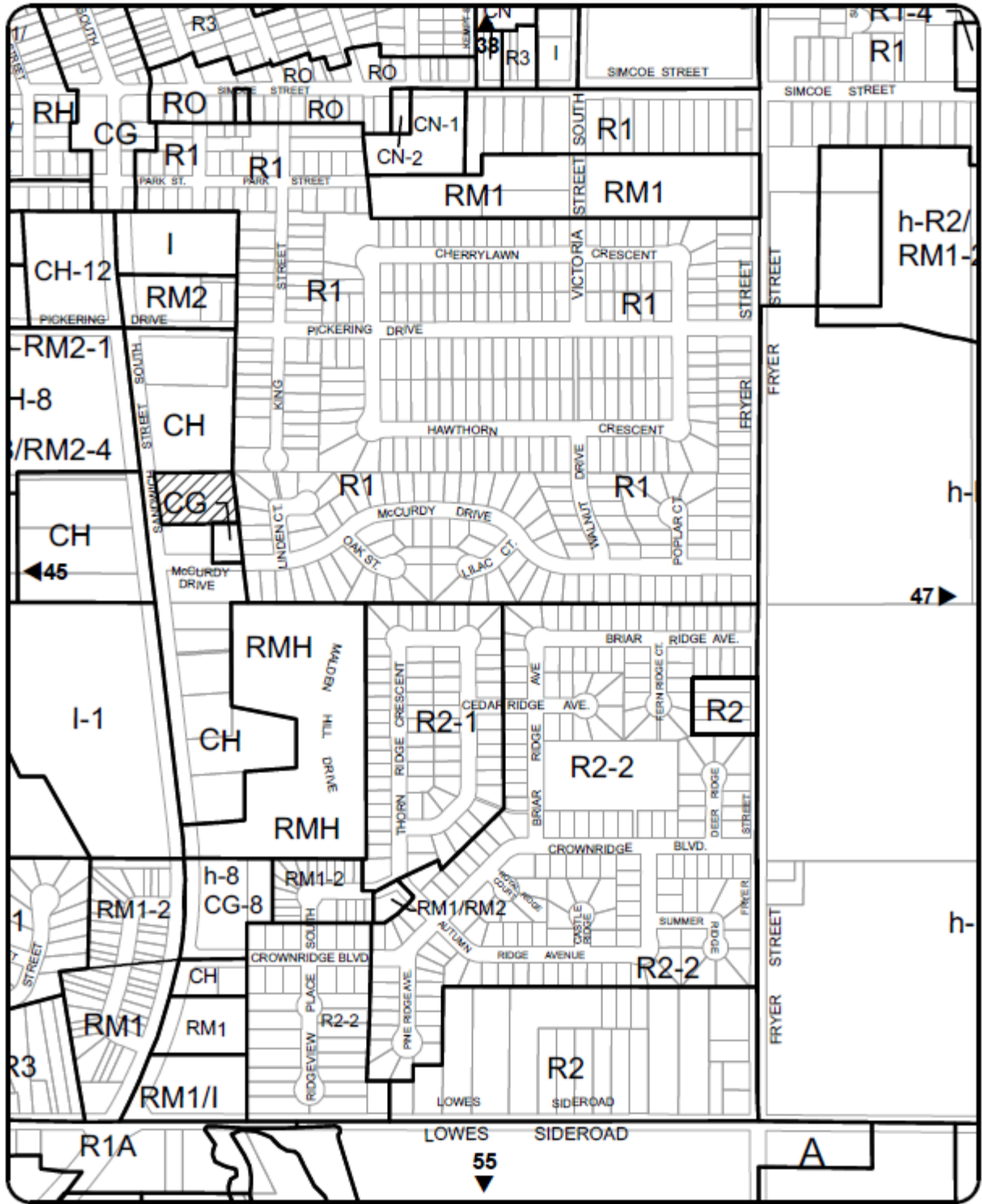
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CLERK- PAULA PARKER


DRAFT

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2018-62  
 A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 46**  
 ZONING BY-LAW NO. 1999-52

 CH to CH-14

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



regs@erca.org  
P.519.776.5209  
F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

May 22, 2018

Ms. Rebecca Belanger, Manager of Planning Services  
Town of Amherstburg  
271 Sandwich St. S.  
Amherstburg ON N9A 4L2

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-9-18 433 SANDWICH ST S  
ARN 372906000000300; PIN: 705670184  
Applicant: LUMED MANAGEMENT INC

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-9-18. The purpose of the amendment is to change the zoning of the subject lands to permit the further development of the site for commercial space specifically for a pharmacy and doctor's offices, within a three floor addition to the front of the existing building and a second floor addition to the existing building at the rear of the property. As part of this application we note that our office has provided comments to the municipality on prior site plan control applications. Our comments on this application are consistent with those comments.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

## **WATER RESOURCES MANAGEMENT**

Our office has reviewed the proposal and has no concerns relating to stormwater management. We understand that any future development would be subject to site plan control and our office is circulated site plan control applications for review by the Municipality.

## **FINAL RECOMMENDATION**

Our office has no objection or additional considerations for this zoning by-law amendment.

If you have any questions or require any additional information, please contact the undersigned.



Ms. Belanger  
May 22, 2018

Sincerely,

A handwritten signature in blue ink that reads "Mike Nelson". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Michael Nelson  
*Watershed Planner*  
/mn

