



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING**

AGENDA

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Monday, June 13, 2022

4:00 PM

Council Chambers

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

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Pages

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

4. SPECIAL PLANNING REPORTS

4.1. Statutory Public Meeting to Consider a Zoning By-law Amendment for N/W Corner of North Sideroad and Concession 8 3

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to Zoning By-law Amendment for lands located on the north side of North Sideroad and west of Concession Road 8 (File ZBA-08-22), owned by the estate of Teresa Costa and represented by 701289 Ontario Inc. (Daryl Rocheleau), **BE RECEIVED and SUMMARIZED** in a future report to Council.

4.2. Statutory Public Meeting to Consider an Official Plan Amendment and Zoning By-law Amendment for 131-135 Sandwich St S 49

It is recommended that:

1. Comments from the public, municipal departments, agencies, and Council with respect to Zoning By-law Amendment for lands located on the east side of Sandwich Street and municipally known as 131 and 151 Sandwich Street, owned by Daei Foods Inc., **BE RECEIVED and SUMMARIZED** in a future report to Council.

5. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT 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.

Author's Name: Melissa Osborne	Report Date: June 1, 2022
Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 14, 2022
Author's E-mail: mosborne@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for N/W Corner of North Sideroad and Concession 8

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to Zoning By-law Amendment for lands located on the north side of North Sideroad and west of Concession Road 8 (File ZBA-08-22), owned by the estate of Teresa Costa and represented by 701289 Ontario Inc. (Daryl Rocheleau), **BE RECEIVED and SUMMARIZED** in a future report to Council.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from 701289 Ontario Inc. (Daryl Rocheleau). This Rezoning application will affect approximately 19.2 hectares of land located on the north side of North Sideroad and west of Concession Road 8. (refer to Fig 1).

This Zoning Amendment, if approved, will rezone the subject lands from the Agricultural (A) zone to a Heavy Industrial holding (h-3) (HI) zone. The purpose of the rezoning is to create a site-specific (h-3) HI zone to add the stockpiling of soil and liquid soil as a permitted use and to establish new lot regulations. The subject lands are designated Heavy Industrial in the Town's Official Plan.

3. **DISCUSSION:**

The subject lands are designated Heavy Industrial in the Official Plan. The following policies apply to lands so designated:

4.5 INDUSTRIAL LAND USE DESIGNATIONS

The Industrial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Light Industrial; Special Industrial; and Heavy Industrial. In addition, such non-industrial uses shall also be permitted where specified as such under the Industrial sub-classification definition. In certain locations, added Special Policies may be created to deal with a site specific situation. The general principles to be considered in the development and control of the use of such lands are as follows. The following policies apply to all three Industrial designations:

- (1) New Industrial uses may be permitted in areas designated Industrial, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control including the quality of discharge and run-off.
- (2) Site Plan Control shall be applied to all Industrial development.
- (3) Industrial uses that are proposed to be developed adjacent to existing Industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- (4) Traffic generated by Industrial uses will be discouraged from penetrating designated Residential areas.
- (5) In order to enhance the viability of Industrial areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of Industrial areas through the provision of highways, arterial roads, and rail services.
- (6) Council will promote industrial development by preparing and implementing an economic development strategy for the Town of Amherstburg. Council will encourage Invest Windsor Essex to promote Industrial areas in the Town.
- (7) Council may encourage, and where feasible, assist in the relocation of uses not permitted in areas designated for Industry and in the relocation of existing industries into such areas.
- (8) Council may encourage, and where feasible, assist in programs for the improvement of the appearance and amenity of Industrial areas.
- (9) Industrial development may be permitted in areas abutting Residential uses, provided that:

- a) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers, and plantings;
- b) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and
- c) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable.

(10) Where existing Industrial and Residential uses are located in close proximity to each other, new Industrial buildings may be permitted if adequate separations between uses, buffering, barriers, and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council.

(11) Council may encourage, and where feasible, assist in programs to acquire Industrial lands and develop serviced Industrial sites and/or to provide services to privately owned Industrial lands so as to ensure an adequate supply of serviced and available Industrial lands within the Planning Area.

4.5.3 Heavy Industrial

The uses permitted in the Heavy Industrial designation shall include those industrial uses which are permitted in the Light Industrial area as well as production and processing of primary metal, wood and paper products, non-metallic mineral products, chemical products, waste settling ponds, construction yards, truck or transportation terminals, railway uses and motor vehicle body shops which may involve bulk open storage of goods or materials. In addition, recreational uses both indoor and outdoor may also be permitted subject to appropriate zoning and adequate setbacks from abutting industrial uses. Agricultural uses may continue to exist until the area is ready for Industrial development.

Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses.

The type of Heavy Industrial use permitted shall be such that there is no adverse effects on adjoining Residential and other sensitive land uses as the result of the emission of noise, vibration (Modification #19), smoke, dust, or odour.

The type of Heavy Industrial uses permitted and the form or location of such uses shall also have regard for heritage features and functions. This will be of particular importance for the lands designated Heavy Industrial in the north-eastern portion of the Town as well as for lands adjacent to Big Creek.

Lands designated Heavy Industrial associated with the former General Chemical site shall undergo an environmental cleanup prior to any redevelopment of the site for new industrial uses. Setbacks for new development shall have regard to the Ministry of the Environment guidelines for setbacks between industrial uses and sensitive land uses. The zoning by-law may employ a holding provision to ensure both appropriate site cleanup and adequate setbacks based on activity levels and the nature of the proposed use. In no case shall the setback be less than 50 metres

to an abutting non industrial zone. Access to these lands shall be from Sandwich Street or Thomas Road.

In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the gateway to Amherstburg, additional policies will apply to development established along the east side of Sandwich Street. This policy will provide additional landscaping requirements at the time of site plan approval. Special attention will be given to lighting, fencing, loading facilities and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in a zoning by-law.

Prior to the finalization of any site plan for development, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of adjoining properties, (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for and required accumulation of water on the site. Site plan approval will also require clearance of archeological reports, environmental reports and traffic reports. (OPA #1)

The lands lying to the north of Brunner Avenue and designated Heavy Industrial on the Land Use Schedules "A" and "B" shall have no access to Brunner Ave and appropriate buffers as required by Section 2.10.4 shall be applied to any development of these lands. Any closure of roads within this area will be conditional on any non residential access from the lands to the east of the subject lands being either to the north through the former General Chemical site or to the west.

The lands designated Heavy Industrial located between the Detroit River and County Road 20 (Sandwich Street) shall be restricted to the existing uses. No buildings or structures are anticipated in this portion of the Town.

Adequate off-street parking areas and loading and unloading facilities shall be provided for all permitted uses.

Heavy Industrial uses shall be screened from any adjacent Residential and other sensitive land uses by buffer planting which shall include provisions for grass strips, appropriate planting of trees and shrubs, or distance.

The Heavy Industrial uses shall be placed in a separate zoning classification(s) in the implementing Zoning By-Law.

The Zoning By-law zones the lands Heavy Industrial (HI)

(1) SCOPE

The provisions of this Section shall apply in all Heavy Industrial (HI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any HI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following HI uses, namely:

- (i) agricultural service establishment;
- (ii) agricultural supply establishment;
- (iii) animal hospital
- (iv) assembly plant;
- (v) auction establishment;
- (vi) body shop;
- (vii) building supply yard;
- (viii) bulk sales establishment;
- (ix) chemical plant;
- (x) commercial storage unit;
- (xi) commercial garage;
- (xii) contractor's yard;
- (xiii) data processing establishment;
- (xiv) dry cleaning and laundry plant;
- (xv) electrical and electronic products industry;
- (xvi) existing waste settling ponds;
- (xvii) industrial and agricultural equipment sales and service;
- (xviii) impounding yard;
- (xix) licenced cannabis production facility (2019-075)
- (xx) manufacturing and assembly industry;
- (xxi) municipal or provincial garage or storage yard;
- (xxii) nursery and garden store;
- (xxiii) office, support;
- (xxiv) open storage use of goods or materials if accessory to a permitted use;
- (xxv) parking lot;
- (xxvi) pharmaceutical and medical products industry;
- (xxvii) printing plant;
- (xxviii) printing reproduction and data processing industry;
- (xxix) processed goods industry;
- (xxx) propane transfer facility;
- (xxxii) research and development establishment;
- (xxxiii) service and repair establishment;
- (xxxiv) service shop;
- (xxxv) transport terminal;
- (xxxvi) vehicle repair garage;
- (xxxvii) warehousing;
- (xxxviii) wholesale establishment.

The purpose of this public meeting is to present the applicable background and outline the purpose of the application to Council and to hear all comments regarding the rezoning.

As indicated above, the purpose of the application is to rezone the lands from the Agricultural zone to a site specific holding Heavy Industrial zone. Specifically, the intent of the application is to add the stockpiling of soil and liquid soil as a permitted use. At this time the applicant has not undertaken all the studies/reports that will be required for this development. Placing the lands into the holding zone will establish stockpiling as a permitted use. However, prior to the Town removing the holding symbol and entering into

a site plan agreement, the applicant will be required to complete all studies to the satisfaction of the Town. This would include matters such as stormwater management, agreement to the extension of services and site plan control to ensure the appropriate development of the lands and to ensure compatibility with adjacent lands.

Attached to this report is a copy of the Planning Rationale Report (PRR) prepared by the applicant's planning consultant that outlines in detail the nature of the proposed development. On page 7 of the PRR is the conceptual site plan that notes the location of the proposed stockpiling (maximum proposed height of 30 m – 100 ft.), storm water management and exterior berming. The applicant has also identified a 20 m right of way at the west end of the property. This was requested by administration at the pre-submission meeting to allow the opportunity for a north/south road to be constructed in the future to facilitate the proper and orderly development of the remaining undeveloped industrial lands located to the north of the subject property.

The notice for the proposed rezoning was circulated in accordance to the provisions of the Planning Act. A summary of the comments received to date is highlighted in Appendix 1 attached to this report.

Following the public meeting, staff will review all the comments and prepare a report for a subsequent meeting. The report will summarize all of the comments and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

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.

7. CONCLUSION:

Subject to any further comments or direction from Council, it is recommended that the presentation and comments on the proposed rezoning be received and referred to a future public meeting.



Melissa Osborne
Director, Development Services

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 2313

Name: Building Services
Phone #: 519 736-5408 ext. 2136

Name: Fire Services
Phone #: 519 736-6500

Name: Windsor Police

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Name: County of Essex
Phone #: 519 776-6441

Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481

Name: Greater Essex County District School Board
Phone #: 519 255-3200

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for NW Corner of North Sdrd and Conc 8.docx
Attachments:	- 2022 06 13- Statutory Public Meeting to Consider a ZBA for North Sdrd and Conc 8- ATTACHMENTS.pdf
Final Approval Date:	Jun 7, 2022

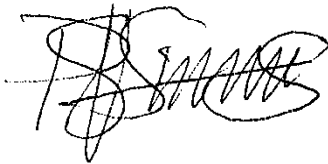
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



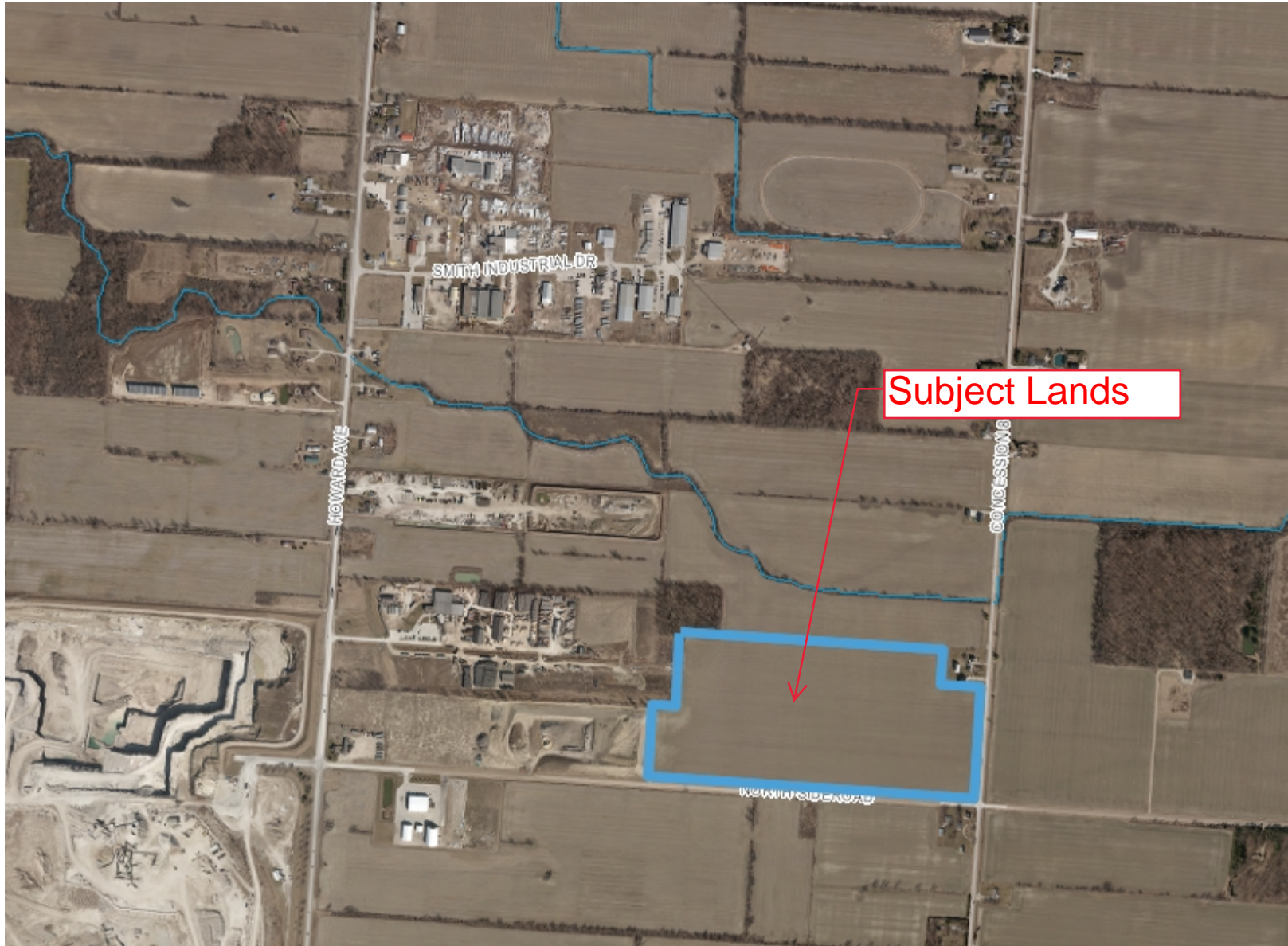
Peter Simmons



Valerie Critchley



Figure 1



Legend

- Roads
- Parcels
- Streams and Creeks
- Essex

0.6 0 Distance / 0.6 Kilometers

Notes

This is where you enter your notes about the map.





LASSALINE

PLANNING CONSULTANTS INC.

REPORT: PLANNING RATIONALE REPORT (PRR)
MUNICIPALITY: TOWN OF AMHERSTBURG
MUNICIPAL ADDRESS: NORTH SIDE ROAD AND CONCESSION 8
DEVELOPMENT: ZBA
DATE: APRIL 20, 2022

TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 SITE AND SURROUNDING LAND USES

- 2.1 LEGAL DESCRIPTION AND OWNERSHIP
- 2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE
- 2.3 SIZE AND SITE DIMENSION
- 2.4 VEGETATION AND SOIL
- 2.5 MUNICIPAL SERVICES
- 2.6 SURROUNDING LAND USES

3.0 DEVELOPMENT PROPOSAL

- 3.1 PROPOSED ZBA
- 3.2 SITE PLAN CONTROL

4.0 PLANNING ANALYSIS

- 4.1 PROVINCIAL POLICY STATEMENT (PPS)
- 4.2 TOWN OF AMHERSTBURG OFFICIAL PLAN REVIEW
- 4.3 TOWN OF AMHERSTBURG ZONING BY-LAW REGULATIONS

5.0 SUMMARY AND CONCLUSIONS

- FIGURE 1 LOCATIONAL MAP**
- FIGURE 2 SITE AERIAL**
- FIGURE 3 NEIGHBOURHOOD AERIAL**
- FIGURE 4 SITE CONCEPT PLAN**
- FIGURE 5 OFFICIAL PLAN SCHEDULE A**

APPENDIX A – ZONE PROVISIONS

APPENDIX B

APPENDIX C

1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of a Zoning By-law Amendment (ZBA) that will rezone the subject lands from the present 'Agricultural (A)' zone to a site specific 'Heavy Industrial (HI)' zone classification. A Holding (h-3) provision is proposed to be added to the site zoning to have the property owner undertake a Site Plan Control (SPC) application and enter into an agreement to Council's satisfaction.

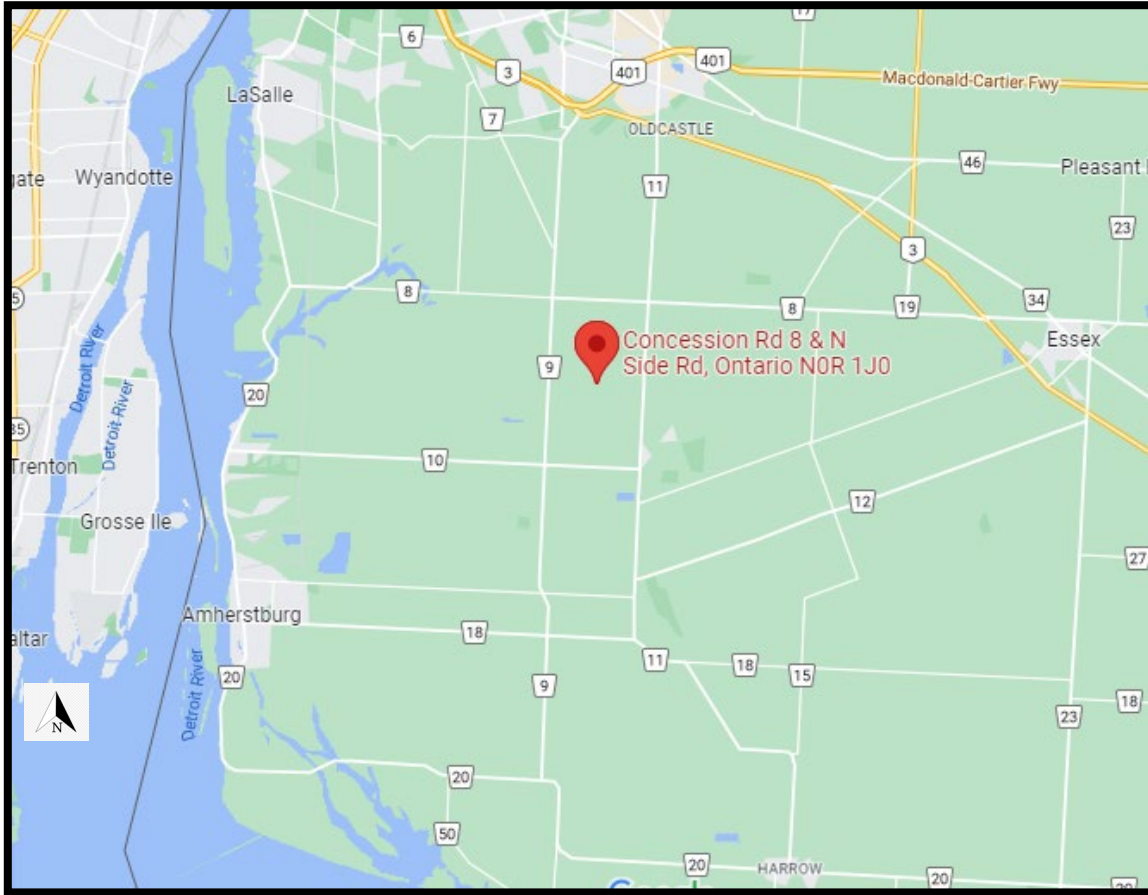
The present vacant lands are designated 'Heavy Industrial' in the Official Plan for the Town of Amherstburg. The lands are under purchase agreement and are being proposed to be developed as a storage area for soil and liquid soil. This rationale report will evaluate the requested ZBA in context of the Provincial Policy Statement, the County of Essex policy framework, and the Town of Amherstburg Official Plan policy.

A pre-consultation was held with Larry Silani and Kevin Millar from Millar Sillani representing the Planning Department from the Town of Amherstburg; Tim Ondejko, Royal LePage representing the purchaser; Daryl Rocheleau, 701289 Ontario Inc as purchaser under agreement; and Jackie Lassaline, Lassaline Planning Consultants. Jackie Lassaline, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the requested Zoning Bylaw Amendment (ZBA) application.

2.0 SITE AND SURROUNDING LAND USES

The subject site is located in the northern area of the Town of Amherstburg. The lands are located in a rural area outside of the settlement area of the Town on the corner of Concession 8 and North Side Road. The site is currently utilized as an agricultural field and has been farmed with field crops for over a hundred years.

The parcel is located at the south/east corner of an area known locally as 'Smith Industrial Park.' There is a concession road for access with the internal road Refer to **FIGURE 1 – LOCATIONAL MAP, PROPOSED DEVELOPMENT SITE.** The site abutting site holds the site specific zoning of 'HI-5 Heavy Industrial.'

FIGURE 1 – LOCATIONAL MAP: V/L North Sideroad

2.1 LEGAL DESCRIPTION AND OWNERSHIP

The subject lands have a legal description of: Part NE ¼, Lot 11 Con 7 Anderdon; Part S ½ Lot 11 Con 7 Anderdon Pt 2, 12R7368 except Parts 2 and 3 Plan 12R11002, Town of Amherstburg.

The subject lands are presently owned by Estate of Teresa Costa and under purchase agreement by 701289 Ontario Inc (c/o Daryl Rocheleau).

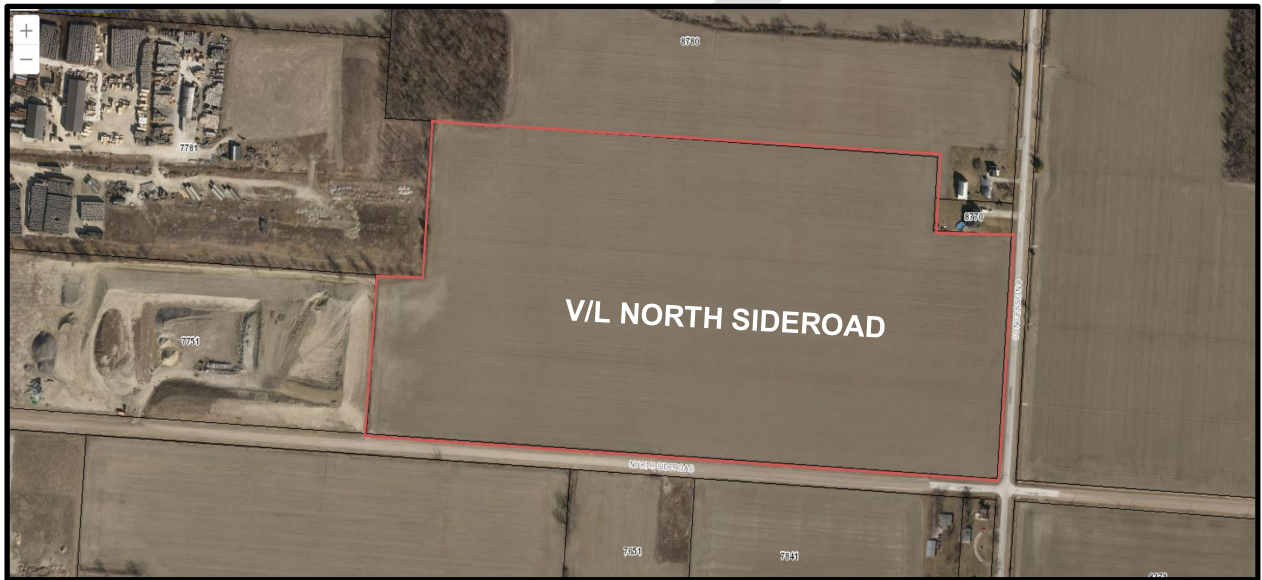
2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE

The subject site is flat land currently used as an agricultural field. There are no buildings or structures on the site. There are no significant natural features, natural or human made hazards, water courses, swales, ditches, or berms currently present on the site.

2.3 SIZE AND SITE DIMENSION

The subject site is a large, roughly rectangular shaped parcel with two road frontages at the corner of Concession Road 8 and North Sideroad. The site has an area of 19.2 ha and a 235m frontage of 235 m along 8th Concession Road. The site is approximately half of a standard concession block within the agricultural neighbourhood. Refer below to **FIGURE 2 – SITE AERIAL: V/L NORTH SIDE ROAD AND 8TH CONCESSION RD.**

FIGURE 2 – SITE AERIAL: V/L NORTH SIDE ROAD AND 8TH CONCESSION RD



2.4 VEGETATION

The subject site is currently an agricultural field utilized in its entirety as agricultural cropland. There are no trees or areas of significant natural vegetation on the site or on the perimeter of the property.

2.5 MUNICIPAL SERVICES

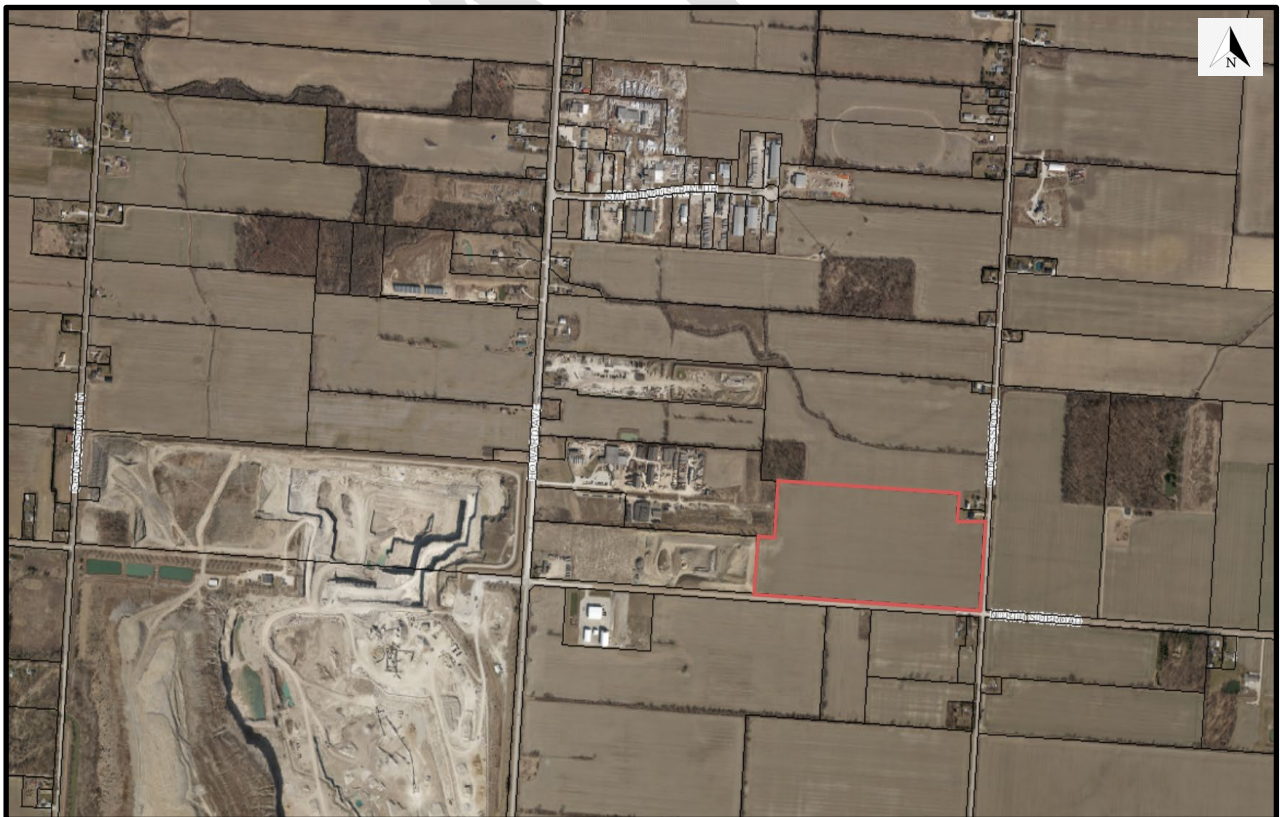
There is no access to municipal services such as sanitary sewers, storm water drains, or municipal bus routes on the subject site. The proposed development will not include a residence or other additional buildings therefore it is inconsequential that there are no municipal services on site or available in close proximity for connection.

2.6 SURROUNDING LAND USES

The subject site is located in an area known as “Smith Industrial Park.” This neighbourhood is currently in transition from agricultural uses to heavy industrial usage. To the north and west lands have been re-zoned to heavy industrial. Surrounding uses are described as follows:

- a) **NORTH:** agricultural fields, drain, Smith Industrial Park, two existing residences;
- b) **EAST-** agricultural fields;
- c) **SOUTH-** agricultural fields;
- d) **WEST-** Walker-McGregor Quarry, Wolfhead Distillery, Jones Demolitions (storage of soil, concrete, and asphalt batching plant), 2402592 Ontario Inc. c/o J & J Lepera Infrastructures Inc. (storage of soil, concrete and asphalt batching plant).

FIGURE 3 – NEIGHBOURHOOD AERIAL: Proposed Development Site

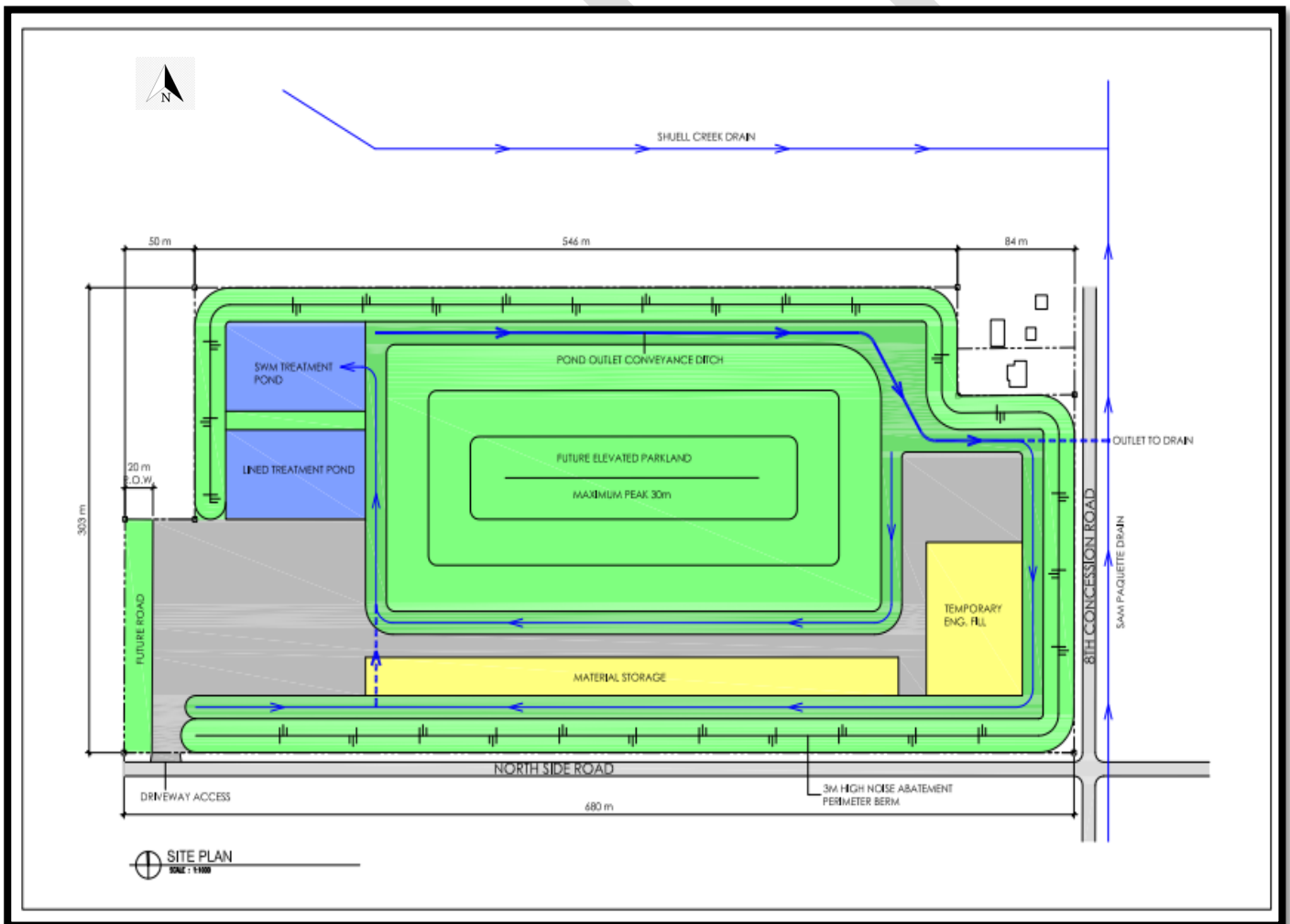


3.0 DEVELOPMENT PROPOSAL

701289 Ontario Inc. (c/o Daryl Rocheleau), has entered into a purchase agreement with the present land owner conditional on the rezoning of the subject lands to Heavy Industrial (HI). A site specific provision is being requested to include soil storage and liquid soil storage as additional permitted use for the site.

The prospective purchaser is proposing to use the subject site for storage of soil and liquid soil. Consistent with O. Reg 406-19 under the EPA R.S.O. 1990 c. E. 19, the purchaser 701289 Ontario Inc. is looking to purchase the subject lands for the purpose of storage of soil and liquid soil through an ECA permit issued by the MECP. Refer to **FIGURE 4 – SITE CONCEPT PLAN**.

FIGURE 4 – SITE CONCEPT PLAN



3.1 PROPOSED ZBA

A ZBA is required to change the zoning of the subject lands from the present Agricultural (A) zone to a Heavy Industrial (HI) zone classification. A site specific provision is being requested to include soil storage and liquid soil storage as additional permitted use for the site.

The proposed development will require a change in Zoning By-Law regulatory framework from the present agricultural zoning to industrial to apply the 'Heavy Industrial (HI)' zone regulations to the subject lands. The (HI) zone will allow for the change in land use from agricultural to heavy industrial uses with the site specific permitted use of soil storage and liquid soil storage on site. The (HI) regulatory provisions will be applied to the establishment on site for the new permitted use. The change of zoning to 'Heavy Industrial (HI)' will support the proposed use of the site for the storage of soil and liquid storage, a use considered heavy industrial land use.

Refer to **FIGURE 5 – OFFICIAL LAND USE MAP.**



3.2 SITE PLAN CONTROL

The requested Zoning Bylaw Amendment (ZBA) establishes the principal land use of heavy industrial uses for the site, including the requested use of soil and liquid storage on site. The ZBA will also establish the regulatory framework that will direct how the industrial use shall be established on site.

A holding provision (h) has been requested in order to implement the permitted use of the lands for heavy industrial land use while imposing the requirement that a site plan be required to authorize the land use. The Comprehensive Zoning Bylaw 1999-52 has different holding provisions with the following (h-3) provision to be utilized:

“Section 4(6)(iv) h-3 Purpose:

To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, 1990, prior to the removal of the “h” symbol. Permitted Interim Uses: Existing uses.”

Specifically, the holding (h-3) provision will ensure the provision of a site plan to the satisfaction of Council before the new land use is in force and effect. This is sound planning ensures compatibility of the proposed land use with the neighbourhood.

Please refer above to ‘Figure 4: Site Concept Plan’ depicting the implementation of the principal of development of the Heavy Industrial (HI) ZBA being requested. Site Plan Control review process with detailed plans and reports will implement the establishment of the proposed development through the following issues to be addressed in detail

- 1) Principal entrance location on North Sideroad;
- 2) appropriate location of Smith Industrial Park Road extension;
- 3) Storm Water Management Report (SWMR);
- 4) storage location of the liquid soil and dry soil.

In my professional opinion, Site Plan Control, through the use of the (h-3), is appropriate for the implementation of the permitted (HI) uses established through the requested ZBA and makes sound planning.

4.0 PLANNING ANALYSIS

4.1 PROVINCIAL POLICY STATEMENT (PPS)

The *Planning Act, R.S.O. 1990, c.P. 13*, as amended, requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS), 2020.

The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and provides direction on matters of provincial interest primarily related to land use planning and development. The policies within the PPS apply province-wide and are an integral part of the Ontario's policy led planning system.

The PPS generally aims to encourage the wise use and management of land and other resources, promote the development of healthy and prosperous communities, protect public health and safety, and protect the natural environment. Specifically, the primary directives of the PPS include:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

COMMENT:

The proposed ZBA will support the establishment of a heavy industrial land use on property and within a neighbourhood designated heavy industrial. The proposed soil storage is a similar and compatible use with adjacent lands and other lands within the neighbourhood. Being located within a neighbourhood of like and similar uses will ensure compatibility of the proposed use within neighbourhood, promoting efficient and effective development patterns that sustain the financial well being of the Town.

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

COMMENT:

In my professional opinion, the ZBA will support the establishment of an industrial land use providing for new employment opportunities, range of employment opportunities while supporting economic diversity within the Town of Amherstburg.

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

COMMENT:

The ZBA will allow for the establishment of an industrial use within an established industrial designated subdivision. Neighbourhood uses are similar to the proposed use and are considered compatible with the proposed use authorized by the ZBA.

New sensitive uses that would cause land use conflicts are not permitted within the existing Industrial subdivision. Further, mitigating measures through a combination of berms, landscaping and setbacks, will be taken to ensure compatibility with the existing residences within the neighbourhood. In my professional opinion, the requested ZBA will provide for appropriate and compatible uses while having regard for the health and safety concerns of the existing residences existing on adjacent properties.

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

COMMENT:

The ZBA will not be expanding the settlement area.

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

COMMENT:

The proposed industrial use of the subject lands will consist of soil and liquid soil storage a land use that does not require municipal services. The Industrial Park is an area designed for industrial employment uses that do not need extensive water or sewer services. In my professional opinion, the authorizing bylaw will allow for an appropriate, compatible and cost-effective development that is to be located on lands designated for industrial uses.

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

COMMENT:

There are no buildings proposed for the site therefore there will be no barriers or limitations for accessibility for persons with disabilities.

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

COMMENT:

The proposed industrial use of soil and liquid soil storage is considered a dry industrial use. There are no municipal sewer or water lines out to the subject area. In my professional opinion, the proposed dry use is appropriate for a site without municipal services within an industrial designated area.

*h) promoting development and land use patterns that conserve biodiversity;
and*

COMMENT:

The ZBA will support the conservation of biodiversity by having employment lands located in the same location (Smith Industrial Park) in order to share services and in close proximity to similar uses.

i) preparing for the regional and local impacts of a changing climate.

COMMENT:

By having a location for the storage of soil and liquid storage will keep the soil from going into the Waste Disposal Site. This will ensure the life of the Waste Disposal Site is not reduced by soil being unnecessary deposited at the site. Also, the soil storage facility will allow for the recycling of the soil, a natural product that should not be removed from the ecosystem but retained for re-use.

“Section 1.1.4.3 Rural Areas

When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.”

COMMENT:

The proposed location has been designed as a heavy industrial land use park. The Smith Industrial Park is a location appropriate for the proposed industrial use of soil and liquid storage. Three adjacent parcels have like and similar uses to the proposed soil storage and support the recycling of soil and site material.

“1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

COMMENT:

The Heavy Industrial policies and zoning regulations prohibit new residences and other uses that will be in conflict with the existing heavy industrial uses and the proposed heavy industrial use.

Existing residences on adjacent properties to the proposed (HI) uses will be mitigated with distance separation, berms and landscape screening to allow for the continuation of the existing sensitive uses and to ensure the compatibility of the proposed use.

“1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*

e) ensuring the necessary infrastructure is provided to support current and projected needs.”

COMMENT:

There are no buildings required for the proposed land use of soil storage. There will not be the need for sewer or water.

Storm Water Management will be managed on site and maintained through a SWM pond designed by an engineer and approved through Site Plan Control. Please refer to Site Plan Concept above.

The road network will be examined during site plan review and necessary upgrades to road and the entrance will be determined and established through site plan agreement.

“1.3.2.3 Employment Areas

Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.”

COMMENT:

The subject property has been designated ‘Heavy Industrial’ in the Official Plan for the Town of Amherstburg. The PPS and Official Plan policies support the proposed soil storage use on site and the proposed use is consistent with the PPS policies and conforms with the permitted uses of the ‘Heavy Industrial’ designation. Further, policies within the ‘Heavy Industrial’ designation prohibit residential land use within this neighbourhood. There are two existing residences on adjacent properties to the north/east that will be screened by distance separation, berm and landscaping to mitigate noise, dust, etc.

COMMENT:

The request for a ZBA to allow for soil storage on site, in my professional opinion, is consistent with the PPS 2020. The PPS supports the location of the industrial use within an industrial neighbourhood with similar uses within the neighbourhood.

DRAFT

4.2 TOWN OF AMHERSTBURG OFFICIAL PLAN REVIEW

The subject lands are presently designated 'Heavy Industrial (HI)' in the Town of Amherstburg Official Plan. The lands are located within the Smith Industrial Park, a neighbourhood designated for employment uses that are considered Heavy Industrial:

“Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses.”

The proposed ZBA will amend the CZB for the Town of Amherstburg with the rezoning of the subject lands from the present 'Agriculture (A)' to 'Heavy Industrial (HI)' zone. The ZBA to change the zoning for the site to (HI) will ensure that the development of the site as a storage area for soil and liquid soil is consistent with its designation under the Official Plan.

“4.5.3 Heavy Industrial

The uses permitted in the Heavy Industrial designation shall include those industrial uses which are permitted in the Light Industrial area as well as production and processing of primary metal, wood and paper products, non-metallic mineral products, chemical products, waste settling ponds, construction yards, truck or transportation terminals, railway uses and motor vehicle body shops which may involve bulk open storage of goods or materials. In addition, recreational uses both indoor and outdoor may also be permitted subject to appropriate zoning and adequate setbacks from abutting industrial uses. Agricultural uses may continue to exist until the area is ready for Industrial development. Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses.

COMMENT:

The proposed open storage of soil and liquid soil on site is a permitted use under the Heavy Industrial designation presently applied to the neighbourhood.

In my professional opinion, the requested ZBA conforms with the permitted uses defined for the neighbourhood under the Heavy Industrial designation.

The type of Heavy Industrial use permitted shall be such that there is no adverse effects on adjoining Residential and other sensitive land uses as the result of the emission of noise, vibration (Modification #19), smoke, dust, or odour.”

COMMENT:

There are two existing residences on adjacent lands. As a component of the site plan review, measures such as a berm, distance separation and landscaping will be implemented to mitigate the new use authorized through the ZBA. Through mitigation, it is my professional opinion that the proposed use will be compatible with the existing residential use.

It is my professional opinion that the measures proposed will mitigate the impact on the existing residences on adjacent properties and will allow for the establishment of the appropriate land use of soil storage. Further, it is my professional opinion that the requested ZBA will allow for an appropriate land use on site that is compatible with the neighbourhood uses.

COMMENT:

The proposed establishment of a soil storage on site is a permitted use within the policies of the Heavy Industrial designation applied to the subject lands and neighbourhood for the Town of Amherstburg. The use is compatible with adjacent neighbours.

The proposed land use in the requested ZBA is appropriate from a location and policy direction perspective. In my professional opinion, the requested ZBA conforms with relevant policies of the Official Plan for the Town of Amherstburg.

4.4 TOWN OF AMHERSTBURG ZONING BY-LAW REGULATIONS

The subject site is zoned 'Agricultural (A)' in the Comprehensive Zoning By-law for the Town of Amherstburg. The land use of soil storage and liquid soil storage is not a permitted use in the 'Agricultural (A)' zone presently applied to the site.

A Zoning By-law Amendment (ZBA) has been requested to rezone the subject lands to 'Heavy Industrial (HI)' zone under the Comprehensive Zoning Bylaw 1999-52 for the Town of Amherstburg.

“Section 2 (170) “INDUSTRIAL USE means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale, any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. Transportation terminals would also be considered as an industrial use.”

Please refer to attached **APPENDIX A – (HI) Zone Provisions**.

The definition of Industrial Use permits 'storage of material' that includes soil and liquid soil for storage. With the (HI) zone provisions not listing 'soil storage and liquid soil storage' as a specific permitted use, it is my professional opinion that a site specific provision be included with the Bylaw to ensure the proposed use is a specific use for the site.

The subject site lot configuration will be in compliance with the (HI) bylaw regulations.

PROVISION	HEAVY INDUSTRIAL (HI) REGS	SUBJECT LANDS
LOT AREA	1,100 m ²	19.2 ha
LOT FRONTAGE	30 m	235 m
REAR YD SETBACK	8 m (abutting industrial zone) 15 m (abutting other)	N/A

FRONT YD SETBACK	9 m (abutting ind.) 18 m (abutting other)	N/A
INTERIOR SIDE YD	3 m (abutting ind.) 15 m (abutting other)	N/A
EXTERIOR SIDE YD	9 m (abutting ind.) 18 m (abutting other)	N/A
LANDSCAPED OPEN SPACE	10%	90%
HEIGHT (MAX)	12 m	N/A
LOT COVERAGE	60%	N/A

Please refer to **APPENDIX A – ZONE PROVISIONS.**

The requested ZBA will establish a regulatory framework for the establishment of a soil storage facility on site. The site specific bylaw amendment to provide for soil storage, in my professional opinion is consistent with the PPS, and conforms with the OP Heavy Industrial designation. Further, it is my professional opinion that when draft ZBA is passed will comply with the CZB the Town of Amherstburg.

5.0 SUMMARY AND CONCLUSIONS

Given the foregoing assessment and our evaluation of the proposed soil storage facility in context of the PPS, the Town of Amherstburg Official Plan and the Comprehensive Zoning By-law, in my professional opinion the Zoning By-law Amendment (ZBA) is consistent with polices of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is my opinion that the proposed Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposal included in this Planning Justification Report dated April 16, 2022.

In summation, it is my professional opinion that the proposal conforms with the Official Plan policies allowing for Heavy Industrial Uses. It is also my professional opinion that the Zoning Bylaw Amendment (ZBA) will appropriately establish a regulatory framework for a soil storage facility under the 'Heavy Industrial (HI)' zone to authorize the land use that is a permitted use with the policies of the Official Plan; will allow for the establishment of a compatible use with the existing similar industrial neighbourhood uses; will mitigate the existing residential uses on adjacent lands; and will implement a site plan appropriate for the permitted land use.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with the relevant policies of the Town of Amherstburg Official;
- 3) maintains the intent of Town of Amherstburg CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.

Jackie Lassaline

Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX A - AMHERSTBURG ZONING: 'HEAVY INDUSTRIAL (HI)' ZONE

SECTION 22 HEAVY INDUSTRIAL (HI) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Heavy Industrial (HI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any HI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following HI uses, namely:

- (i) agricultural service establishment;
- (ii) agricultural supply establishment;
- (iii) animal hospital
- (iv) assembly plant;
- (v) auction establishment;
- (vi) body shop;
- (vii) building supply yard;
- (viii) bulk sales establishment;
- (ix) chemical plant;
- (x) commercial storage unit;
- (xi) commercial garage;
- (xii) contractor's yard;
- (xiii) data processing establishment;
- (xiv) dry cleaning and laundry plant;
- (xv) electrical and electronic products industry;
- (xvi) existing waste settling ponds;
- (xvii) industrial and agricultural equipment sales and service;
- (xviii) impounding yard;
- (xix) manufacturing and assembly industry;
- (xx) municipal or provincial garage or storage yard;
- (xxi) nursery and garden store;
- (xxii) office, support;
- (xxiii) open storage use of goods or materials if accessory to a permitted use;
- (xxiv) parking lot;
- (xxv) pharmaceutical and medical products industry;
- (xxvi) printing plant;
- (xxvii) printing reproduction and data processing industry;
- (xxviii) processed goods industry;
- (xxix) propane transfer facility;
- (xxx) repair and rental establishment;
- (xxxi) research and development establishment;
- (xxxii) service and repair establishment;
- (xxxiii) service shop;
- (xxxiv) transport terminal;
- (xxxv) vehicle repair garage;
- (xxxvi) warehousing;
- (xxxvii) wholesale establishment.

SECTION 22**HEAVY INDUSTRIAL (HI) ZONE****(3) ZONE REQUIREMENTS**

No person shall within any HI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Area (Minimum)		1100 m ²
(b)	Lot Frontage (Minimum)		30 m
(c)	Required Yards (Minimum)	<u>Lots Abutting Industrial Zone</u>	<u>Lots Abutting Any Other Zone</u>
(i)	Front Yard Depth	9 m	18 m
(ii)	Exterior Side Yard Width	9 m	18 m
(iii)	Interior Side Yard Width	3 m	15 m
(iv)	Rear Yard Depth	8 m	15 m

provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way.

(d)	Landscaped Open Space (Minimum)	10%
(e)	Lot Coverage (Maximum)	60%
(f)	Height of Building (Maximum) with any minimum side yard, if any portion of any building is erected above a height of 12 m, the required yard dimensions shall be increased by 1 m for each 1 m by which such portion of the building exceeds 12 m.	12 m

(g) Open Storage

Any part of any lot used for a permitted open storage shall be fenced.

(h) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.



Summary of Correspondence Received on Zoning By-law Amendment Application

Below is a summary of the comments received by the Planning Services Division on Zoning By-law Amendment file ZBA/08/22.

Infrastructure Services Department:

This property has no sanitary sewer, no watermain along North Sideroad and the roads that surround it are not suitable for industrial traffic. The proponent will be required to extend the watermain the entire length of the property along NSR. The industrial roadway will need to be extended as well, the limits of this will be determined. Septic systems will be required until sanitary sewers are available.

Please include the following comments as well

1. Proposed outlet from SWM pond according to the PDR is the Sam Paquette Drain. This property is not currently within the Sam Paquette Drain watershed and is not legally entitled to drain here. An engineering report under the Drainage Act would be required to subsequently connect to this drainage system.
2. Perimeter berms must also be designed to include swale systems to ensure that runoff from the berms do not negatively impact adjacent private parcels
3. Should the Town request further studies from a qualified engineering or expert source to provide comment on how the proposal will be in compliance with the new Excess Soils regulation? This is in consideration of comments within the PDR stating that “the ZBA will establish the regulatory framework that will direct how the industrial use shall be established on site.”
4. The PDR makes reference to the extension of Smith Industrial Park Road. The conceptual site plan doesn't show this. Is this related/required as part of the ZBA?

Windsor Police Services:

The Windsor Police Service has no concerns or objections with this proposed Zoning By-Law amendment. Our only requirement arising out of any physical changes to the subject property resulting from this change of land use is that proper emergency police access to the site be provided and maintained.

Fire Department:

In reviewing the property in question, it was identified as having no fire protection in the immediate area. The Eighth Concession is serviced with a 4" water main, and an additional short feed westerly down North Side Road, to serve a few homes in the area.

There are no fire hydrants in proximity of the property in question. With the proposed use for soil storage fire is not opposed to the zoning amendment. Any plans to erect buildings on this property would require significant upgrades to the current water supply infrastructure.



planning@erca.org

P.519.776.5209

F.519.776.8688

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

June 1, 2022

Melissa Osborne
Director, Development Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8

Dear Melissa:

RE: Request for Comments on Zoning By-law Amendment (File: ZBA-8-22)

Owner: TERESA COSTA

Agent: Lassaline Planning Consultants

Legal Description: CON 7 PT LOT 11 RP 12R7368;PART 2

ARN: 372947000000300

PIN: 015511237

Proposal: To add the stockpiling of soil and liquid soil, as a permitted use and establish new lot regulations

Our office has reviewed this proposal based on the mandate of the Essex Region Conservation Authority.

The zoning by-law amendment application affects approximately 19.2 hectares of land, located on the north side of North Sideroad and west of Concession Road 8.

The Zoning Amendment, if approved, will rezone the subject lands from the Agricultural (A) zone to a holding site specific Heavy Industrial (h-3 HI) zone. The purpose of the rezoning is to create a site-specific h-3 HI zone to add the stockpiling of soil and liquid soil, as a permitted use and establish new lot regulations.

There are no buildings required for the proposed land use of soil storage. There will not be the need for sewer or water. Storm Water management will be managed on site and maintained through a SWM pond. It is the ERCA understanding that the prospective purchaser is proposing to use the subject site for storage of soil and liquid soil, in accordance with an approved zoning by-law amendment, including the eventual removal of a Holding symbol for site plan control. Specifically, the holding (h-3) provision will ensure the provision of a site plan to the satisfaction of Council, before the new land use is in force and effect.

The Town advises the ERCA, by having a location for the storage of soil and liquid storage, this will keep the soil from going into the waste disposal site. This will ensure the life of the waste disposal site is not reduced by soil being unnecessary deposited at the site. Also, the soil storage facility will allow for the recycling of the soil, consistent with O. Reg 406-19, under the EPA R.S.O. 1990 c. E. 19. The purchaser, 701289 Ontario Inc., is looking to purchase the subject lands for the purpose of storage of soil and liquid soil, through an Environmental Compliance Approval or ECA permit issued by the MECP.

The subject lands are designated Heavy Industrial in the Town's Official Plan. The subject parcel will be placed in a holding provision temporarily, until the site plan has been approved.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the *Provincial Policy Statement of the Planning Act*, as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

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*).

It is noted the site is adjacent to our regulated area. Generally, 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 Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06)* on an unregulated property. However, the site concept plan, in the submitted Planning Justification Report, shows a new outlet being proposed to the municipal drain to the east or the Sam Paquette Drain, which would require a permit from the ERCA, but a requirement for a permit or any other clearances, from the ERCA, would be confirmed at the site plan control stage. We are therefore requesting the ERCA be circulated the related application for site plan control and background studies.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments, are provided, from our perspective, as an advisory service provider to the Planning Authority, on matters related to natural heritage and natural heritage systems, as outlined in Section 2.1 of the *Provincial Policy Statement of the Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

Please be advised that there is an adjacent woodlot located to the north-west of the property. Therefore, an EIA should be completed, as a condition of development approval, demonstrating that the new use will not have a negative impact on the adjacent woodland. The demonstration of no negative impact, as required by the relevant PPS policies in Section 2.1 Natural Heritage, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA), in accordance with the EIA Guidelines published by ERCA. However, other options may also qualify as an adequate demonstration of no negative impact. Prior to initiating an EIA, the applicant should contact the municipal planning department to request that ERCA provide a Terms of Reference for the study and/or determine appropriate mitigation techniques.

Therefore, for this particular application, we recommend the following, as a condition of approval:



That the property owner will retain a qualified environmental professional to prepare an Environmental Impact Assessment (EIA). The purpose of the EIA is to determine appropriate mitigation techniques in order to demonstrate no negative impact on the adjacent natural area. This EIA should be completed to the satisfaction of the Planning Authority, in consultation with the Conservation Authority.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity, as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

The ERCA understands that the site plan control process will examine the design and further technical aspects of the development.

It is our understanding that storm water management will be managed on site and maintained through a SWM pond, designed by an engineer and approved through Site Plan Control, as indicated in the Planning Justification Report.

We therefore request to be included in the circulation of the Site Plan Control Application. We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan application.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015.

The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water.

The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext. 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

FINAL RECOMMENDATION

Please be advised, that the ERCA has no objections to the application for Zoning By-law Amendment, at this time, subject to the addition of a Holding (H) provision to the proposed zone classification, to include



ZBA-8-2022

the Town's requirements for site plan approval and an ECA permit issued by the MECP and the following ERCA conditions of development approval or removal of the Holding (H) provision:

1. That an EIA be completed to the satisfaction of the Planning Authority, in consultation with the Essex Region Conservation Authority; and
2. That any required permits or clearances be obtained from the ERCA (*note: to be confirmed at site plan control*).

Should your proposal require the installation of fuel storage on the site, please contact the RMO as soon as possible in the planning process.

We are requesting the Town circulate the ERCA the future site plan application for further comment on this proposed development. Please provide all relevant background studies for our review at the appropriate time.

The proponent, also, may wish to pre-consult with the Authority on the proposed stormwater management solution for the site, to obtain preliminary feedback from the Authority:

TIAN MARTIN, P.Eng.
Water Resources Engineer, Watershed Management Services
Essex Region Conservation Authority
360 Fairview Avenue West, Suite 311 • Essex, Ontario • N8M 1Y6
P. 519-776-5209 x 304 • F. 519-776-8688
tmartin@erca.org www.essexregionconservation.ca

In addition, we ask the Town to forward a copy of the **Notice of Passing** for our records.

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

Sincerely,



Kim Darroch, B.A.(Hons.), M.PL., RPP, MCIP
Team Lead, Planning Services

Cc: **Janine Mastronardi**, *Planning Office Clerk*
Deputy Clerk at tfowkes@amherstburg.ca



8 NORTH SIDE ROAD

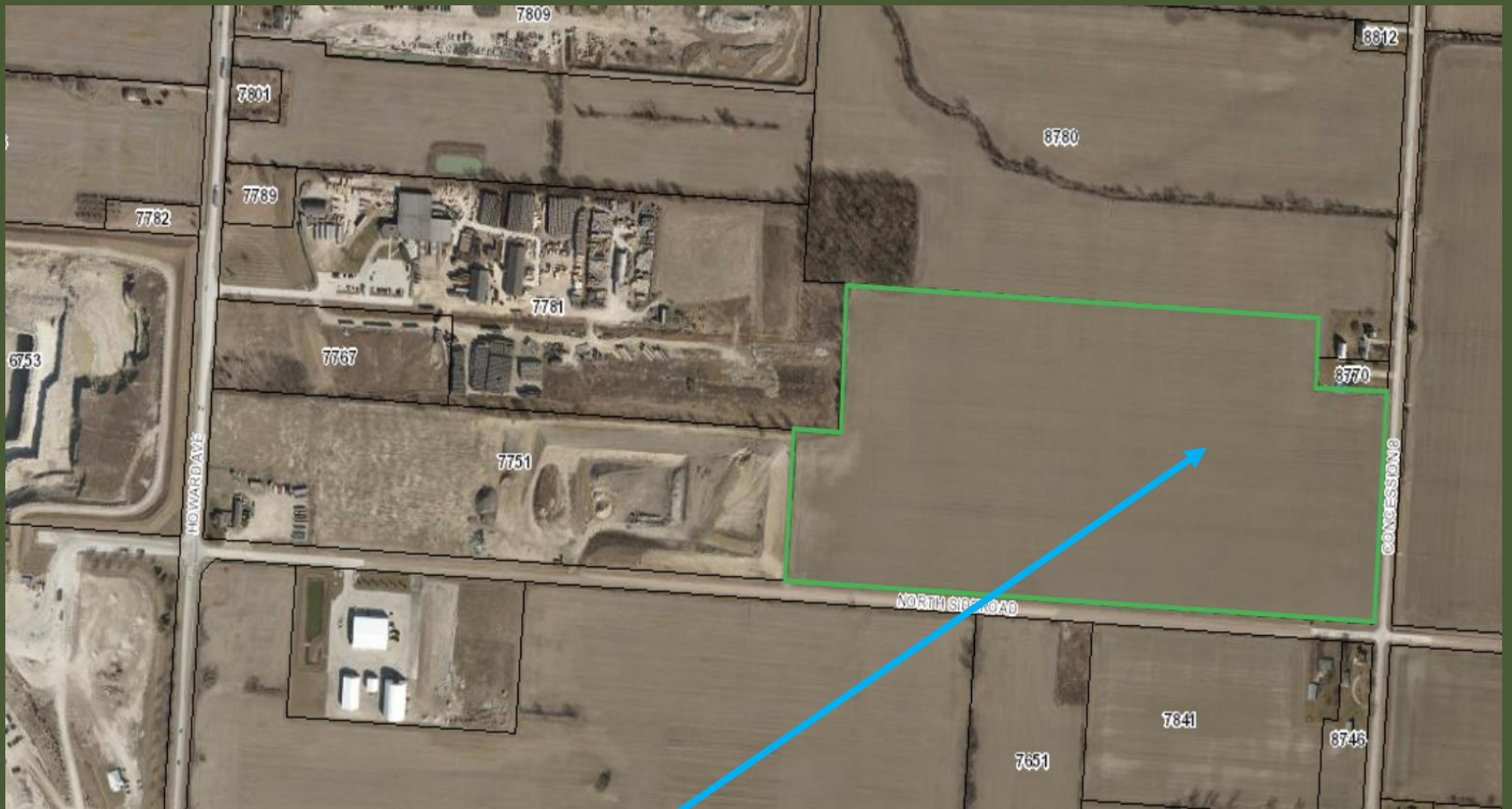
ZBA/08/22

JUNE 13, 2022



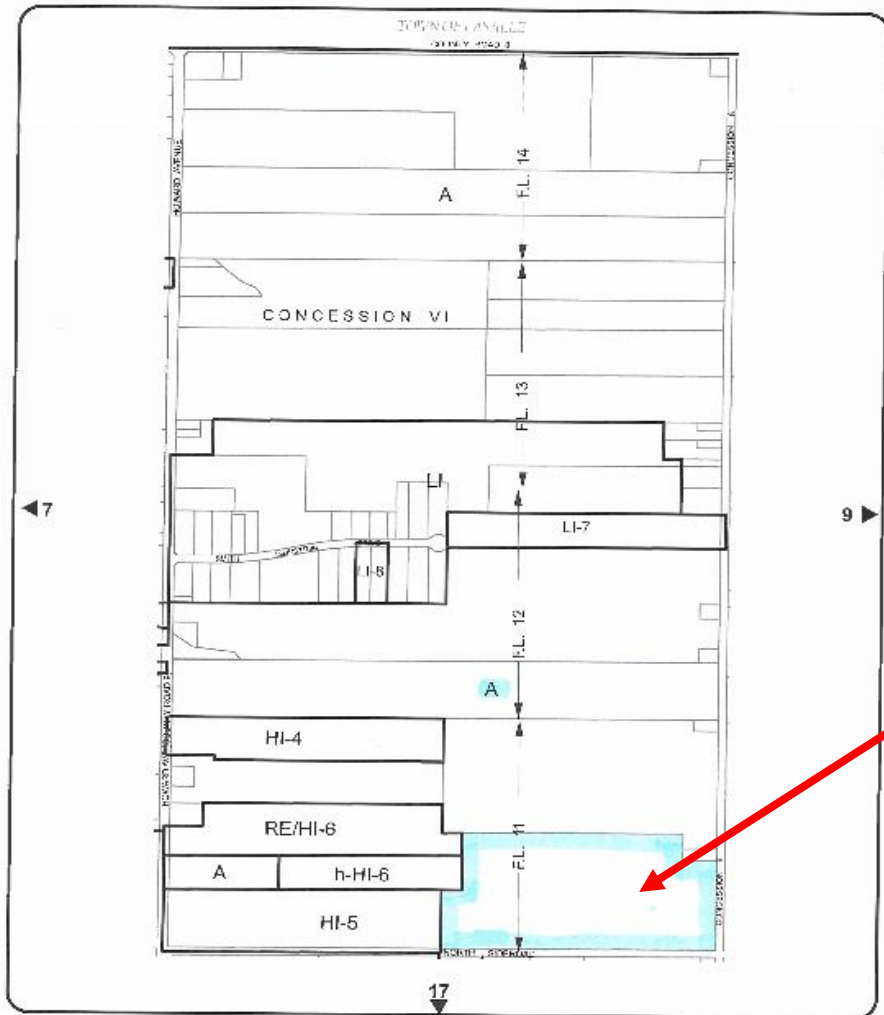


8 NORTH SIDE ROAD



8 NORTH SIDE ROAD





8 NORTH SIDE ROAD



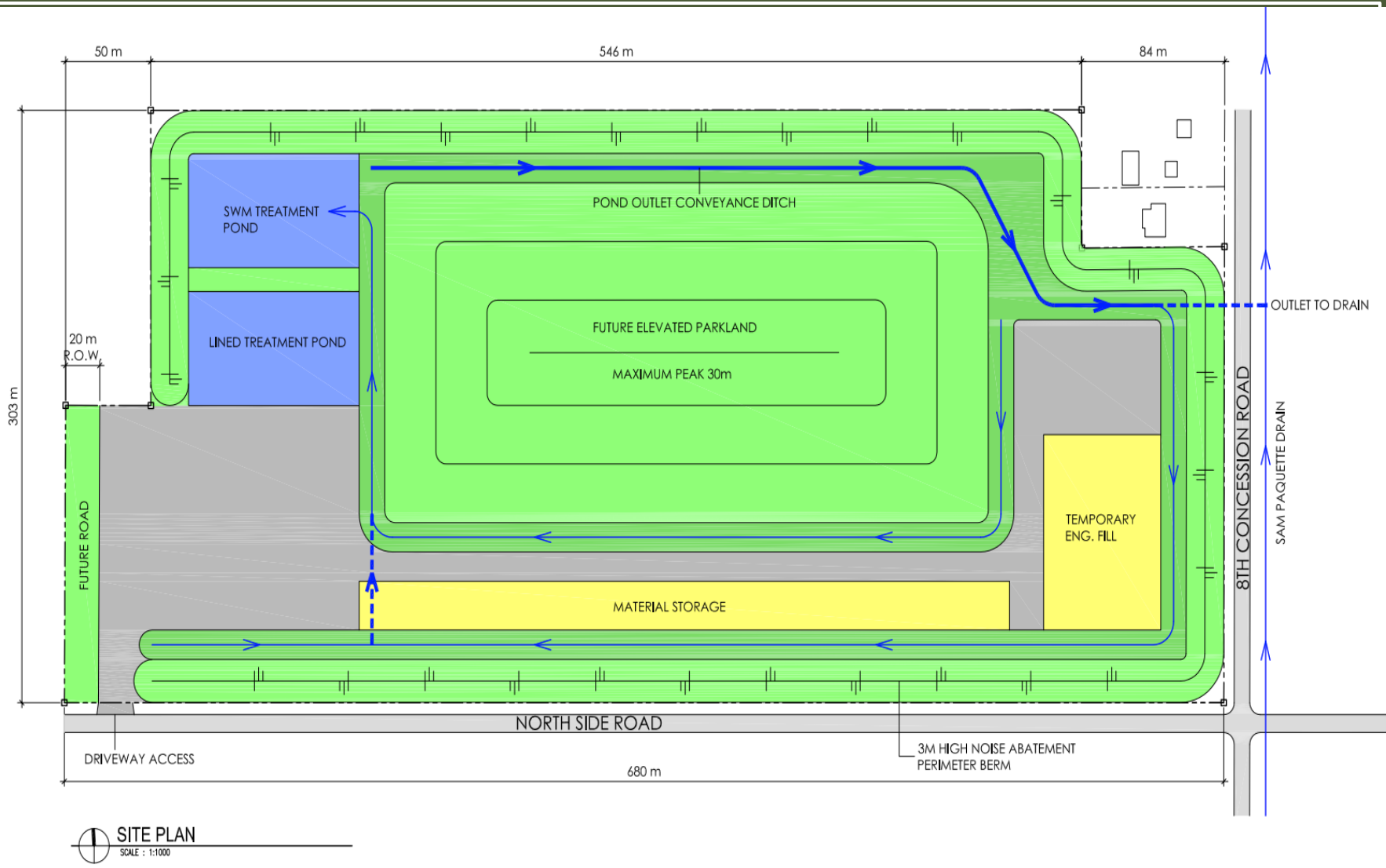
TOWN OF AMHERSTBURG
ZONING BY-LAW NO. 1999-52

SCHEDULE 'A'
MAP 8
0 100 200 400m



INTRODUCTION

- **PROPOSED DEVELOPMENT;**
- **ZBA;**
- **SITE PLAN CONTROL;**
- **BUSINESS OPERATIONS & PROCEDURES.**



SITE PLAN
SCALE : 1:1000

- **CONSISTENT WITH PPS**
- **CONFORMS WITH OFFICIAL PLAN**
- **COMPLIES WITH THE INTENT OF THE CZBL**
- **MAKES SOUND PLANING**

THANK YOU

JACKIE LASSALINE BA MCIP RPP
PRINCIPAL PLANNER

LASSALINE PLANNING CONSULTANTS
P.O. BOX 52
1632 COUNTY RD. 31
ST. JOACHIM, ON N0R 1S0





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT 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.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider an Official Plan Amendment and Zoning By-law Amendment for 131-135 Sandwich St S

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public, municipal departments, agencies, and Council with respect to Zoning By-law Amendment for lands located on the east side of Sandwich Street and municipally known as 131 and 151 Sandwich Street, owned by Daei Foods Inc., BE RECEIVED and SUMMARIZED in a future report to Council.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The Town is in receipt of an Official Plan and Zoning By-law Amendment from Daei Foods Inc., for approximately 0.2 hectares of land (municipally known as 131 and 135 Sandwich Street South) located on the east side of Sandwich Street South between Fort Street and Richmond Street. (Refer to figure 1).

This Official Plan Amendment, if approved, will amend the existing General Commercial policies to permit a drive through restaurant on the subject lands in conjunction with a multi-unit commercial building having a total gross floor area of approximately 419 square metres. The Rezoning, if approved, will establish site-specific lot and building regulations, in accordance with a final site plan to be approved by the Town.

3. DISCUSSION:

The subject lands are designated Commercial General in the Official Plan. The following polices apply to lands so designated:

4.4 COMMERCIAL LAND USE DESIGNATIONS

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications:

Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas. The general principles to be considered in the development and control of the use of such lands are as follows:

4.4.2 General Commercial Areas

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 storeys and unless a site specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

In order to ensure compatibility with the Heritage Residential area abutting the General Commercial designation in the Central Business District, development on the east side of Dalhousie Street and/or on the south side of Murray Street shall be limited to only Medium Density Residential development with access restricted to Dalhousie Street and/or Murray Street and height restricted to three storeys. Properties along the west side of Dalhousie Street within the General Commercial Designation may be considered for a High Density Residential development. Height, however, would be restricted to a maximum of five storeys. Public participation meetings would be held as part of any site plan reviews for multi-family developments.

Hotels and multi-family residential development within the Sandwich Street corridor (County road 20) of the General Commercial designation may have heights of up to eight storeys.

Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores servicing domestic customers, may locate within the General Commercial designation located on Sandwich Street north of Alma Street or south of Park Street.

Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13, provides the Town of Amherstburg with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law. Section 40 allows the Town to collect money which can then be used to provide municipal parking within the area. Under such a policy the Town may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment. The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from their parking requirements. Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied. See Subsection 6.2.5 for additional policies regarding downtown revitalization for a portion of the General Commercial designation.

When applying the payment-in-lieu option the Town Council shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law to provide parking. Money received should be placed into a special account and the agreement registered against the land. Payment in lieu will only be considered within the General Commercial land use category. New residential developments should attempt to include all required tenant parking on site, however, the residential standards of

the Zoning By-Law may be significantly reduced within the zones applied to the General Commercial area to encourage intensification and redevelopment that is deemed to have a positive impact on the downtown area. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings. Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks and taverns.

Evaluation of a site as suitable for payment-in-lieu must carefully assess the effect the number of spaces required will have on the feasibility of the development, the availability of parking in the area, the opportunity or viability of ever providing parking in the area and the resulting cumulative effect of applying the payment in lieu policy and whether or not the opportunity to achieve a desirable development can occur without creating a significant parking deficiency. A parking fund shall be established from cash-in-lieu of parking spaces received from Commercial development in the General Commercial Area.

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing Zoning By-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern. The general location of the General Commercial areas shall be in accordance with Schedules "A" and "B".

Any public works, or private redevelopment, within the area should take into account the Heritage Policies and Downtown Revitalization Policies of this Plan and should implement any applicable portion.

The General Commercial lands may be placed in separate zoning classifications in the implementing Zoning By-Law.

4.4.3 Commercial Special Policy Areas

Certain commercial areas exist or may develop that do not fit into an existing designation and may be identified as a Special Policy Area. Special Policy Areas include:

In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town's Downtown

Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg's Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.

Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres clear stem and head room for pedestrians and cyclists. In addition, Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed. Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.

The Zoning By-law zones the lands Commercial General (CG). The following outlines the regulations of the zone:

(1) SCOPE

The provisions of this Section shall apply in all Commercial General (CG) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any CG Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following CG uses, namely:

- (i) amusement game establishment;
- (ii) animal hospital;
- (iii) art gallery;
- (iv) assembly hall;
- (v) bakery shop;
- (vi) catalogue store;
- (vii) cinema;
- (viii) clinic;
- (ix) commercial recreation establishment;
- (x) commercial school;
- (xi) continuum of care facility;

- (xii) data processing establishment;
- (xiii) day care;
- (xiv) department store;
- (xv) *drive through facility; (By-law No. 2012-65)*
- (xvi) dry cleaning or laundry establishment or distribution centre;
- (xvii) dwelling units restricted to above the first floor;
- (xviii) existing place of worship;
- (xix) financial establishment;
- (xx) florist shop;
- (xxi) food store;
- (xxii) funeral home;
- (xxiii) hardware store;
- (xxiv) home and auto supply store;
- (xxv) home appliance store;
- (xxvi) home decorating store;
- (xxvii) home for the aged;
- (xxviii) home furnishing store;
- (xxix) home improvement store;
- (xxx) hotel or motel;
- (xxxi) institutional use;
- (xxxii) laboratory;
- (xxxiii) laundromat;
- (xxxiv) library;
- (xxxv) medical/dental office;
- (xxxvi)merchandise service shop;
- (xxxvii) marina;
- (xxxviii)nursing home;
- (xxxix) office;
- (xl) parking lot;
- (xli) personal service shop;
- (xlii) pharmacy;
- (xliii) place of entertainment;
- (xliv) printing shop;
- (xlv) public use;
- (xlv) recreational establishment;
- (xlvi) repair and rental establishment;
- (xlviii) restaurant;
- (xlix) restaurant, fast-food;
- (l) retail store;
- (li) retirement lodge;
- (lii) studio
- (liii) supermarket;
- (liv) tavern;
- (lv) theatre;
- (lvi) taxi establishment;
- (lvii) vehicle repair shop;
- (lviii) veterinarian clinic;
- (lix) video rental establishment;
- (lx) wholesale use accessory to a permitted CG use;
- (lxi) any existing automotive use.

(3) ZONE REQUIREMENTS

No person shall within any CG Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- | | |
|--|--|
| (a) Lot Area (Minimum) | No minimum |
| (b) Lot Frontage (Minimum) | No minimum |
| (c) Front Yard Depth (Minimum) | No Minimum
except as provided
in Section 3(23)
thereof |
| (d) Interior Side Yard Width | No minimum
provided that where the interior side lot line
abuts land in a zone other than a Commercial
or Institutional Zone, the minimum
interior side yard width shall be 7 m. |
| (e) Exterior Side Yard Width (Minimum) | No Minimum |
| (f) Rear Yard Depth (Minimum) | 7.5 m |
| (g) Dwelling Unit Area (Minimum) | 55 m ² |
| (h) Height (Maximum) | 10 m
(By-law 2012-65) |

(i) Heritage Buildings

If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure.

(j) Open Storage

No open storage of goods, materials or waste shall be permitted.

(k) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

The purpose of this public meeting is to present the applicable background and outline the purpose of the application to Council and to hear all comments regarding the proposed Official Plan Amendment and rezoning.

As indicated above, the purpose of the application is to amend the Official Plan to permit a drive-through restaurant as part of the proposed development. The applicant is also seeking to establish a site-specific CG zone to allow the drive-through as a permitted use, and to also establish certain site-specific lot regulations.

Attached to this report is a copy of the Planning Rationale Report (PRR) prepared by the applicant's planning consultant that outlines in detail the nature of the proposed development and the rationale to support the requested amendments.

Administration would highlight 2 areas as part of the proposed development:

1. Parking – as shown on the applicant’s site plan (zone matrix chart – page 13 of the PJR) the required parking for the development pursuant to the zoning by-law is 39 spaces. The Owner is proposing to provide for a total of 15 spaces on site. The PJR makes reference to the Town’s ability to allow for cash in lieu for parking in accordance with the Planning Act. The Town’s Official Plan does contain policies in this regard, but at the sole discretion of the Town. The policies also outline matters that should be taken into account when assessing the merits of considering accepting cash in lieu. It is recommended that prior to moving forward to a second meeting regarding this application, that administration review this aspect of the development in greater detail with the applicant and then be in a position to provide Council with a more detailed analysis and recommendation on the matter.
2. Heritage Design of Building – the applicant has provided a draft elevation for the building, however, there have been no detailed discussions to date with Town staff or the Heritage Committee. Therefore, prior to this matter coming back for a second meeting, staff will arrange meetings with the applicant to have the elevations reviewed and vetted through the Committee.

The notice for the proposed Official Plan and Zoning Bylaw Amendment Applications was circulated in accordance with the provisions of the Planning Act. A summary of the comments received to date is highlighted in Appendix 1 attached to this report.

Following the public meeting, staff will review all the comments, conduct follow-up on the matter of parking and elevation drawings and prepare a report for a subsequent meeting. The report will summarize all the comments and make recommendation(s) regarding the proposed Official Plan and rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

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.

7. CONCLUSION:

Subject to any further comments or direction from Council, it is recommended that the presentation and comments on the proposed rezoning be received and referred to a future public meeting.



Melissa Osborne
Director, Development Services

JM

DEPARTMENTS/OTHERS CONSULTED:

**Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 2313**

**Name: Building Services
Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services
Phone #: 519 736-6500**

Name: Windsor Police

**Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com**

**Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com**

**Name: Essex Region Conservation Authority
Phone #: 519 776-5209**

**Name: County of Essex
Phone #: 519 776-6441**

**Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481**

**Name: Greater Essex County District School Board
Phone #: 519 255-3200**

Report Approval Details

Document Title:	Statutory Public Meeting to Consider an Official Plan Amendment and Zoning By-law Amendment for 131-135 Sandwich St S.docx
Attachments:	- 2022 06 13- Statutory Public Meeting to Consider an OPA and ZBA for 131-135 Sandwich St S- ATTACHMENTS.pdf
Final Approval Date:	Jun 7, 2022

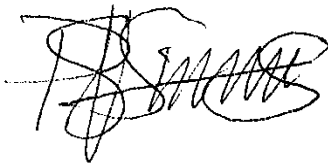
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



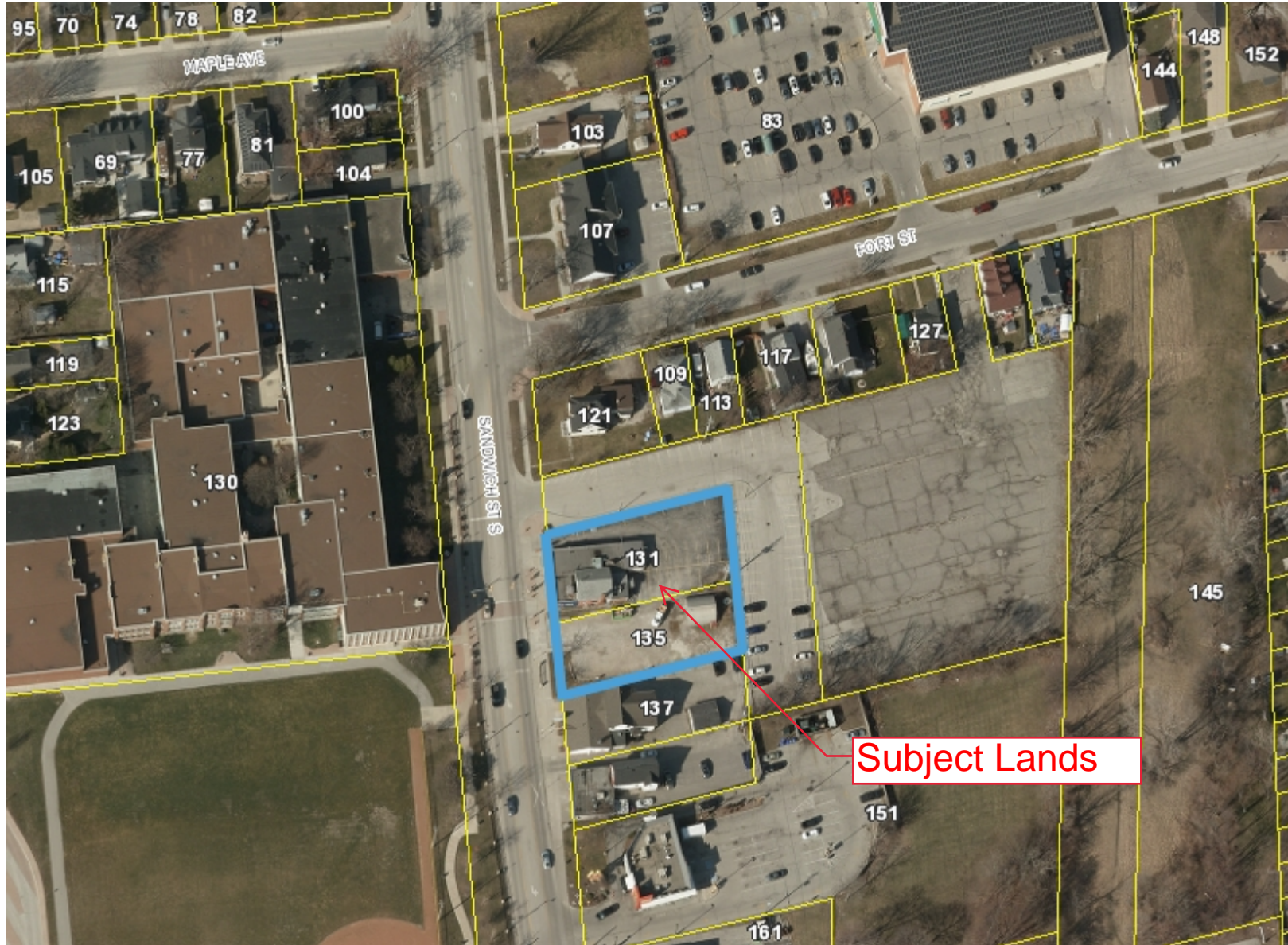
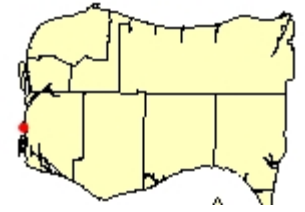
Peter Simmons



Valerie Critchley



Figure 1



Legend

- Roads
- Parcels
- Streams and Creeks
- Essex

0.1 0 Distance / 0.1 Kilometers



Notes

This is where you enter your notes about the map.



PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

131 & 135 Sandwich Street
Town of Amherstburg,
County of Essex

Date:

April 2022

Prepared for:

Daei Foods Inc.

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File 21320A

CONTENTS

1.0

Introduction 4

- 1.1 Overview 4
- 1.2 Report Framework 5
- 1.3 Planning Applications 6

2.0

Site Location and Surrounding Land Uses 7

- 2.1 Site Description 7
- 2.2 Surrounding Land Uses/Neighbourhood Compatibility 7

3.0

Description of the Proposal 9

- 3.1 Proposed Site Plan 9
- 3.2 Urban Design Considerations 10

4.0

Planning Analysis 13

- 4.1 Provincial Policy Statement, 2020 13
- 4.2 County of Essex Official Plan 15
- 4.3 Town of Amherstburg Official Plan

CONTENTS

5.0

Zoning By-law Analysis 19

5.1 Existing Zoning 19

5.2 Zoning Review 19

5.3 Proposed Zoning 19

6.0

Conclusions 22

LIST OF FIGURES

Figure 1:	General Location Map	Following 7
Figure 2:	Proposed Site Plan	Following 10
Figure 3:	Proposed Special Policy Area: Amherstburg Official Plan	Following 22
Figure 4:	Proposed Zoning:	Following 25

LIST OF TABLES

Table 1.0:	Surrounding Land Uses	8
Table 2.0	Zoning Review	14
Table 3.0	Summary of Zoning Compliance (CG Zone)	23

LIST OF APPENDICES

Appendix A:	Preliminary Building Elevations
Appendix B:	Conceptual Landscape Plan

1.0

INTRODUCTION

1.1 Overview

1.1.1 Development Proposal

MHBC has been retained by Daei Foods Inc. to assist with an application to amend the Town of Amherstburg Official Plan and Zoning By-Law in order to support a commercial development planned for lands addressed collectively as 131 and 135 Sandwich Street South, in the community of Amherstburg. The subject lands (the 'Site') are located on the east side of Sandwich Street South between Fort Street and Richmond Street. The Site measures approximately 2,065 m² in area, and has approximately 42.2 m of frontage on Sandwich Street South.

The Proposed Site Plan enclosed with this submission illustrates the intended building design and lot layout for the planned commercial development. As presented, the proposed development incorporates one multiple-unit commercial building integrating shared accesses and common parking areas. Additionally, a drive-through facility is integrated into the proposed restaurant (conceptualized as a Harvey's). In total, the development proposes 419 m² of service/retail commercial space (gross floor area).

Additional consideration of urban design opportunities have been implemented into the proposed layout to promote an attractive urban streetscape, including building positioning, contemporary building façades, landscaping enhancements and convenient pedestrian connections. The intent of these design elements is to support an active street frontage and a positive pedestrian experience along the Sandwich Street South corridor.

1.1.2 Planning Applications

As discussed in this Report, the subject lands are located in within a defined Settlement Area in the County of Essex Official Plan and are designated General Commercial pursuant to the Town of Amherstburg Official Plan. The General Commercial designation permits commercial retail uses, including eating establishments; however drive-through facilities are not permitted in this designation.

The lands are zoned Commercial General (CG) pursuant to the Town of Amherstburg Zoning By-law No. 1999-52 (Zoning By-law), which permits restaurant uses including fast food restaurants and drive-through facilities. Notwithstanding, the CG Zone does not permit drive-through restaurants as defined in the Zoning By-law. In addition, the Proposed Site Plan does not comply with certain CG Zone regulations (e.g., minimum front yard setback, minimum parking requirements).

In light of these considerations and direction provided by Town of Amherstburg staff, Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications are being advanced to permit the proposed commercial development.

1.2 Report Framework

1.2.1 General Components

This Planning Justification Report includes a detailed description of the subject lands, the existing policy framework and the rationale for the OPA/ZBA application. The Report focuses on matters relating to the nature and intent of the Official Plan amendment and rezoning application, and includes the following primary components:

- An introduction and general overview of the subject lands, surrounding uses and existing conditions to provide an understanding of the locational context;
- A description of the overall development concept including highlights regarding land use, building form and urban design components, as well as an overview of technical studies completed in support of the development concept; and
- A review of the existing policy framework (Provincial and County) relating to the proposed development and an assessment of conformity with the Provincial Policy Statement, the County Official Plan and the Town's Official Plan and Zoning By-law.

The following represent key references for this planning analysis:

- 2020 Provincial Policy Statement (PPS);
- County of Essex Official Plan;
- Town of Amherstburg Official Plan;
- Town of Amherstburg Zoning By-law No. 1999-52;
- Downtown Amherstburg Urban Design Guidelines (Draft).

• In addition to a detailed review of these documents, an assessment of the subject lands and the surrounding land uses was also conducted as part of the evaluation.

1.2.2 Complete Application

Town of Amherstburg staff advised in correspondence that the following reports and plans are required to support a complete OPA/ZBA application

- Planning Justification Report;
- Traffic Impact Assessment;
- Conceptual Landscape Plan
- Conceptual Site Plan; and
- Preliminary Building Elevations.

The required materials has been prepared and are enclosed with the planning application submitted for this proposal.

2.0

SITE LOCATION AND SURROUNDING LAND USES

2.1 Site Description

As discussed, the subject lands are addressed as 131 and 135 Sandwich Street South, in the Town of Amherstburg (County of Essex). The Site currently comprises two parcels, generally described as Part of Lots 6, 7 and 8, Registered Plan 6. **Figure 1** of this Report illustrates the location of these lands. The Site is currently developed with a family-style restaurant and attached residence contained on 135 Sandwich Street South, while 131 Sandwich Street South is utilized for accessory parking and an accessory outbuilding is also located on that parcel. The restaurant/residence has a gross floor area (GFA) of approximately 310 m², the accessory building has a GFA of approximately 58 m².

The subject lands, which measure approximately 0.21 ha in area, are generally rectangular in shape and incorporate approximately 42 m of frontage along Sandwich Street South. These lands form part of the Town's Central Sandwich District and are identified as being within the Central Sandwich Community Improvement Planning Area under the Town's draft Downtown Amherstburg Urban Design Guidelines (October 2018) and draft Community Improvement Plan (December 2020).

At this location, Sandwich Street South ((County of Essex Road 20) has two through traffic lanes and a continuous northbound left turn lane. This street is designated as an Arterial Road pursuant to Schedule D (Road Classification) of the Town of Amherstburg Official Plan. The Site has two existing full-turn street accesses.

The following images illustrate site features from the adjacent street frontages.



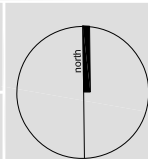
Figure 1
General
Location Map

 SUBJECT LANDS


 PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
MHBC PLANNING
200-540 BINGEMANS CENTRE DR.
 KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121
 WWW.MHBCPLAN.COM

DATE: February 08, 2022

SCALE 1 : 2,000



P:\21320\A\Graphics\
 Figure 1 - General Location Map - Feb. 08, 2022

- **Subject Lands: View Southeast from Sandwich Street South corridor**



Source: Google Maps, February 7, 2022

- **Subject Lands: View Northeast from Sandwich Street South corridor**



Source: Google Maps, February 7, 2022

2.2 Surrounding Land Uses/Neighbourhood Compatibility

The Site fronts the east side of Sandwich Street South, generally north of the Amherstburg Central Business Area as delineated in the Town’s Official Plan. Directly to the west, and across the street from these lands is an existing secondary school (General Amherst High School) and adjacent park with baseball fields. A signalized crosswalk is provided at this location connecting the school lands with the sidewalk extending along the east side of the Sandwich Street South corridor. North of the subject lands and north of Fort Street is a large format grocery store with ancillary drug store. A fast-food style restaurant with a drive through facility is also approved for this plaza. Additionally, a mix of commercial plaza uses and residential uses are located between the grocery store plaza and the subject lands including combined office/residential type uses. Further south along Sandwich Street South are a mix of

office/commercial uses, as well as a restaurant with a drive-through facility. Directly east of the subject lands is a parking lot that is accessed via a driveway directly adjacent to the north of the Site. Further east is a largely low-density residential community which incorporates a central public school, parks and institutional uses.

Table 1.0 identifies the land uses surrounding the Site.

Table 1.0 – Surrounding Land Uses

Relative Location	Existing Land Uses
TO THE NORTH:	Public parking lot, mix of commercial and residential uses including a large format grocery store and drug store
TO THE EAST:	Public parking lot, low density residential forms, institutional uses
TO THE SOUTH:	Commercial and office uses including restaurant with drive-through
TO THE WEST:	Road right-of-way, secondary school, sports fields, community park

3.0

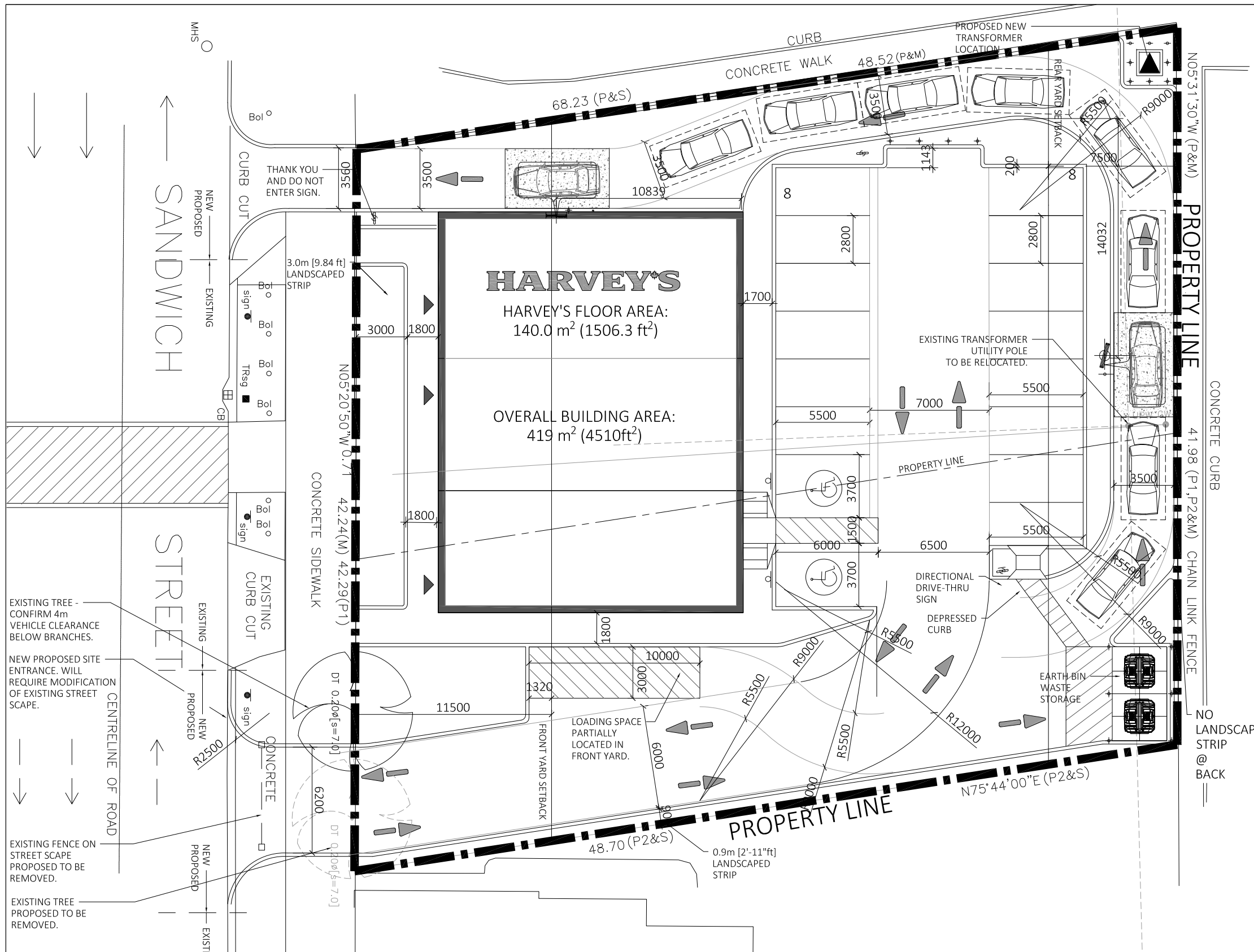
DESCRIPTION OF THE PROPOSAL

3.1 Proposed Site Plan

Figure 2 of this Report illustrates the Proposed Site Plan prepared by Nicholas Caragianis Architect Inc. (NC Architect). In our opinion, the proposed building positioning and site layout address a number of comments provided by Town staff received through the pre-application consultation stage of project planning.

The following sets out in the primary components of the Proposed Site Plan:

- A multiple-unit commercial building integrating a drive-through facility to accommodate the restaurant intended for the north commercial unit. The commercial building has a total GFA) of approximately 419 m², and the proposed restaurant, conceptualized as a Harvey's, has a GFA of approximately 140 m²;
- Two vehicular accesses from Sandwich Street South with the southerly access accommodating all way traffic movements and the northerly access providing an exit only from the drive-through facility servicing the proposed restaurant. This mutual driveway arrangement is intended to support effective maneuverability through the Site and to limit driveway entrances to Sandwich Street South;
- A total of 15 surface parking spaces, including one accessible space. An additional nine queuing spaces are provided in the drive-through aisle. No parking stalls are located between the proposed 4.8 m building setback from Sandwich Street South;
- Enhanced building design, landscaping and pedestrian access, including a concrete sidewalk along the east side of Sandwich Street frontage. Pedestrian accesses to commercial units are provided via by way entrances from Sandwich Street South, and from the parking area;
- Provision of an enhanced 3.0 m wide landscape strip positioned along the front of the building and 1.0 m landscape strips provided within the interior side yard setbacks and the rear yard setback; and



NOTE:
 LOT AREAS & DIMENSIONS TAKEN FROM CLIENT SUPPLIED SURVEY DATED 20-10-2021
 PROVISIONAL SUMMARY ONLY - ALL PARKING REQUIREMENTS TO BE CONFIRMED WITH
 FINAL OCCUPANCY IN PROPOSED BUILDING.

*NET FLOOR AREA USED FOR PARKING CALCULATIONS, AS PER CONVERSATION WITH
 AMHERSTBURG PLANNER - EXTERIOR WALL AREAS NOT IN CALCULATIONS

PARKING SUMMARY		
BUILDING FOOTPRINT AREA = 419 sq. m [4510 sq. ft]		
	PROPOSED DRIVE-THROUGH RESTAURANT	PROPOSED TAKE-OUT RESTAURANT
NET FLOOR AREA* - ESTIMATE ONLY TO BE CONFIRMED	140.0 sq. m [1506.3 sq. ft]	247 sq. m [2659 sq. ft]
ZONING PARKING REQUIREMENT	SECTION 3 (23) Amherstburg Zoning: 1 / 10 sq. m	SECTION 3 (23) Amherstburg Zoning: 1 / 10 sq. m
REQUIRED PARKING SPACES PER OCCUPANCY TYPE & AREA	140.0 sq. m / 10 sq. m = 14 SPACES	247 sq. m / 10 sq. m = 25 SPACES
DRIVE-THROUGH QUEUING SPACE REQUIREMENT	6 Queuing Spaces / Drive-thru	N/A
ACCESSIBLE ZONING PARKING REQUIREMENT	1 Accessible / First 20 Spaces + 1 Accessible / 100 Spaces	
LOADING SPACE REQUIREMENT	1 Required to Serve all 3 Building Occupants.	
TOTAL REQUIRED PARKING	39 PARKING SPACES (2 ACCESSIBLE) 6 QUEUING SPACES 1 LOADING SPACE	
PROVIDED NUMBER OF SPACES	15 PARKING SPACES (2 ACCESSIBLE) 9 QUEUING SPACES 1 LOADING SPACE	

nicholas caragianis architect inc.

PROJECT NAME:
HAR AMHRTSAND131
 NCA #21055
 ADDRESS:
 131 & 135 SANDWICH ST. S
 AMHERSTBURG, ON

PARKING BEHIND BUILDING & DRIVE-THROUGH AT THE REAR OF SITE. NON-COMPLIANT WITH FRONT YARD SETBACK AND PARKING REQ'S. BACK-IN LOADING SPACE.

DSK-004-R4: PROPOSED SITE PLAN

DRAFT - FOR DISCUSSION

DATE:
 2022-03-30
 SCALE:
 1:250
 DWG.:
DSK-004-R4
 1 OF 1

- Building and site design elements in keeping with the Commercial Special Policy Area of the Town of Amherstburg Official Plan and the Town’s proposed draft Downtown Amherstburg Urban Design Guidelines and draft Community Improvement Plan.

Appendix A to this Report includes preliminary building elevations prepared by NC Architect.

3.2 Design Considerations

In accordance with the Commercial Special Policy Areas provisions contained in the Town of Amherstburg Official Plan, in conjunction with this OPA/ZBA application, the Town will seek the advice of its Municipal Heritage Committee when evaluating the merits of this development proposals. In particular, as discussed in Section 4.3 of this Report, given that the Site is located within the Gateway to Amherstburg Special Policy Area, the Committee will evaluate this proposal in relation to matters such as roof line, height, building material and window placement (in order to maintain the historic small town appearance of this area).

The Proposed Site Plan was designed with due consideration for the urban design objectives as provided by way of Special Policy Area provisions within the Official Plan and identified through preliminary comments received by Town Planning staff. Several design components have also been integrated into the site layout in order to align with the Town’s urban design objectives as contemplated for the applicable Central Sandwich District in the draft Downtown Amherstburg Urban Design Guidelines and draft Community Improvement Plan.

As set out in Section 1.8.2 of the draft Guidelines, key objectives for the Central Sandwich District are “...to promote infill development on vacant and underutilized lots, conserve and maintain heritage features of buildings, create an attractive pedestrian environment and reduce commercial vacancies.” A similar objective is defined for this District in Section 1.8.2 of the draft Community Improvement Plan.

Additionally, the following design direction has been identified within the draft Guidelines relating to commercial developments in the Central Sandwich District:

- Commercial buildings should be oriented towards the street with entranceways and sidewalks to provide access for pedestrians;
- Building setbacks are expected to generally follow those of adjacent properties to promote a continuous street wall;
- Parking should be located in the rear or side yard;
- Utilize materials that contribute to the historic character typified by red brick facades with wooden window frames, and cornices;

- Avoid materials that are not compatible with the traditional commercial character such as stucco, vinyl, and tinted glass;
- Utilize colours that contribute to the historic character of the area and compliment adjacent facades;
- Locate loading and service areas away from the street frontages and visually screen such areas from public views and adjacent residential properties; and
- Locate waste storage areas inside buildings wherever possible. Where outside, ensure that waste disposal areas and containers are not visible from the street.

The following identifies several key design elements that are contemplated in the site layout to align with the urban design direction of the aforementioned policy documents.

Key design elements:

- The street wall plane proposed along Sandwich Street South incorporates a consistent design that integrates the commercial units into a cohesive 'main street' façade and helps to achieve a pedestrian-oriented streetscape;
- The drive-through component of the proposed restaurant which will occupy the northerly unit is located at the rear of the property and screened from street-view;
- An enhanced landscaping program has been developed along the Sandwich Street South frontage is to incorporate high quality features including a wide selection of trees, shrubs and plants (refer to Appendix B). Landscaping features and the building positioning will help to screen rear parking and loading areas from the public street. **Appendix B** includes the conceptual landscape plan prepared by MHBC;
- An integrated walkway system is planned to provide continuous access between the planned commercial units and the public street, as well as provide connections to the surface parking area;
- The proposed building designs integrates parapet elements that increase the building height for the street-facing elevations; having regard for the proposed massing and height guidelines contemplated in the draft Urban Design Guidelines;
- Preliminary elevations designed for the proposed building include complimentary materials, such as red brick cladding and decorative lighting;
- Façade articulation is enhanced through the provision of large windows, overhead lighting and repetition of canopies above entryways intended to create a sense of rhythm. These elements are intended to promote an inviting street front façade to encourage pedestrian access to the Site; and
- Waste receptacles are at the rear of the property screened from the street view and are proposed as an earth bin waste storage system.

In light of these considerations and further commentary provided in this Report, in our opinion, the proposed building design and site layout demonstrate close alignment with the urban design objectives identified for the Gateway to Amherstburg Special Policy Area in the Town's Official Plan, and consideration for the direction provided in the Town's draft Downtown Design Guidelines and draft Community Improvement Plan.

4.0

PLANNING ANALYSIS

The proposed Concept Plan has been evaluated with regard to the policy direction and provisions of the Provincial Policy Statement, the County of Essex Official Plan and the Town of Amherstburg Official Plan. The following outlines the merits of the proposed development relative to this framework of planning policy and with consideration for comments received from Town staff in conjunction with pre-application consultation. Additionally, the analysis has consideration for the regulations of the Town of Amherstburg Zoning By-law.

4.1 Provincial Policy Statement, 2020

The current Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The PPS provides overall policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. Part IV of the PPS sets out that this policy instrument provides a vision for land use planning in Ontario that focuses growth within settlement areas, and encourages efficient development patterns to optimize the use of land, resources and public investment in infrastructure and public service facilities.

The proposed development plan summarized in Section 3.1 of this Report has been evaluated with regard to the policy direction and provisions of the Provincial Policy Statement. Based on this analysis, it is our opinion that specific policies in Section 1.0 (Building Strong Healthy Communities) and Section 2.0 (Wise Use and Management of Resources) are particularly relevant to this proposal. Commentary regarding these policies is provided in the following section of this Report.

Table 2.0 – Consistency with Provincial Policy Statement

PPS Policy	Response
1.1.1 Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;	This commercial development proposal promotes an efficient land use pattern that would support the long-term financial well-being of the Province of Ontario and the Town of Amherstburg (in the form of increased property tax

PPS Policy	Response
<p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p>	<p>assessment and the optimization of existing and planned infrastructure). Additionally, employees of this development would help support the overall viability of the Central Sandwich District. Economic benefits would also be derived from construction of the proposed multiple-unit commercial development.</p> <p>The subject lands are located within a local development area containing a variety of service/retail commercial activities, institutional uses, and established residential neighbourhoods. Implementation of this proposal would be compatible with this development context and would help diversify the range and mix of commercial activities available in this community.</p> <p>The proposed development should not result in environmental or public health and safety concerns.</p> <p>Preliminary servicing reviews have been completed by Dillon Consulting to confirm that (1) the development can proceed in a cost-effective manner and (2) the necessary servicing infrastructure would be available to meet projected needs.</p> <p>It is anticipated that public service facilities available in the vicinity of the Site would accommodate the demands of this development.</p>
<p>1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established</p>	<p>This redevelopment plan proposes additional commercial space on lands located within an identified settlement area designated for commercial purposes pursuant to the County of Essex Official Plan and the Town of Amherstburg</p>

PPS Policy	Response
<p>for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>Official Plan (as discussed in Sections 4.2 and 4.3 of this Report, respectively). In effect, this proposal would introduce additional commercial space on the Site to help meet market demands and support the overall vitality of the Town’s Central Sandwich District.</p>
<p>1.1.3.1 Settlement areas shall be the focus of growth and development.</p>	<p>The Site is situated within a Primary Settlement Area pursuant to the County of Essex Official Plan and is therefore considered part of a settlement area, as defined by the PPS.</p>
<p>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) 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; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; 	<p>Implementation of this proposal would help to promote a compact land use pattern that supports the efficient use of land and services. As noted, preliminary servicing reviews have been carried out and confirm that adequate servicing capacity is available to accommodate the intended development and that storm water quality and quantity controls can be addressed during final design.</p> <p>It is anticipated that future employees and patrons of this development would support existing public service programs and facilities available in proximity to the Site.</p> <p>Where practical and appropriate, the project would incorporate sustainable development principles to help minimize environmental impacts.</p> <p>The site layout promotes active transportation through the provision of multiple pedestrian connections to the Sandwich Street South corridor. Bicycle parking will also be contemplated as part of the Site Plan Approval process for this development.</p>

PPS Policy	Response
<p>1.5.1 Healthy, active communities should be promoted by:</p> <p>a) Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.</p>	<p>The proposal incorporates walkway connections to the municipal sidewalk system to help support healthy, active communities (by promoting active transportation and social interaction).</p>
<p>1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>Preliminary servicing reviews have been carried out to confirm that the development can proceed in a cost-effective manner, and to ensure that the necessary infrastructure is available to meet projected needs. As discussed, it is anticipated that the development can be accommodated by existing public service facilities.</p>
<p>1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The close proximity of the Site to service/retail commercial uses, established residential neighbourhoods, employment opportunities, schools and community facilities would help future employees and patrons of this development minimize the length and frequency of vehicle trips.</p>
<p>1.7.1 Long-term economic prosperity should be supported by:</p> <p>d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</p>	<p>Redevelopment of these lands as proposed would help to diversity service/retail commercial uses with the Sandwich Street South corridor. It is also anticipated that the mix of commercial uses planned for the Site would contribute positively to the Central Sandwich District and support the long-term viability of this community.</p>
<p>1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <p>a) promote compact form and a structure of nodes and corridors;</p>	<p>The project supports the more intensive use of designated commercial lands situated: within an established development corridor; directly connected to the Town's arterial road system; and located in proximity to residential neighbourhoods, employment areas, educational institutions and parkland. In addition to the compact design of this</p>

PPS Policy	Response
b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;	project, the close proximity of the subject lands to this mix of land uses would also help to reduce commuting requirements and thereby decrease transportation congestion.
2.1.1 Natural features and areas shall be protected for the long-term.	The subject lands do not contain any designated natural areas.
2.4.1 Minerals and petroleum resources shall be protected for long-term use.	The subject lands do not contain any known mineral or petroleum resources.
2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.	The subject lands do not contain any known mineral aggregate resources.

In light of these considerations and our broader evaluation of this proposal relative to the policies of the PPS, it is our opinion that this proposal is consistent with this policy document.

4.2 County of Essex Official Plan

The County of Essex Official Plan (County Official Plan) was adopted by County of Essex Council on February 19, 2014 and approved by the Minister of Municipal Affairs and Housing on April 24, 2014. Section 1.1 of the County Official Plan identifies that its purpose is to establish a policy framework for managing growth, protecting resources and providing direction on land use decisions during the planning period to 2031. Generally, this Official Plan contains policies related to land use development within the County in Sections 2 and 3, with applicable provisions related to growth management set out in Sections 2.2 and 3.2 as discussed below.

Collectively, Section 2.2, Section 3.2.4 and Schedule A2 (Settlement Structure Plan) of the County Official Plan identify that Amherstburg is a defined Primary Settlement Area in the context of this Plan and that the Site is located with the limits of this Settlement Area. Sections 2.2 and 3.2.4 also direct that future growth and development is to be encouraged to locate within Primary Settlement Areas.

Section 3.2.2 of the County Official Plan identifies several goals for Settlement Areas which reflect PPS Policies referenced in this Report and, in our opinion, are satisfied by this proposal. The following goals have particular relevance to this redevelopment plan:

“a) Support and promote public and private re-investment in the *Primary Settlement Areas*.

b) To support and promote healthy, diverse and vibrant *settlement areas* within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.

c) To promote *development* within *Primary Settlement Areas* that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.

e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.

f) To increase the opportunity for job creation within each *local municipality* by attracting and maintaining industries and businesses closer to where County residents live.”

Section 3.2.4 h) also prescribes that all types of land uses are permitted within these communities subject to site specific land use policies in local Official Plans. Further, Section 3.2.6 f) also encourages local Official Plans to provide, “... opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.”

Given the foregoing discussion and our broader review of the County Official Plan, it is our opinion that the proposal complies with the policy direction and permissions of this Official Plan. In this regard, in our opinion, the proposed commercial redevelopment plan proposes a land use that supports the broad goals and permissions set out for Primary Settlement Areas.

4.3 Town of Amherstburg Official Plan

4.3.1 Overview

The Town of Amherstburg Official Plan (Amherstburg Official Plan) was approved on July 15, 2009, with modifications, by the County of Essex and was subsequently approved by way of a settlement as set out in an Ontario Municipal Board Order, dated February 16, 2010. The Office Consolidation of this Official Plan, dated February 3, 2014, integrates several amendments following approval.

Section 1.6 of the Amherstburg Official Plan identifies the relationship with the PPS and the County Official Plan:

“The Planning Act requires that Official Plans be consistent with the Provincial Policy Statement (PPS) that came into force on March 1, 2005. In addition the new PPS directs that no amendments occur to the Settlement Boundary unless the change is supported by a comprehensive analysis of land needs undertaken by the Town. The Planning Act

also requires that the Town of Amherstburg Official Plan conform to the County of Essex Official Plan.”

Furthermore, this Section outlines several elements of the Official Plan’s purpose and policy direction, which, in our opinion, are encapsulated in the following two policies:

“(1) identify and establish policies for the desired direction and order of all future development within the Town to the year 2025;

(2) guide future economic, social, environmental, and land use changes within the municipality to the year 2025;”

4.3.2 General Commercial Policies

The Site is designated General Commercial on the Schedule B-2 (Land Use Plan) of the Amherstburg Official Plan. Section 4.4.2 of this Official Plan prescribes that a wide variety of commercial activities offering goods and services are permitted in this designation, including retail commercial establishments, eating establishments, convenience stores and places of entertainment. However, the proposed drive-through restaurant establishment is not currently permitted under the existing General Commercial policy framework. Specifically, this Section restricts drive-through restaurants to locations on Sandwich Street, north of Alma Street or south of Pike Street.

Section 4.4.2 also defines several policies addressing built form, including the following access and parking policies which, in our opinion, have relevance to this redevelopment proposal:

“Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.”

“Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13 provides the Town of Amherstburg with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning by-Law. ...Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied.”

“Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern.”

Additionally, Section 4.4.3 (2) of this Official Plan identifies that the Site is located within the Gateway to Amherstburg Commercial Special Policy Area (SPA). This SPA includes the development area along the Sandwich Street corridor between Texas Road and Fort Street. As identified in this Section, the intent of this SPA is to: "... ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg ..."

The SPA detailed in this Section provides direction on two primary matters as set out in this Section:

1. Development Regulations. The SPA allows for additional landscaping requirements to be identified as part of Site Plan Approval, with special attention to be given to lighting, fencing, and location of garbage disposal. This policy will also allow Town Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law.
2. Municipal Heritage Committee Consultation. As outlined in this Report, the SPA also directs that Town Council to seek the advice of Amherstburg's Municipal Heritage Committee when dealing with development in this area. The Committee is to provide commentary on matters such as roof line, height, building material, and window placement as a means to maintain the historic small town appearance.

In relation to Item 1 above, this SPA also provides specific direction on development regulations as prescribed in Section 4.4.3 (2)

"Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. ...Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street ..."

Sections 3.1 and 3.2 of this Report addresses the design considerations associated with this redevelopment plan, including those set out for the General Commercial designation and the above-referenced SPA. In particular, the Proposed Site Plan identifies that the building would be setback approximately 4.8 m from Sandwich Street South, a 3.0 m wide landscape strip would be established along the street corridor and off-street parking is proposed in the rear yard. In our opinion, these project components, the plans and elevations enclosed with this Report and the discussion included in the aforementioned Report Sections demonstrate that the project is designed in general alignment with Official Plan direction.

Additionally, CGH Transportation Inc. (CGH) has prepared a Traffic Impact Assessment, dated March 2022 which confirms the two proposed access arrangements for the development will meet acceptable level of service standards and that no signals are warranted at either of the

these accesses. With respect to parking supply, the report indicates the site cannot accommodate the recommended parking requirements and recommends utilization of additional parking at the Town parking lot located just north of the site as a solution to meet the parking requirements. Overall, the site's parking, loading and access arrangement has been designed to promote safe and efficient ingress/egress consistent with SPA policies and as discussed in the CGH report, upon implementation of the parking mitigation measures, in our opinion this proposal aligns with the associated policies of Section 4.4.2 of this Official Plan.

4.3.3 Proposed Special Policy Area

As discussed, the proposed redevelopment plan requires that the Amherstburg Official Plan be amended to permit a drive-through restaurant on the northerly portion of the Site, as this Plan only permits this use within the Sandwich Street corridor, north of Alma Street or south of Pike Street. Additionally, the proposed front yard setback (4.8 m) is marginally less than the minimum setback direction set out Section 4.4.3 (2) of this Official Plan (6 m), exclusive of rounding considerations.

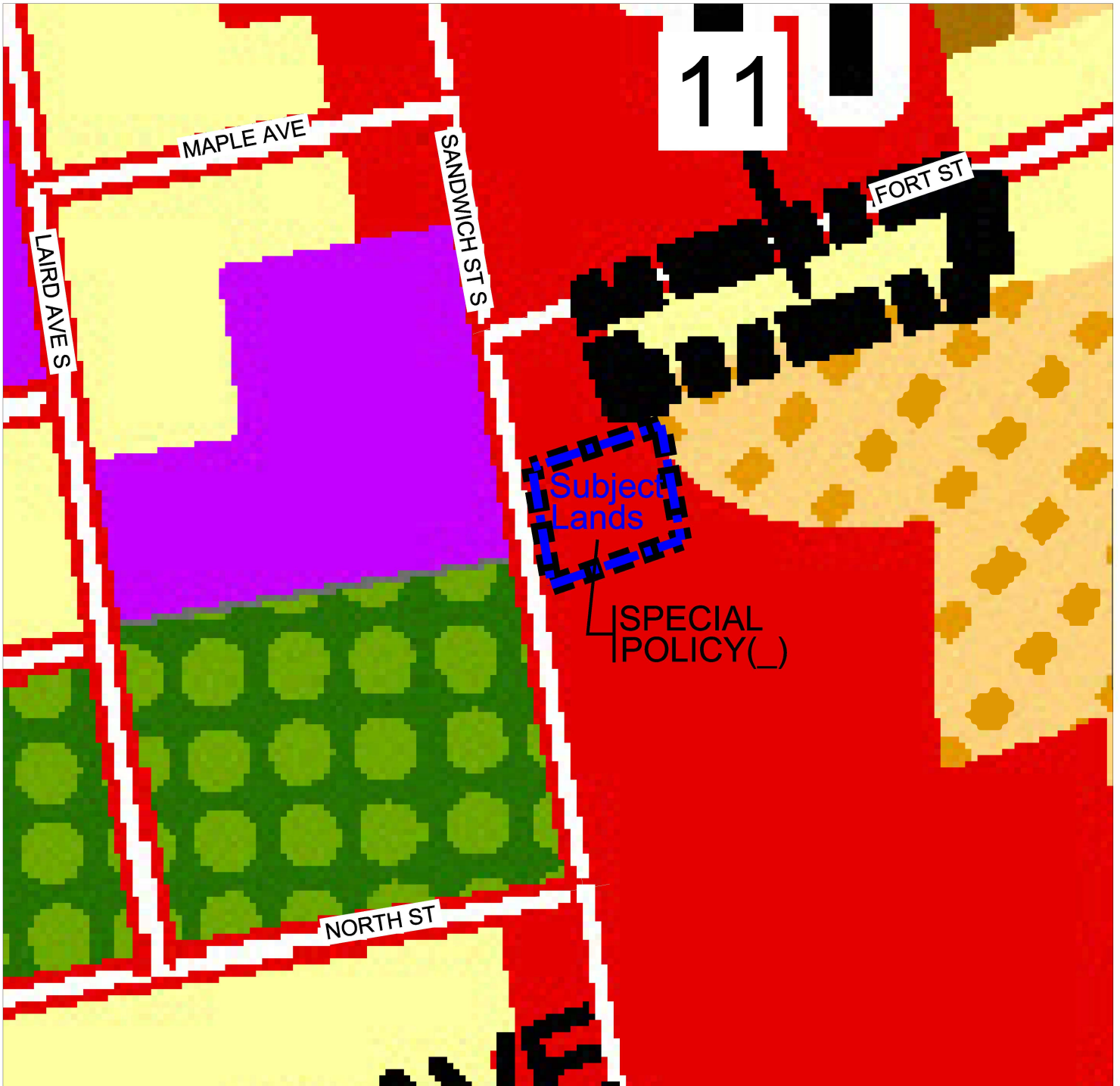
The following SPA has been drafted to address these identified matters noted above. In our opinion, this site-specific policy would appropriately implement the proposed development plan in the context of this Official Plan:

"4.4.3 () Lands known as 131 and 135 Sandwich Street South, located at the east side of Sandwich Street South and south of Fort Street, shall be developed in accordance with the General Commercial policies and Gateway to Amherstburg Special Policy Area policies with the addition of a drive-through restaurant as a permitted use. Development shall be subject to site plan control. A minimum setback of 4.8 metres shall be permitted for commercial development from the front lot line."

4.3.4 Summation

In light of the foregoing, with the benefit of the proposed SPA and provided that Parking Study recommendations are implemented, it is our opinion that the proposal is consistent with the principles, planning framework and policy direction of the Official Plan. In effect, the proposed redevelopment of the Site would support commercial forms that align with the policy structure of the General Commercial designation, are compatible with the surrounding development context and are appropriate for the Site. Moreover, the concept plan integrates elements which collectively support the urban design objectives set out in the Official Plan for the Gateway to Amherstburg Commercial SPA.

Figure 3 of this Report illustrates the location of the proposed Special Policy Area.



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- GENERAL COMMERCIAL
- INSTITUTIONAL
- OPEN SPACE
- 11 SPECIAL POLICY

Figure 3
Proposed Special Policy Area
 Amherstburg Official Plan Schedule "B-2" Land Use


200-540 BINGEMANS CENTRE DR.
 KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121
 WWW.MHBCPLAN.COM

**PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
 MHBC PLANNING**

DATE: Feb 08, 2022 **SCALE** 1 : 2,000

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Figure 3 - Proposed Official Plan Sched "B-2" - Feb 08, 2022



 SUBJECT LANDS

5.0

ZONING BY-LAW ANALYSIS

5.1 Existing Zoning

The Site is currently zoned Commercial General (CG) pursuant to Schedule A of the Town of Amherstburg Zoning By-law (Map 37).

Permitted uses in the CG Zone are defined in Section 15 (2) of the Zoning By-law and include a wide range of retail/service commercial uses (e.g., restaurants, food stores, retail stores, studios, personal service shops). Additionally, drive-through facilities are permitted in this Zone; however, in accordance with the associated definition set out in Section 2 (101), drive-through restaurants are excluded from this specific use. Section 2 (281) defines a drive-through restaurant as follows:

“(b) “DRIVE-THROUGH RESTAURANT” means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle.”

5.2 Zoning Review

Table 3.0 of this Report provides an overview of the zoning compliance for the proposed site layout relative to the relevant regulations of the existing CG Zone. Parking space calculations conceptualize the Site developing for a drive-through restaurant and a 247 m² take-out restaurant. As noted on the Proposed Site Plan, the net floor area applied to these calculations is based on direction from Town staff.

Table 3.0 – Summary of Zoning Compliance (CG Zone)

Regulation	Required	Provided	Comments
Lot Area (Min)	No minimum	2,065 m ²	Complies
Lot Frontage (Min)	No minimum	42 m	Complies
Front Yard Depth (Min)	11.5 m (as provided in Section 3(23))	~4.8 m	Relief required

Interior side Yard (min) Except where lot line abuts a zone other than a commercial or institutional zone, min shall be 7 m	No minimum	~3.5 m/~10.8 m	
Rear Yard (min)	7.5 m	~24 m	Complies
Height (Max)	10 m	6.1 m	Complies
Open storage	No open storage of goods, materials or waste permitted		Waste disposal to be provided via in-ground storage system
Loading Space Requirement	1 space 3.5 m x 10 m	1 space (3.0 m x 10 m)	Relief required Loading space provided is 3.0 m wide to accommodate 6.0 m wide driveway and 1.8 m walkway
Parking			
Restaurant, Drive-through: 1 per 10 m ² plus 6 queuing spaces in advance of each drive through window	14 + 6 queuing spaces	15 + 9 queuing spaces	Relief required
Restaurant, Take-out: 1 per 10 m ²	25 spaces		
Accessible Parking: 1 for first 20 spaces	1	1	Complies (based on proposed parking spaces)

5.3 Proposed Zoning

In our opinion, to accommodate this project, a Special Provision to the CG Zone is required to expressly permit the proposed drive-through restaurant and site layout.

Specifically, at a minimum, this CG Zone exception would include site-specific regulations for reductions in the front yard setback, minimum loading space width, minimum parking requirements as highlighted above. Given the structure of the Zoning By-law, it is proposed that the following subsection be added to Section 15(4):

“CG-□ (131 and 135 Sandwich Street South)

Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-□ on Schedule “A” hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

(i) Additional Permitted Use:

(a) Drive-Through Restaurant

(ii) Other Provisions:

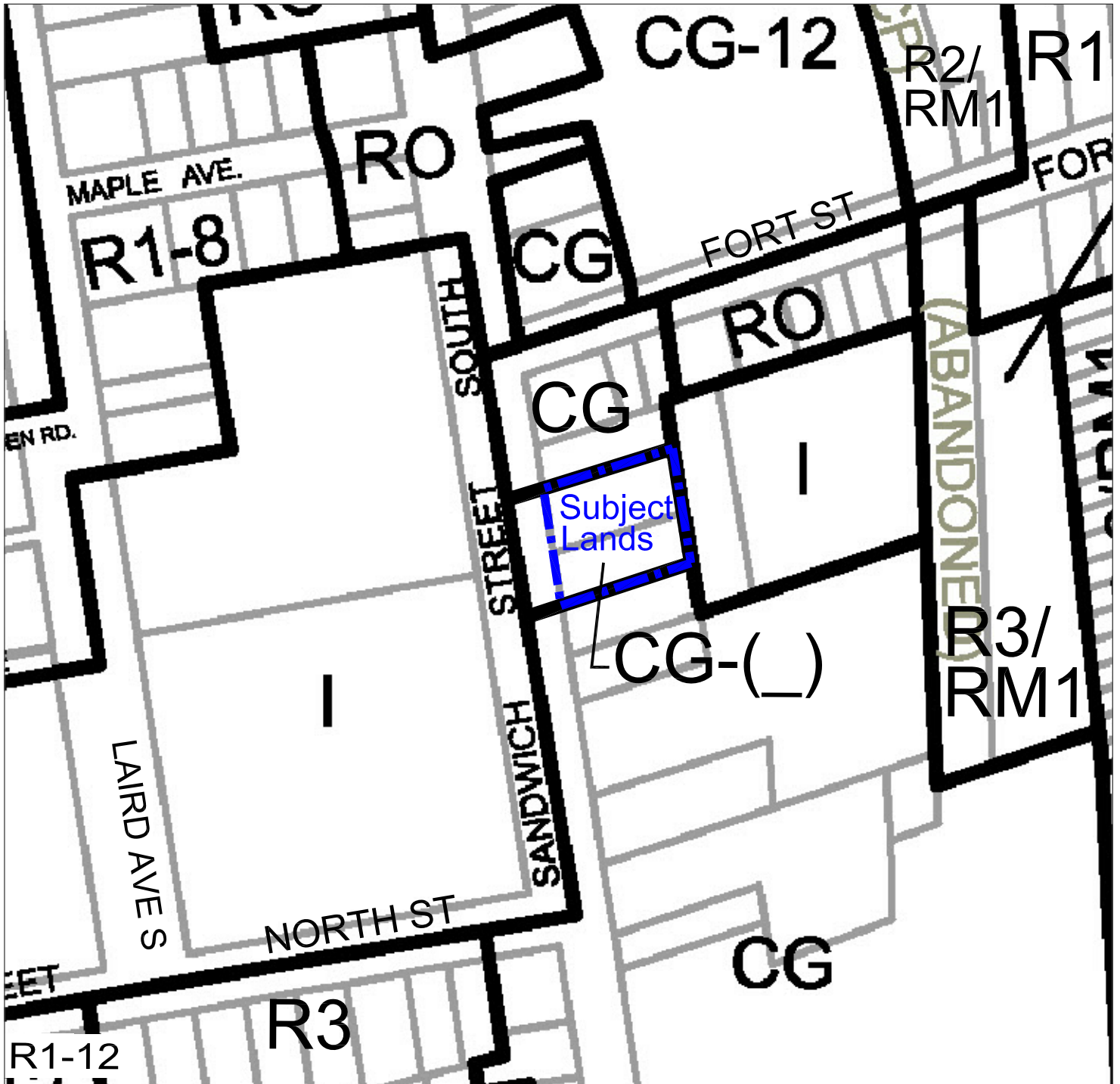
(a) Front Yard Depth (Minimum) 4.8 m

(b) Loading Space Dimensions (Minimum) 3.0 m by 10 m

(c) Notwithstanding Section 3(21)c), the minimum number of parking spaces required shall be 15.”

The proposed Special Provision would accommodate the site layout illustrated in the Proposed Site Plan. In our opinion, in the context of this development and with consideration for commentary provided in this Report, the requested exemption would help implement a commercial development appropriate for the Site without undermining the purpose of the parent CG Zone.


Figure 4 illustrates the proposed zoning of the subject lands.



LEGEND

- ▬ ZONE LIMITS
- R1 RESIDENTIAL FIRST DENSITY ZONE
- R2 RESIDENTIAL SECOND DENSITY ZONE
- R3 RESIDENTIAL THIRD DENSITY ZONE
- RM1 RESIDENTIAL MULTIPLE FIRST DENSITY ZONE
- RO RESIDENTIAL OFFICE ZONE
- CG COMMERCIAL GENERAL ZONE
- I INSTITUTIONAL ZONE

Figure 4
Proposed Zoning

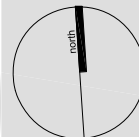
 SUBJECT LANDS


**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE**
MHBC PLANNING

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WWW.MHBCPLAN.COM

DATE: Feb 08, 2022

SCALE 1 : 2,000



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Figure 4 - Proposed Zoning - Feb 08, 2022

6.0

CONCLUSIONS

In conclusion, it is our opinion that the proposed Official Plan and Zoning By-law Amendments are appropriate for the Site, compatible with the existing development context and in keeping with the framework of applicable planning policy. This assessment is based, in part, on consideration of the following project merits:

1. The subject lands are situated within the Central Sandwich District planning area and are designated for service/retail commercial uses in accordance with the Town of Amherstburg Official Plan;
2. The property is well-suited for the proposed multiple-unit commercial building considering its location within an established commercial corridor and its proximity to: established residential neighbourhoods; institutional uses; retail/service commercial uses; and recreational facilities; and public transit services. In this respect, employees and patrons of this new development would have access to, and would support local businesses and public institutions;
3. The massing, orientation and articulation of the proposed commercial building is designed to be: compatible with surrounding land uses; complementary to the local development context; and supportive of the pedestrian environment along Sandwich Street South. Accordingly, in our opinion, this project should not generate significant land use conflicts with adjacent properties;
4. Redevelopment of these lands as proposed would help to diversity service/retail commercial uses with the Sandwich Street South corridor. It is also anticipated that the mix of commercial uses planned for the Site would contribute positively to the Central Sandwich District and support the long-term viability of this community.
5. The Proposed Site Plan developed in conjunction with this proposal was designed with regard for the urban design objectives provided by way of applicable Gateway to Amherstburg Special Policy Area provisions set out in the Amherstburg Official Plan. Several design components have also been integrated into the site layout in order to align with the Town's urban design objectives contemplated for the Central Sandwich District within the draft Downtown Amherstburg Urban Design Guidelines (e.g., cohesive main

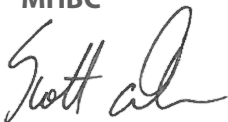
street façade, enhanced landscaping elements, screened parking and drive-through facilities, integrated walkway network).

6. The positioning, design and height of the proposed commercial building helps (1) to reinforce the established street wall and (2) to achieve a pedestrian-oriented streetscape;
7. Technical assessments indicate that adequate servicing infrastructure exists along Sandwich Street to accommodate the proposed development and that appropriate Storm Water quantity and quality control can be addressed through final design;
8. The Transportation Impact Assessment confirms proposed accesses to the site will have negligible impacts to acceptable traffic standards along Sandwich Street and no signals are warranted. Additionally, the report recommends utilization of an existing Town parking facility to accommodate required parking for e the proposed development;
9. In our opinion, the proposed development is consistent with the Provincial Policy Statement, conforms to the County of Essex Official Plan and is in keeping with the general policy direction and permissions of the Town of Amherstburg Official Plan;
10. The proposed site-specific Official Plan Amendments and Zoning By-law Amendments would appropriately implement the intended building design and site layout; and
11. The development proposed by Daei Foods Inc. represents good planning.

Given the noted considerations and the commentary presented in this Report, it is recommended that the Town of Amherstburg approve the Official Plan Amendment and Zoning By-law Amendment applications, as proposed.

Respectfully submitted,

MHBC



Scott Allen, MA, RPP
Partner



Nicolette van Oyen, BES
Planner

APPENDIX A

Preliminary Building Elevations
131 & 135 Sandwich Street

Notes: Contractor must verify all drawings, dimensions, details and specifications to the architect before proceeding with work. All drawings and specifications are instruments of service and the property of the architect, and these must be returned at the completion of the project, and may not be reproduced without the architect's written permission. All drawings are to be read in conjunction with specifications and consultants' documents. Do not use for construction unless both indicated as "For Construction" and bearing the architect's stamp and signature. All construction to meet local, provincial and federal requirements.



1 WEST ELEVATION - SANDWICH STREET
 DSK-006 3/32" = 1'-0"

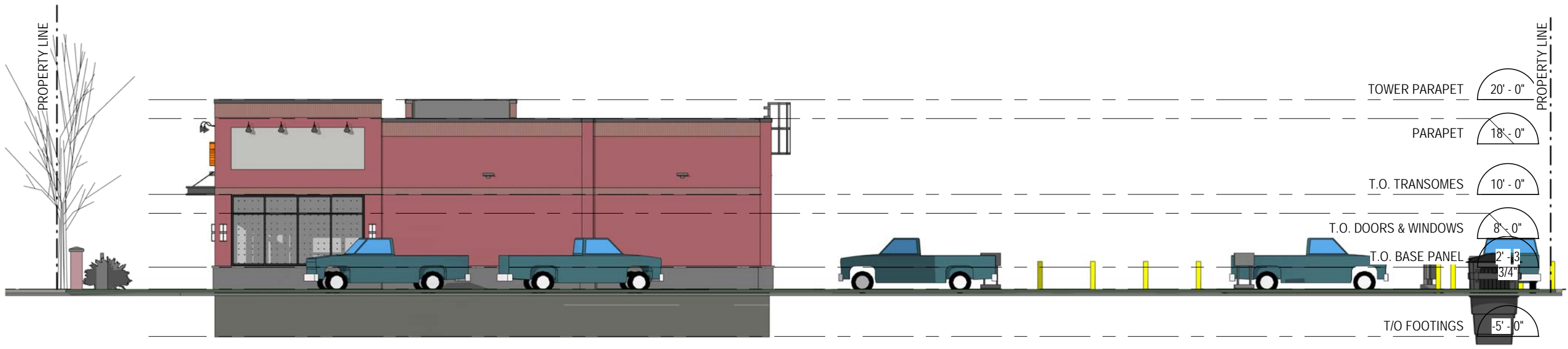
- 20'-0" TOWER PARAPET
- 18'-0" PARAPET
- 10'-0" T.O. TRANSOMS
- 8'-0" T.O. DOORS & WINDOWS
- 2'-3 3/4" T.O. BASE PANEL
- 0'-0" T.O. GROUND FLOOR
- 5'-0" T/O FOOTINGS



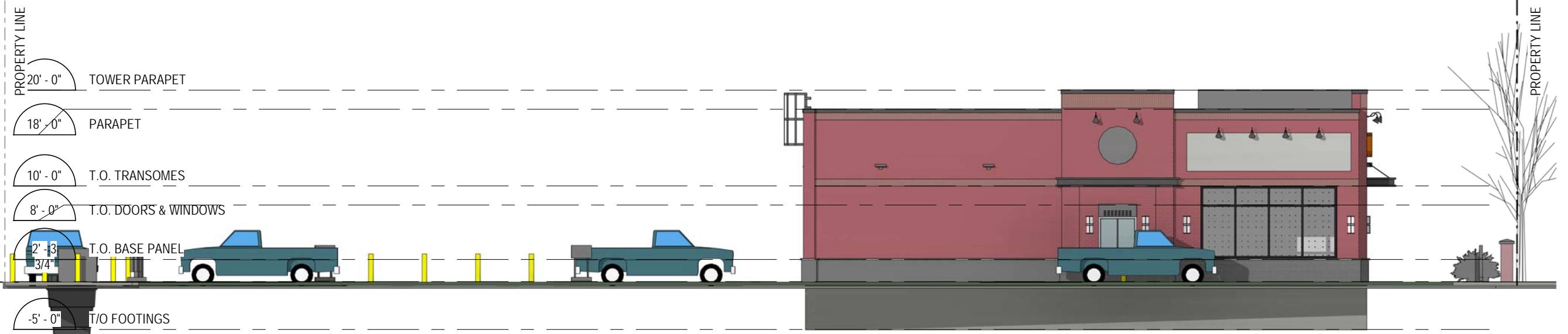
2 WEST ELEVATION
 DSK-006 1/8" = 1'-0"

<p>nicholas caragianis architect inc.</p> <p>137 Pamilla Street Ottawa ON K1S 3K9 613 937 6801 ncarchitect.ca</p>	<p>PROJECT NORTH (P.N.):</p> <p>ARCHITECT'S SEAL:</p>	CLIENT NAME AND ADDRESS:		SHEET TITLE:	
		DAEI Foods Inc. 2292 Bethlehem Ave. Windsor, ON		West/North Ext. Elev	
		PROJECT NAME AND LOCATION:		NCA PROJECT NUMBER:	FILE NUMBER:
		Amherstburg Ext. Shell 131-135 Sandwich St.S Amherstburg, ON N9V 1Z9		OWNER'S CONTRACT NUMBER:	OWNER'S PROJECT NUMBER:
				SCALE:	SHEET #:
				As indicated	DSK-006
				DRAWN BY:	Lan Wang
				DATE CREATED:	02/15/22
		1 2021-12-08 ISSUED FOR HERITAGE REVIEW # YYYY-MM-DD REVISIONS			

Notes: Contractor must verify all drawings, dimensions, details and specifications and report any discrepancies to the architect before proceeding with work. All drawings and specifications are instruments of service and the property of the architect, and these must be returned at the completion of the project, and may not be reproduced without the architect's written permission. All drawings are to be read in conjunction with specifications and consultants' documents. Do not use for construction unless both indicated as "For Construction" and bearing the architect's stamp and signature. All construction to meet local, provincial and federal requirements.



3 SOUTH ELEVATION
 DSK-006-2 3/32" = 1'-0"



4 NORTH ELEVATION
 DSK-006-2 3/32" = 1'-0"

nicholas caragianis architect inc.
 137 Pamilla Street
 Ottawa ON K1S 3K9
 613 937 6801 ncarchitect.ca

PROJECT NORTH (P.N.):

 TRUE NORTH (T.N.):

ARCHITECT'S SEAL:

CLIENT NAME AND ADDRESS:
 DAEI Foods Inc.
 2292 Bethlehem Ave.
 Windsor, ON

PROJECT NAME AND LOCATION:
 Amherstburg Ext. Shell
 131-135 Sandwich St.S
 Amherstburg, ON N9V 1Z9

1	2021-12-08	ISSUED FOR HERITAGE REVIEW
#	YYYY-MM-DD	REVISIONS

SHEET TITLE:
 North/South Ext. Elev

NCA PROJECT NUMBER:
 FILE NUMBER:
 OWNER'S CONTRACT NUMBER:
 OWNER'S PROJECT NUMBER:

SCALE:
 3/32" = 1'-0"

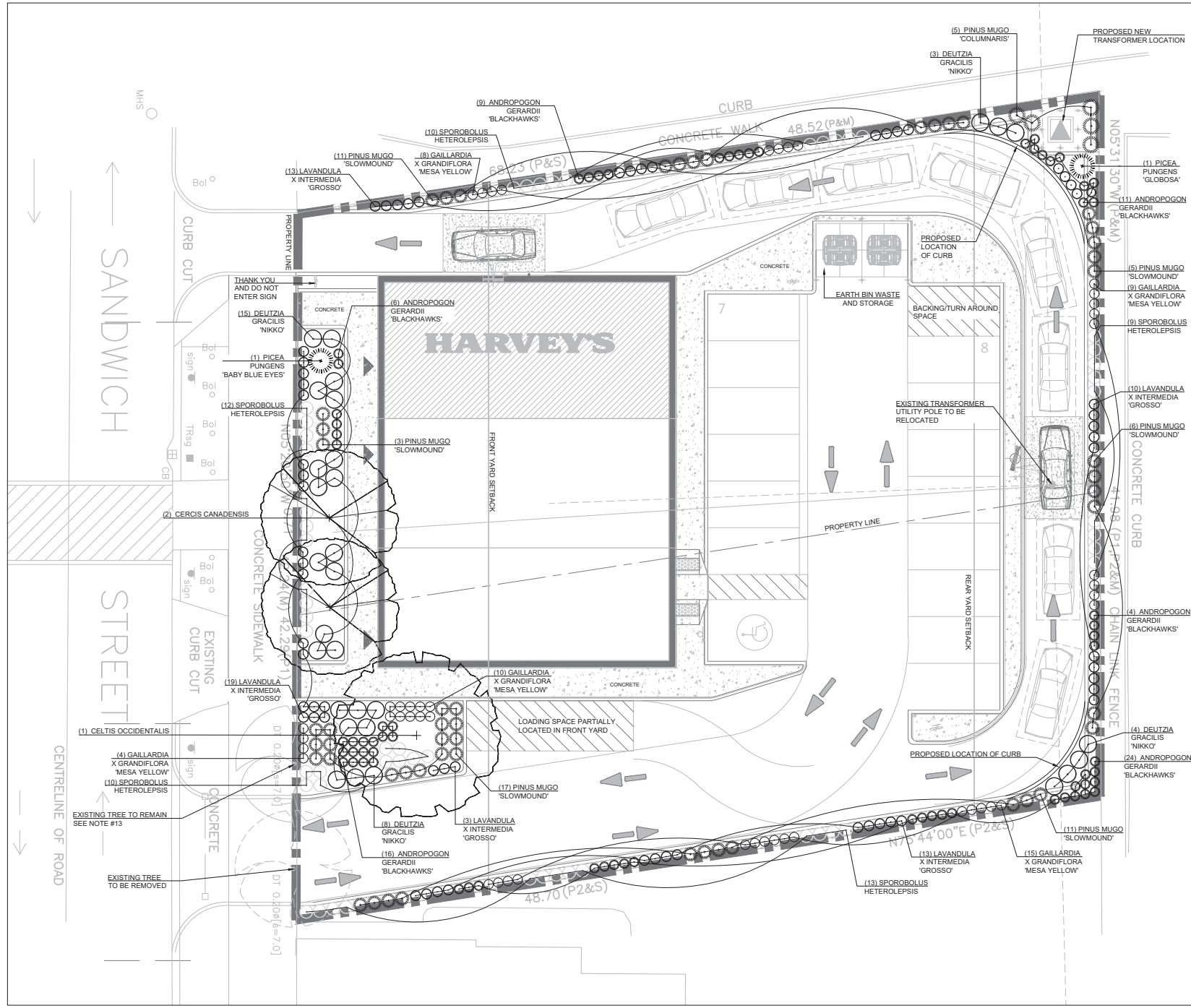
DRAWN BY:
 Lan Wang

DATE CREATED:
 02/15/22

SHEET #:
DSK-006
 Pg. 2 of 2

APPENDIX B

Conceptual Landscape Plan
131 & 135 Sandwich Street

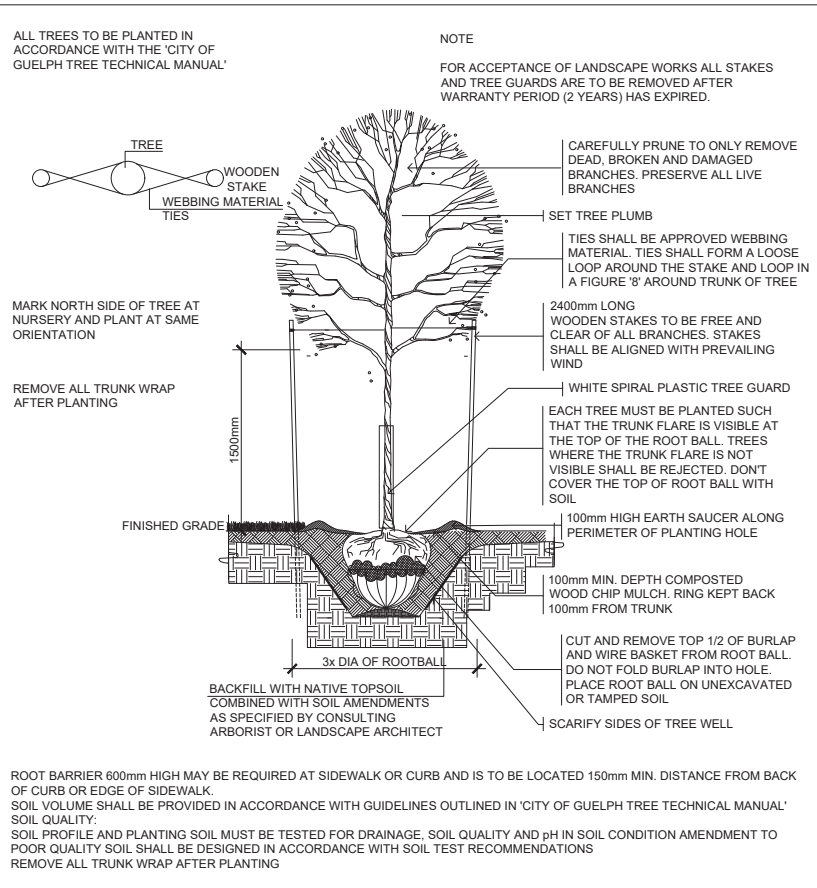


1 L1 LANDSCAPE PLAN
1:150

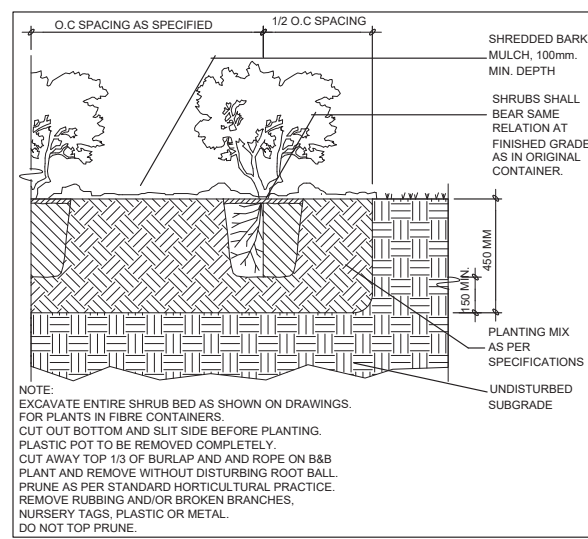
PLANT SCHEDULE L1

QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES
TREES					
1	CELTIS OCCIDENTALIS	COMMON HACKBERRY	60mm	WB	NATIVE
2	CERCIS CANADENSIS	EASTERN REDBUD	60mm	WB	NATIVE
1	PICEA PUNGENS 'BABY BLUE EYES'	BABY BLUE EYES SPRUCE	60mm	WB	NATIVE
SHRUBS					
30	DEUTZIA GRACILIS 'NIKKO'	NIKKO DEUTZIA	1 GAL	POTTED	1400mm O.C. SPACING
1	PICEA PUNGENS 'GLOBOSA'	GLOBE BLUE SPRUCE	50cm	POTTED	NATIVE
5	PINUS MUGO 'COLUMNARIS'	COLUMNAR MUGO PINE	50cm	POTTED	NATIVE; 1100mm O.C. SPACING

53	PINUS MUGO 'SLOWMOUND'	SLOWMOUND MUGO PINE	50cm	POTTED	NATIVE; 900mm O.C. SPACING
PERENNIALS/GRASSES					
70	ANDROPOGON GERARDII 'BLACKHAWKS'	BLACKHAWKS BLUESTEM	1 GAL	POTTED	NATIVE; 600mm O.C. SPACING
46	GALLIARDIA X GRANDIFLORA 'MESA YELLOW'	MESA YELLOW BLANKET FLOWER	1 GAL	POTTED	HYBRID; 780mm O.C. SPACING
58	LAVANDULA X INTERMEDIA 'GROSSO'	GROSSO LAVENDER	1 GAL	POTTED	650mm O.C. SPACING
54	SPOROBOLUS HETEROLEPSIS	PRAIRIE DROPSEED	1 GAL	POTTED	NATIVE; 800mm O.C. SPACING

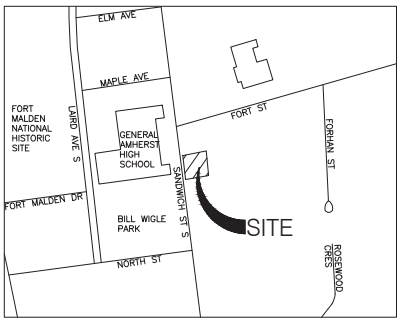


2 L1 TYPICAL DECIDUOUS TREE PLANTING
NTS

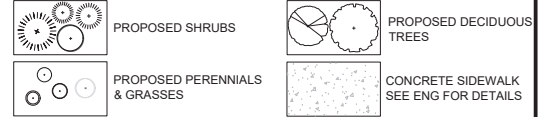


3 L1 TYPICAL SHRUB PLANTING
NTS

LOCATION MAP



Legend



NOTES:

1. PLANTING BEDS TO BE PLANTED WITH 450mm PLANTING SOIL MIX, PLANT MATERIAL, AND 100mm SHREDDED BARK MULCH (TYP).
2. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS, UNDERGROUND UTILITIES BEFORE PROCEEDING WITH WORK.
3. ANY AREAS DISTURBED BY CONSTRUCTION TO BE RESTORED WITH 150mm TOPSOIL AND SOD TYP. UNLESS OTHERWISE NOTED.
4. ALL SUBSTITUTIONS/DELETIONS ARE TO BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SELECTION AND INSTALLATION.
5. REFER TO THE ENGINEERING DRAWINGS FOR SEDIMENT AND EROSION CONTROL MEASURES, DETAILED GRADING, AND LIMITS OF CONSTRUCTION.
6. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ARRANGE FOR LOCATES AND TO VERIFY THE EXACT LOCATION OF ALL UTILITIES, SERVICES AND STRUCTURES WHETHER ABOVE OR BELOW GRADE BEFORE COMMENCING WORK AND TO ENSURE ALL WORK IS TO COMPLY WITH TECHNICAL STANDARDS & SAFETY AUTHORITY (TSSA) STANDARDS.
7. CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE AND REPORT AND DISCREPANCIES IMMEDIATELY TO THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
8. DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF THE LANDSCAPE ARCHITECT AS INSTRUMENTS OF HIS SERVICE AND MUST BE RETURNED AT THEIR REQUEST.
9. ALL SOD TO BE A BLUEGRASS/FESCUE BLEND AND IS TO BE INSTALLED IMMEDIATELY UPON COMPLETION OF FINE GRADING OF ALL EXPOSED AREAS REQUIRING SOD.
10. ALL PLANTING BEDS TO HAVE 100mm DIAMETER PERFORATED, SOCK WRAPPED BIG 'O' PIPE ABOVE CLAY LAYER. PIPE TO BE CONNECTED TO NEAREST STORM LINE USING 100mm DIAMETER SOLID BIG 'O' PIPE (ENGINEER TO REVIEW). REFER TO ENGINEERING DRAWINGS FOR LOCATION AND DETAILS.
11. ALL SIDEWALK AREAS TO BE CIP CONCRETE, BROOM FINISH. CONTRACTOR TO MATCH TO EXISTING SIDEWALK AND MAKE GOOD ANY SIDEWALK IN RIGHT-OF-WAY THAT IS DAMAGED BY CONSTRUCTION.
12. TREE PROTECTION MEASURES ARE TO SATISFY THE TOWN OF AMHERSTBURG. A PROTECTION BARRIER SHALL BE INSTALLED 3m FROM THE TRUNK OR AT THE DRIPLINE, WHICHEVER IS GREATER, FOR THE DURATION OF CONSTRUCTION.

3
2
1
2022/01/18 ISSUED FOR REVIEW LW
Rev. Date Issued / Revision By

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
200-540 BINGEMANS CENTRE DR., KITCHENER, ON, N2B 3A9 | P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Stamp

Date **JANUARY 2022**

Drawn By **LW**

Plan Scale **AS NOTED**

File No. **21320A**

Checked By **NMP**

Other

Project

131-135 SANDWICH STREET S
AMHERSTBURG, ONTARIO

Drawing Title **LANDSCAPE PLAN** Dwg No. **L1**

Client **DAEI FOODS INC.**



MHBC
P L A N N I N G
U R B A N D E S I G N
& L A N D S C A P E
A R C H I T E C T U R E



Summary of Correspondence Received on an Official Plan Amendment and a Zoning By-law Amendment Applications

Below is a summary of the comments received by the Planning Services Division on files OPA No. 16 and ZBA/09/22.

Infrastructure Services Department:

Infrastructure services has been working with the proponent on site plan and terms of reference for the traffic study. Although General Amherst is closing in June, the fate of the crosswalk in front of this property is undetermined. The drive through exit may need to be restricted to right turn only depending on the crosswalk and the determination of the TIS. All other servicing issues will be addressed during site plan control.

Windsor Police Services:

I have reviewed the documents you provided pertaining to this proposed amendment to both the Official Plan and the Zoning By-Law and would advise as follows:

- The Windsor Police Service has no objections to the proposed official plan and Zoning By-law amendment being requested to permit a drive through restaurant on the subject lands, in conjunction with a multi-unit commercial building. The conceptual site plan (subject to being finalized) for this development reveals a design that will provide for effective emergency police incident response access and general police patrolling capability.
- The introduction of a drive through lane operation at this busy section of Sandwich Street will generate an increase of vehicular turning movements onto and off of the property, compared to the previous land use. This will place high importance on a final design that results in no sight line obstructions for drivers entering and exiting Sandwich Street, most notably at the exit of the drive through lane. The safety importance of this will also be impacted over the long term of what/how the former General Amherst Secondary School site, situated directly across Sandwich Street, gets redeveloped.
- To ensure all detailed facets of public safety and security get addressed for the development, we will provide more site-specific remarks during the site plan review phase for the project. This will include examining elements such as safe vehicular access and maneuverability, site lighting, signage and pavement markings, etc.



planning@erca.org

P.519.776.5209

F.519.776.8688

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

June 03, 2022

Ms. Tammy Fowkes
Deputy Clerk
Town of Amherstburg
512 Sandwich St South, Amherstburg, ON, N9V 3R2
Tel: 519-736-0012 ext: 2216

Dear Ms. Tammy Fowkes:

RE: Application for Official Plan Amendment (OPA 16) and Zoning By-Law Amendment (ZBA-09-22), 131 & 135 SANDWICH ST S
ARN 372923000004300, 372923000004400; PIN: 705540222, 705540223
Applicant: DAEI FOODS INC

The following is provided as a result of our review of the Notice of Public Meeting to consider Application for Official Plan Amendment (OPA 16) and Zoning By-Law Amendment (ZBA-09-22).

This Official Plan Amendment, if approved, will amend the existing General Commercial policies to permit a drive through restaurant on the subject lands in conjunction with a multiunit commercial building having a total gross floor area of approximately 419 square metres. The Rezoning, if approved, will establish site-specific lot and building regulations, in accordance with a final site plan to be approved by the Town.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

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 Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015.

The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk

Ms. Tammy Fowkes
June 01, 2022

Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats.

Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214.

If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

The public meeting notice confirms this development will be subject to Site Plan Control. Therefore, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Official Plan amendment and Zoning By-law amendment at this time. However, we request to be circulated at the time of Site Plan Control to comment further on storm water management. Should your proposal require the installation of fuel storage on the site, please contact the RMO



Ms. Tammy Fowkes
June 01, 2022

to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water.

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

Sincerely,

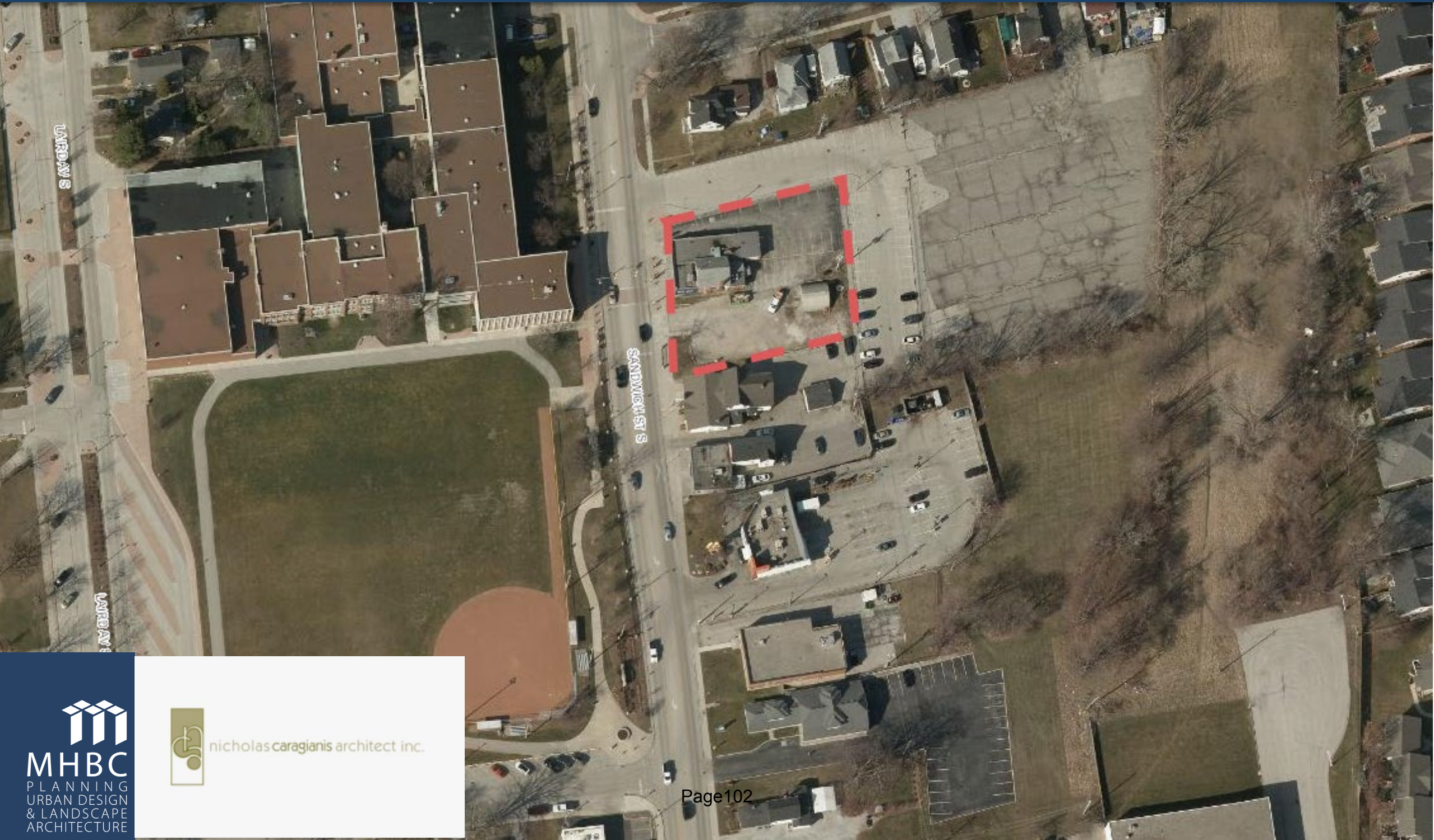


Kim Darroch, B.A.(Hons.), M.PL., RPP, MCIP
Team Lead, Planning Services

CC: Melissa Osborne Director, Development Services



June 13, 2022



1. AGENDA

AGENDA

1. Introductions

2. Project Team Presentation (5-10 min.)

- Overview of proposed development and planning applications
- Architectural, urban design and landscape considerations
- Outline of technical studies

3. Comments/Questions

PROJECT TEAM

- **Nicolas Caragianis Architect Inc.**
 - Jessica Penn
- **CGH Transportation Inc.**
 - Robin Marinac
- **Dillon Consulting**
 - Gary Tran
- **MHBC Planning**
 - Nicolette van Oyen
 - Scott Allen
- **Daei Foods Ltd.**



2. DEVELOPMENT PROPOSAL

- Development Proposal

General Location Plan



DEVELOPMENT PROPOSAL

- **Proposed development incorporates a multiple-unit commercial, including a restaurant with drive-through facility with shared accesses/parking (total GFA: 419 m²)**
- **Two vehicular accesses from Sandwich Street South with all-way movements at southerly access and drive-through exit only at northerly access**
- **Design elements to support an active street frontage and positive pedestrian experience along Sandwich Street South corridor (including all parking to rear of building)**

PLANNING POLICY FRAMEWORK

Provincial Policy Statement (PPS)

- Promotes efficient use of land, resources and infrastructure
- Ensures provision of a mix of land uses to meet projected needs within a settlement area
- Intensification of an underutilized parcel of land
- Promotes active connection to commercial facilities

County of Essex Official Plan

- Promotes development within Primary Settlement Area
- Encourages increased opportunities for job creation
- Provides for efficient use of land, infrastructure and public service facilities

Town of Amherstburg Official Plan

- Designated General Commercial which permits retail commercial & restaurants
- Located within Gateway to Amherstburg Commercial Special Policy Area (Gateway SPA) and accordingly additional design considerations are incorporated into proposal

PLANNING APPLICATIONS

Official Plan Amendment (Town of Amherstburg)

- **General Commercial designation with special policies to permit a drive-through and reduced front yard setback from 6.0 m to 4.8 m**
 - Additional design and elevation considerations to be incorporated as part of Site Plan Approval process to address Gateway SPA policies.

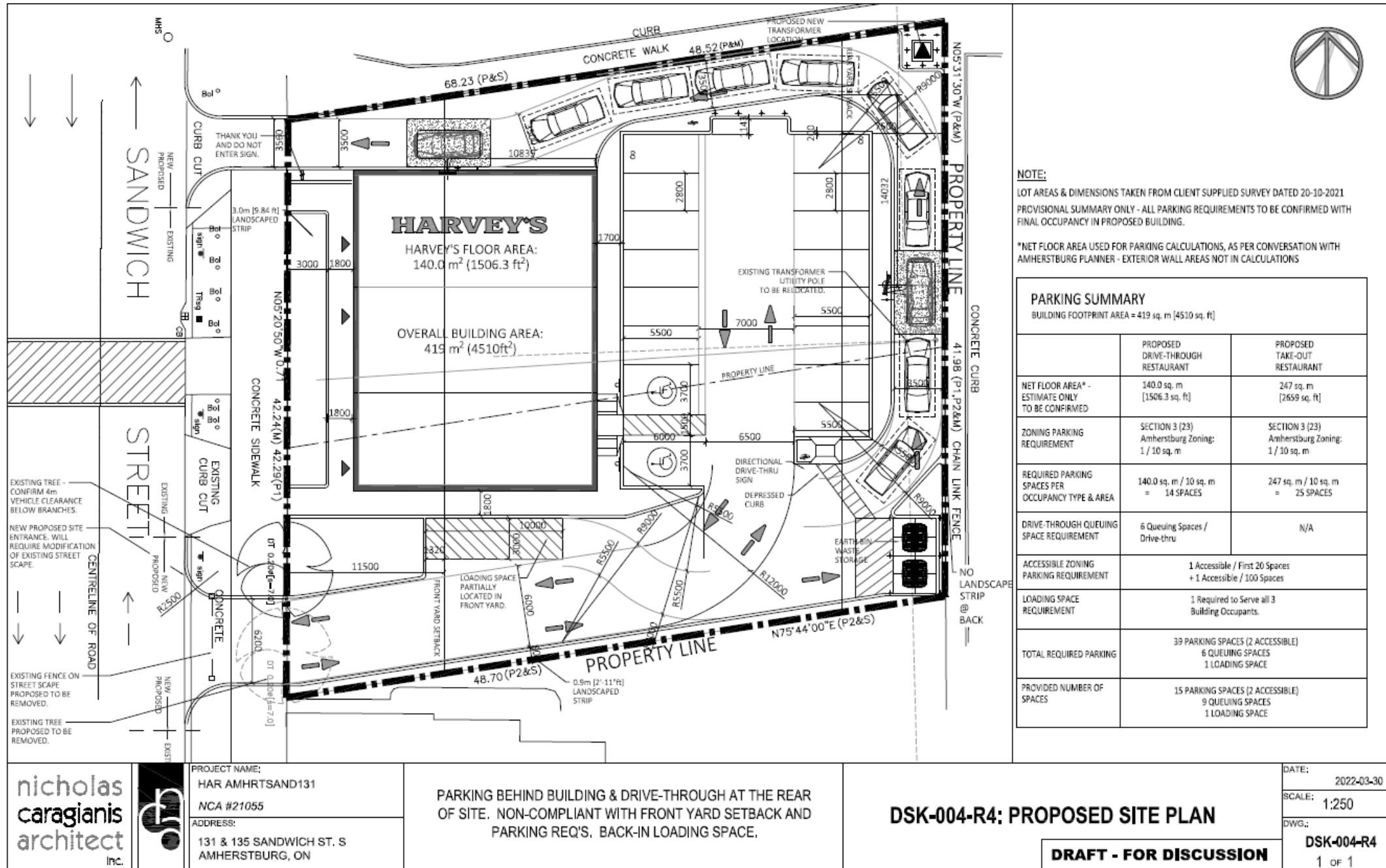
Zoning By-law Amendments (Town of Amherstburg)

- **Existing Zone: Commercial General (CG) pursuant to Schedule A**
- **Proposed Zone: Special Provision to the CG-(_) Zone**
 - Includes site-specific regulations to permit drive-through use and reductions in the front yard setback, minimum loading space width, minimum parking requirements

Site Plan Approval

- **Urban design objectives of the Gateway SPA have been integrated into the site layout including a cohesive main street façade, enhanced landscape elements, screened parking and integrated walkways**

Site Context



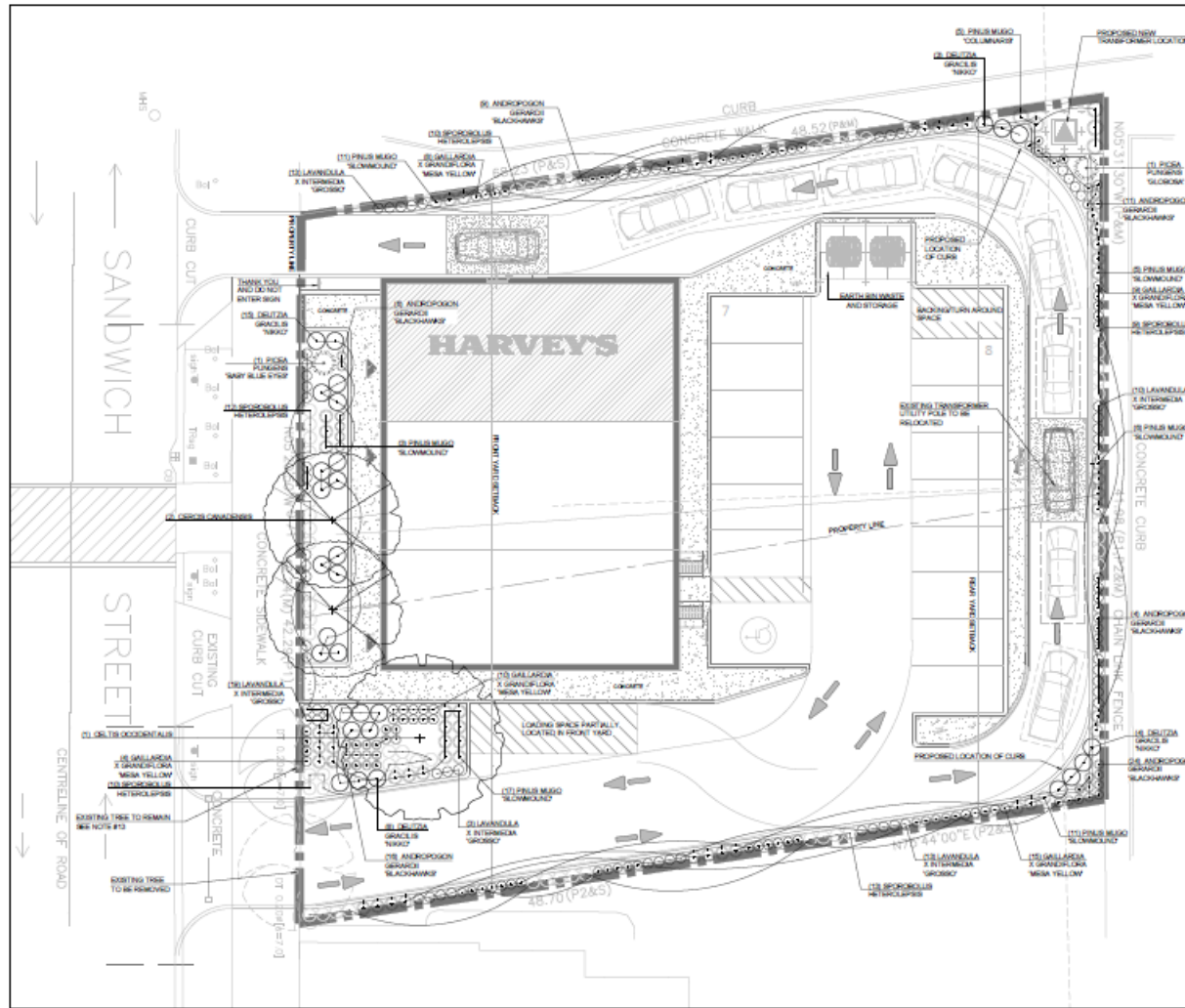
Elevations



Elevations



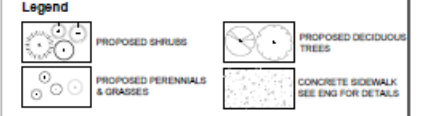
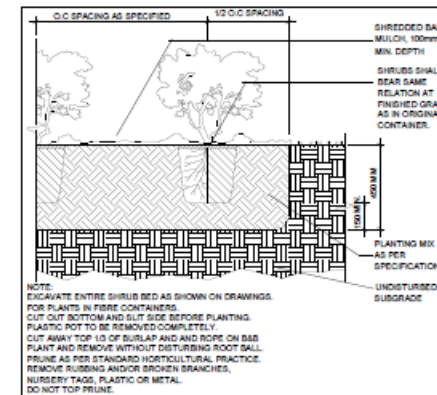
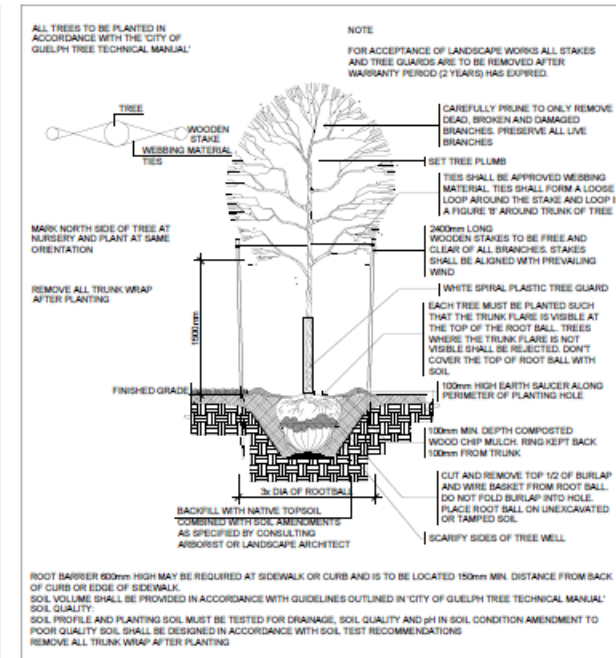
Landscape Plan



PLANT SCHEDULE L1

QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES
TREES					
1	CELTIS OCCIDENTALIS	COMMON HACKBERRY	50mm	WB	NATIVE
2	CERCIS CANADENSIS	EASTERN REDBUD	50mm	WB	NATIVE
1	PICEA PUNGENS 'BABY BLUE EYES'	BABY BLUE EYES SPRUCE	50mm	WB	NATIVE
SHRUBS					
30	DEUTZIA GRACILIS 'NIKKO'	NIKKO DEUTZIA	1 GAL	POTTED	1400mm O.C. SPACING
1	PICEA PUNGENS 'GLOBOSA'	GLOBE BLUE SPRUCE	50cm	POTTED	NATIVE
5	PINUS MUGO 'COLUMNARIS'	COLUMNAR MUGO PINE	50cm	POTTED	NATIVE; 1100mm O.C. SPACING

53	PINUS MUGO 'SLOWMOUND'	SLOWMOUND MUGO PINE	50cm	POTTED	NATIVE; 800mm O.C. SPACING
PERENNIALS/GRASSES					
70	ANDROPOGON GERARDII 'BLACKHAWKS'	BLACKHAWKS BLUESTEM	1 GAL	POTTED	NATIVE; 500mm O.C. SPACING
46	GALLARDIA X GRANDIFLORA 'MESA YELLOW'	MESA YELLOW BLANKET FLOWER	1 GAL	POTTED	HYBRID; 750mm O.C. SPACING
58	LAVANDULA X INTERMEDIA 'GROSSO'	GROSSO LAVENDER	1 GAL	POTTED	550mm O.C. SPACING
54	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSOED	1 GAL	POTTED	NATIVE; 800mm O.C. SPACING



- NOTES:**
- PLANTING BEDS TO BE PLANTED WITH 60mm PLANTING SOIL, 100mm PLANTING MIX, 100mm PLANTING MIX, 100mm PLANTING MIX.
 - CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS, UNDERGROUND UTILITIES BEFORE COMMENCING WORK.
 - PROTECTING WITH WOOD.
 - NOT MARKS EXISTING BY CONSTRUCTION TO BE RESTORED WITH 150mm TOPSOIL AND 50mm TRV. UNLESS OTHERWISE NOTED.
 - ALL EXISTING CONDITIONS ARE TO BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO DEMOLITION AND INSTALLATION.
 - REFER TO THE ENGINEERING DRAWINGS FOR SIGNAGE AND BROWNS CONTROL MEASURES, DETAILED GRADING, AND LIMITS OF CONSTRUCTION.
 - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ARRANGE FOR LOCATED AND TO VERIFY THE EXACT LOCATION OF ALL UTILITIES, SERVICES AND STRUCTURES WHETHER ABOVE OR BELOW GRADE BEFORE COMMENCING WORK AND TO INSURE ALL WORK IS TO COMPLY WITH TECHNICAL STANDARDS & SAFETY AUTHORITY (ES&I) STANDARDS.
 - CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE AND REPORT AND DISCREPANCIES IMMEDIATELY TO THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 - DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF THE LANDSCAPE ARCHITECT AS REPRESENTED BY HIS SERVICE AND MUST BE RETURNED AS REQUESTED.
 - ALL SOIL TO BE A SUBGRADE/PRE-CURBED AND IS TO BE INSTALLED IMMEDIATELY UPON COMPLETION OF THE GRADING OR AS SPECIFIED AREAS REQUESTED.
 - ALL PLANTING BEDS TO HAVE 150mm DIAMETER PROTECTIVE SOCK WRAPPED BED TO PREVENT CLAY LAYER. PINS TO BE CONNECTED TO HARDENED 200mm LINE BENCH TO PREVENT CLAY LAYER TO PREVENT TO AVOID. REFER TO ARCHITECT'S DRAWINGS FOR LOCATION AND DETAILS.
 - ALL SIDEWALKS ARE TO BE CONFORM TO 200mm MIN. CONCRETE CONTRACTOR TO MATCH TO EXISTING SIDEWALK AND MARK GOOD AND BAD AREAS IN RIGHT-OF-WAY THAT IS DAMAGED BY CONSTRUCTION.
 - THE PROTECTOR BARRIERS ARE TO BE INSTALLED TO PROTECT ALL DIMENSIONS & PROTECTOR BARRIERS SHALL BE INSTALLED 300mm FROM THE CURB OR AT THE DRIVE, WHICHEVER IS GREATER, FOR THE DURATION OF CONSTRUCTION.

20220918 ISSUED FOR REVIEW LW

Rev. Date Issued / Revision By

MHBC
PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

20340 KINGSTON CORNER, RICHMOND ON L6B 5P | P: 905.883.1335 | F: 905.883.1332 | WWW.MHBCARCH.COM

Stamp: Date: **JANUARY 2022**

Drawn By: **LW**

Plan Scale: **AS NOTED**

File No.: **21325A**

Checked By: **NMP**

Other:

Project: **131-135 SANDWICH STREET S AMERSBURG, ONTARIO**

Drawing Title: **LANDSCAPE PLAN**

Client: **DAEI FOODS INC.**

Dwg No.: **L1**

Streetscape



Façade Materiality & Colours



Façade Rhythm



3. TECHNICAL STUDIES

TRAFFIC & PARKING CONSIDERATIONS

CGH Transportation Inc. (CGH) prepared Traffic Impact Assessment

Primary Conclusions:

- **Two proposed access arrangements for development will meet acceptable level of service standards – no signals are warranted**
- **Parking supply – site cannot accommodate the recommended parking requirements. Recommend utilization of additional parking at Town parking lot located north of site**
- **Site parking, loading and access arrangement designed to promote safe and efficient ingress/egress consistent with Gateway SPA policies, which align with associated polices of Section 4.4.2 of this Official Plan**

SERVICING STRATEGY

Dillon Consulting Ltd. prepared a Functional Servicing Study

Primary Conclusions:

- **The sanitary and storm sewer can be designed as per the Town's Development Manual**
- **The sanitary and storm sewer will discharge from the Site into municipal sanitary and storm sewers on Sandwich Street**
- **There is available capacity in the municipal watermain on Sandwich Street to provide domestic demand**
- **Fire protection is available from existing hydrant across the street with adequate coverage to the building**
- **Stormwater quality control can be achieved through an Oil & Grit Separator**
- **Stormwater quality control can be achieved through on-site storage by surface ponding within the parking lot and drive-through**

4. COMMENTS/QUESTIONS