



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Thursday, May 10, 2018

5:00 PM

Council Chambers

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

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

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

Pages

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

3. SPECIAL PLANNING REPORTS

3.1 Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich Street South

3

It is recommended that:

1. The report from the Manager of Planning Services dated April 23, 2018, regarding Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich Street South **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 8, By-law 2018-44, **BE CONSIDERED** at a future regular Council meeting.

4. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

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

Author's Name: Rebecca Belanger	Report Date: April 23, 2018
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 10, 2018
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich Street South

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated April 23, 2018, regarding Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich Street South **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 8, By-law 2018-44, **BE CONSIDERED** at a future regular Council meeting.

2. BACKGROUND:

The Town is in receipt of an application for an Official Plan Amendment and Zoning By-law Amendment from 1461689 Ontario Limited submitted by Jeff Belanger. The applications for OPA and ZBA propose to establish a site specific policy in the General Commercial policies of the Official Plan and a site specific zoning to support future restaurant development. Pre-consultation was held with the CAO, Director of Planning, Development and Legislative Services, Manager of Planning Services and the Heritage Committee. The submission of the applications was a result of significant pre-consultation discussions.

3. DISCUSSION:

The property subject to the applications for Official Plan Amendment and Zoning By-law Amendment are described as Plan 6, Lots 12 and 14 and Part Lots 10, 11, 13, 15, municipally known as 83 Sandwich Street South. The subject property has approximately 206 ft of frontage along Sandwich Street South, 408 ft of depth along Fort Street with an area of 4.58 acres.

The purpose of Official Plan Amendment No. 8 to the Official Plan is to change the designation of the subject lands from General Commercial Special Policy Area 11 to General Commercial Special Policy Area 17 to allow for drive-through restaurant(s) on the site. An amendment to the current policy is also required to recognize the proposed setback of the development at 73'4" (22.34 m). The special policies in the General Commercial Section of the Official Plan requires developments along Sandwich St. to be setback no less than 6 meters and no more than 15 metres maximum. The intent of the proposed setback allows for enhanced landscaping in front of the new restaurant.

The uses permitted in the General Commercial designation 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 and residential uses above the first floor. 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.

The Provincial Policy Statement (PPS) promotes the re-development and compact urban form of providing a mix of employment land uses for existing and future businesses. The PPS further encourages the development of sites which utilize existing infrastructure. The County of Essex Official Plan identifies the subject lands as "within the Settlement Area". For uses within the Settlement Area, local Official Plans are required to put in place site specific land use policies. The proposed Official Plan Amendment is consistent with both the PPS and the County of Essex Official Plan.

Section 8.4 of the Town's Official Plan provides the policies regarding the Amendment Procedures for all proposed Official Plan and Zoning By-law Amendments, which states:

"An amendment to this Plan is required to permit the establishment of uses other than those provided for. Pre-consultation with staff is recommended prior to the submission of any application for an amendment to this Plan. In considering an amendment to this Plan, Council shall have due regard to the following:

- (1) the desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives of the Official Plan;*
- (2) the goals and policies of this Plan and the goals and policies of the County of Essex Official Plan;*
- (3) the need for the proposed use;*
- (4) the effect on the economy and financial position of the Town;*

- (5) *the compatibility of the proposed use with uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;*
- (6) *the location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required;*
- (7) *the physical suitability of the land for the proposed use;*
- (8) *the effect on the provision of affordable housing in the Town of Amherstburg;*
- (9) *whether the lands are within or adjacent to any natural heritage features and the results of an Environmental Impact Assessment as outlined in Section 6.9.”*

A Planning Justification Report (PJR) was submitted in conjunction with the Planning Act applications prepared by Zelinka Priamo Ltd. The Planning Justification Report has been reviewed by Town Administration with the applicant, and deemed sufficient to recommend the scheduling of the required statutory public meeting.

The Amherstburg Heritage Committee was consulted throughout the application process. The subject lands fall within an area in the Official Plan identified as the “gateway to Amherstburg” and has “historic character” which is to be protected and represented as part of new development projects. The Special General Commercial policies state:

“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.”

At a special Heritage Committee meeting held April 18, 2018, the committee passed the following resolution regarding the exterior design of the proposed restaurant:

“[T]he renderings as proposed including the height, building materials, roof line and window placement are recommended for approval”

The above was a unanimous vote by the Committee members. The façade treatments on the proposed rendering include: gabling at the front entrance, hardi plank exterior board and trim, a limestone sill, painted cornices and brick accents. These elements are in keeping with both the late Victorian era within Amherstburg as well as the direction of the Urban Design Guidelines with a Heritage Theme.

Further, as required by the Official Plan policies, the site plan proposes substantial landscaping in the front and side yards. The continuous row of cedar trees is proposed on the south lot line to the restaurant abutting the neighbouring residential lot.

The purpose of the Zoning By-law Amendment would change the zoning of the subject lands from “Special Provision Commercial General (CG-2) Zone” and “Residential Office (RO) Zone” to “Special Provision Commercial General (CG-12) Zone” reducing the required interior side yard abutting a residential zone and to reducing the minimum width for landscape planting strips abutting existing residential interior side yards.

Further, an amendment to Section 3 (General Provisions) is also required to permit an outdoor patio adjacent to a residential zone and a reduction in the number of required parking spaces (from 244 to 211). The Special Provision Zoning will permit the full range of uses in the CG Zone. The Amendment to the Zoning By-law would implement the proposed Official Plan Amendment.

The proposed CG-12 Special Provision Zoning is compatible with the surrounding neighbourhood and consequently is in keeping with the intent of the Official Plan. The Site Plan Control process will ensure that appropriate stormwater management, landscaping, buffering, lighting, fencing and all criteria of Section 41 in the Planning Act are incorporated into the final site design and as provisions in the development agreement.

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.

The future development of the area will add additional commercial assessment to the Town's property tax base as well as additional usage to the water and wastewater systems.

6. CONSULTATIONS:

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

The Fire and Building Departments have been consulted throughout the pre-consultation planning process and had no objections to the proposed OPA/ZBA.

The Amherstburg Heritage Committee was consulted throughout the application process. A special Heritage Committee meeting held April 18, 2018.

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

7. CONCLUSION:

It is recommended that the comments obtained at this public meeting be summarized into a future Council Report. Further, that the Official Plan Amendment and Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



Rebecca Belanger
Manager of Planning Services

jm

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 313

Name: Building Services
Phone #: 519 736-5408 ext. 4136

Name: Heritage Committee
Phone #: 519 736-5408 ext. 4136

Name: Fire Services
Phone #: 519 736-6500

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

Report Approval Details

Document Title:	Public Meeting for Official Plan Amendment No. 8 and Zoning By-law Amendment for 83 Sandwich St S.docx
Attachments:	- Report to Council- May 10- Public Mtg- OPA and ZBA 83 Sandwich St S- ATTACHMENTS.pdf
Final Approval Date:	May 1, 2018

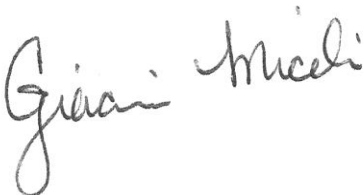
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 1, 2018 - 9:20 AM



Task assigned to Cheryl Horrobin was completed by Justin Rousseau - May 1, 2018 - 11:27 AM



John Miceli - May 1, 2018 - 2:36 PM



Paula Parker - May 1, 2018 - 3:09 PM



CORPORATION OF THE TOWN OF AMHERSTBURG
NOTICE OF STATUTORY PUBLIC MEETING

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Thursday, May 10, 2018 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed Official Plan Amendment under Section 17 and 21 of the Planning Act and a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

The lands affected by the proposed amendments are located on the east side of Sandwich Street South, north of the intersection of Fort Street and Sandwich Street South. The legal description of the subject site is described as Plan 6, Lots 12 and 14 and Part Lots 10, 11, 13, 15, municipally known as 83 Sandwich Street South. The subject property has approximately 206 ft of frontage along Sandwich Street South, 408 ft of depth along Fort Street with an area of 4.58 acres.

THE PROPOSED AMENDMENT TO THE OFFICIAL PLAN would change the designation of the subject lands noted above from **General Commercial Special Policy Area 11** to **General Commercial Special Policy Area 17** to allow for drive-through restaurants on the site. An amendment to the current policy is also required to recognize the proposed setback of the development at 73'4" (22.34 m). The Official Plan requires along Sandwich on this site to be setback no less than 6 meters and no more than 15 metres maximum. The proposed setback allows for enhanced landscaping in front of the new restaurant.

The uses permitted in the General Commercial designation 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. 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.

THE PROPOSED AMENDMENT TO THE ZONING BY-LAW NO. 1999-52 would change the zoning of the subject lands noted above from the "**Special Provision Commercial General (CG-2) Zone**" and "**Residential Office (RO) Zone**" to "**Special Provision Commercial General (CG-12) Zone**" reducing the required interior side yard abutting a residential zone and to remove the minimum width for landscape planting strips abutting existing residential interior side yards. Further, an amendment to Section 3(20) is also required to permit an outdoor patio adjacent to a residential zone. The Amendment to the Zoning By-law would implement the proposed Official Plan Amendment.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to maximize the usage of the site and allow for a drive-through restaurant on the subject property. The "Special Provision Commercial General (CG-12) Zone" is established as a site specific zone for the subject lands. Any future development will be subject to the site plan control by-law to ensure orderly development of the parcel.

The accompanying Key Map shows the location of the lands to which the Official Plan and Zoning By-law Amendments apply.

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

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision of the County of Essex to the Local Planning Appeal Tribunal.

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

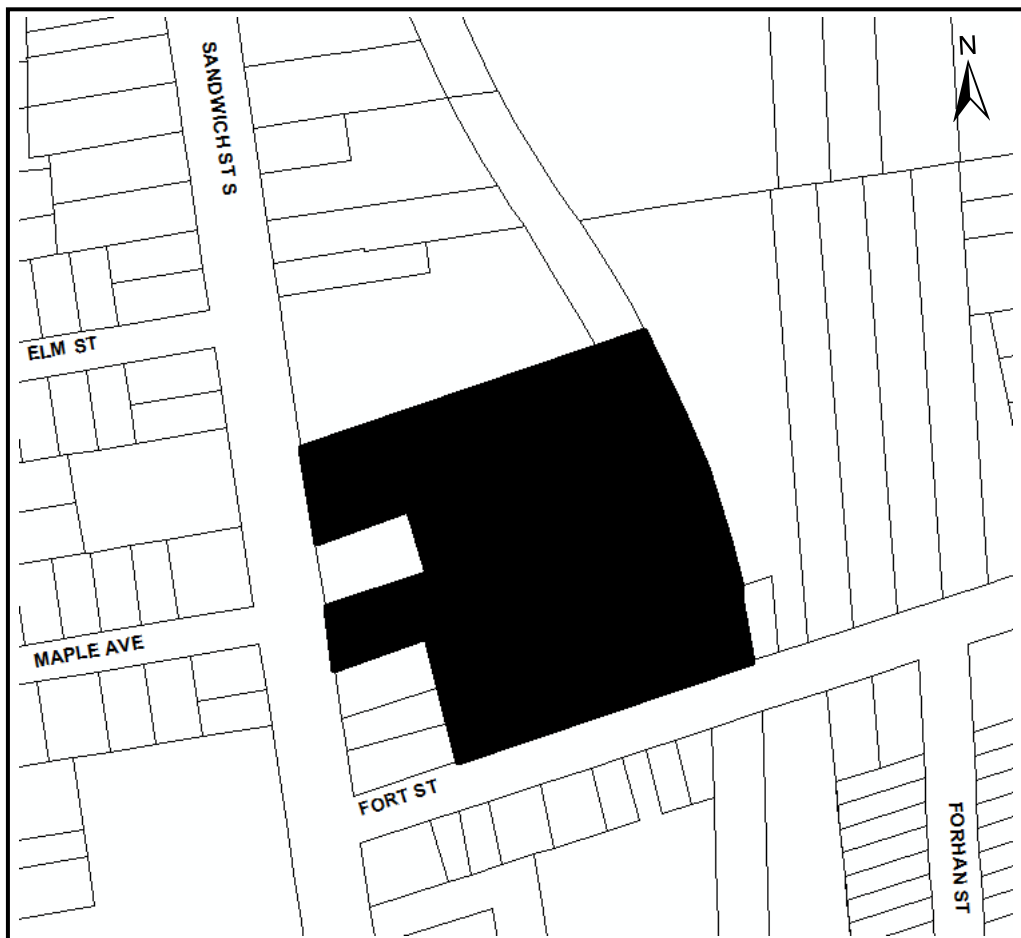
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Local Planning Appeal Tribunal.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the proposed Official Plan Amendment/ Zoning By-Law Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

ADDITIONAL INFORMATION relating to the proposed Official Plan (File OPA #8) and Zoning By-law (File# ZBA/16/17) Amendments is available for inspection at the Town of Amherstburg Libro Centre at 3295 Meloche Road during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Official Plan Amendment and Zoning By-law Amendment are also available for review on the Town of Amherstburg Website: www.amherstburg.ca If you wish to be notified of the adoption of the proposed Official Plan Amendment, or the refusal of a request to amend the official plan, and/or passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below.

DATED at the Town of Amherstburg this 18th day of April, 2018.

KEY MAP



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

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

SITE DATA:

SITE AREA: 4.88 ACRES
203 684 SQ.FT.

BUILDING AREA:

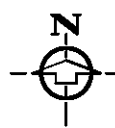
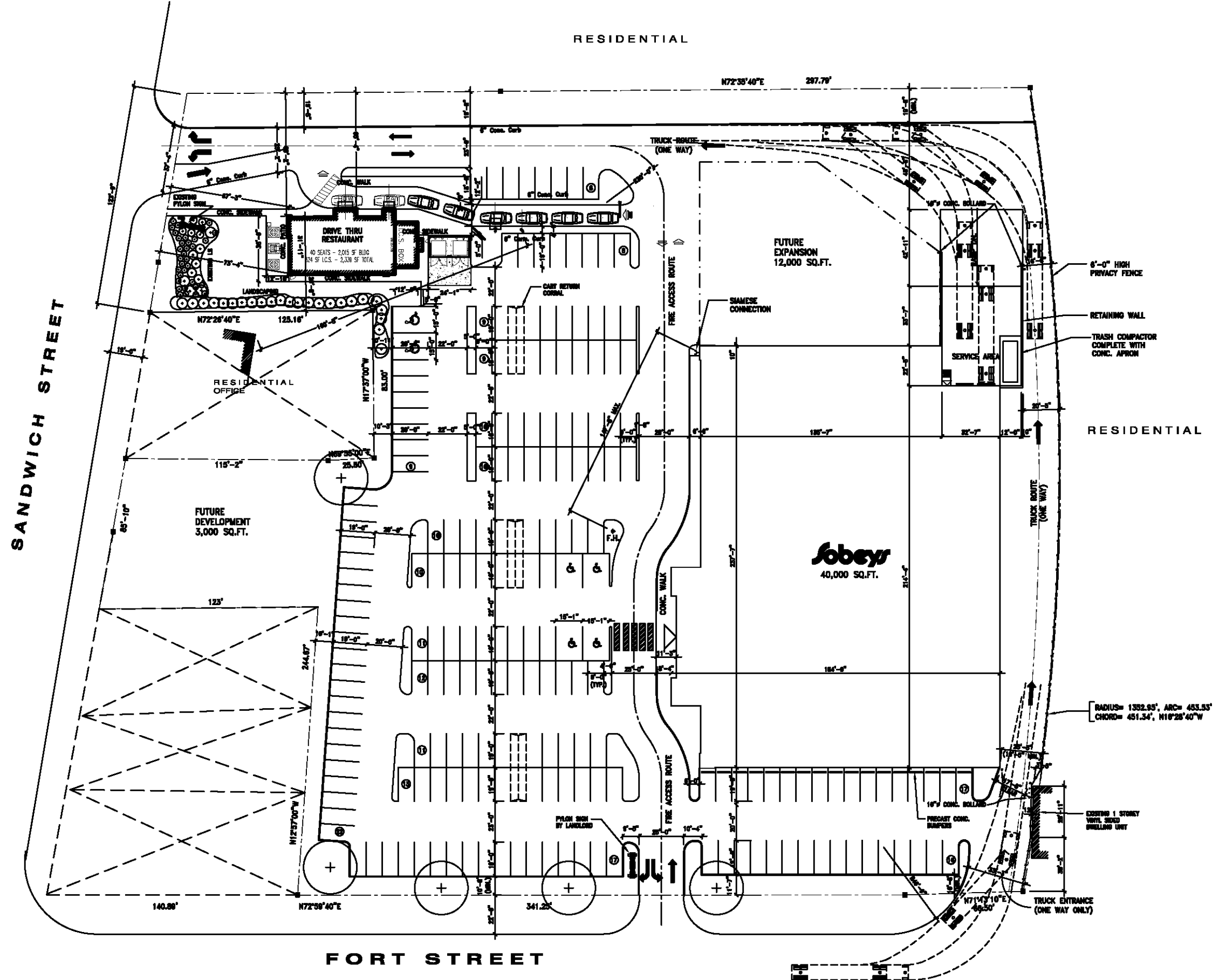
EXISTING FOOD STORE 40,000 SQ.FT.
FUTURE EXPANSION 12,000 SQ.FT.
FUTURE DEVELOPMENT (REST.) 3,000 SQ.FT.
NEW DRIVE THRU 2,339 + 88 SQ.FT. (TOTAL INC PARK)
TOTAL 57,427 SQ.FT.

PARKING REQUIRED: (TOWN OF AMHERSTBURG BY-LAW, SECTION 3)
ALL COMMERCIAL OCCUPANCIES LISTED ABOVE REQUIRE MIN. 1 SPACE PER 269 SQ.FT.
ALL RESTAURANT OCCUPANCIES LISTED ABOVE REQUIRE MIN. 1 SPACE PER 107 SQ.FT.

CURRENT REQ'D	FUTURE EXPANSION REQ'D
40,000 = 149 SPACES 269	12,000 = 45 SPACES 269
NEW DRIVE THRU	FUTURE DEVELOPMENT (RESTAURANT)
2,339 = 23 SPACES 107	3,000 = 28 SPACES 107

PARKING PROVIDED:
TOTAL REQ'D 245 SPACES
CURRENT PROVIDED 211 SPACES

Note: Parking configuration based on lands acquired to date.



SITE PLAN
SCALE: 1" = 30'-0"

ORIGINAL SITE PLAN AS PER THE DESIGN OF LAKESHORE GROUP.

AMENDMENT NO. 8
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG

Prepared By:
Planning Services Division, Town of Amherstburg

TABLE OF CONTENTS

OFFICIAL DOCUMENTATION PAGES

The Clerk's Certificate Page
The Adopting By-law

THE CONSTITUTIONAL STATEMENT

PART "A" - THE PREAMBLE	1
1. PURPOSE	1
2. LOCATION	1
3. BASIS	1
PART "B" - THE AMENDMENT	3
1. DETAILS OF THE AMENDMENT	3
2. IMPLEMENTATION AND INTERPRETATION	3

AMENDMENT NO. 8 TO THE OFFICIAL PLAN OF THE TOWN OF AMHERSTBURG

I, Paula Parker, Clerk of the Town of Amherstburg, certify that this is a/the original/duplicate original/certified copy of Amendment No. 8 to the Official Plan of the Town of Amherstburg.

CLERK- Paula Parker

DRAFT

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2018-43**

**By-law to adopt amendment No. 8 to the
Official Plan for the Town of Amherstburg**

The Council of the Corporation of the Town of Amherstburg in accordance with the provisions of Sections 17 and 21 of The Planning Act, R.S.O., 1990, as amended, hereby enacts as follows:

1. THAT Amendment No. 8 to the Official Plan for the Town of Amherstburg consisting of the attached text is hereby adopted.

THIS By-Law shall come into full force and effect upon the final passage thereof.

Read a first, second and third time and finally passed this 14th day of May, 2018.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

THE CONSTITUTIONAL STATEMENT

PART "A" – THE PREAMBLE does not constitute part of this Amendment.

PART "B" – THE AMENDMENT, consisting of the following text, constitutes Amendment No. 8 to the Official Plan for the Town of Amherstburg.

DRAFT

AMENDMENT NO. 8
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to introduce site-specific policies that would permit drive through restaurants on the subject lands and increase the maximum permitted setback of commercial uses, through the development of a new policy section to be identified as "General Commercial Special Policy Area 17" designation.

An Official Plan Amendment application has been received from 1461689 Ontario Limited to support further commercial development on 83 Sandwich Street South.

The purpose of the Official Plan Amendment is to modify the text in Section 4.4.2, "General Commercial Areas" and modify Section 4.4.3 (2). As well, the Schedules in the Official Plan will be updated to include the subject lands as "General Commercial Special Policy Area 17".

2. LOCATION/BACKGROUND

As shown on the attached Schedule "A", the subject lands include:

Plan 6, Lots 12 and 14 and Part Lots 10, 11, 13, 15, municipally known as 83 Sandwich Street South. The subject lands are located on the east side of Sandwich Street South, north of the intersection of Fort Street and Sandwich Street South.

A Planning Justification Report was prepared by Zelinka, Priamo Planning Consultants which is dated October 30, 2017. Concurrent to the processing of the Official Plan Amendment a site specific Zoning By-law Amendment will be considered.

The Town of Amherstburg Official Plan was approved through Ontario Municipal Board minutes of settlement dated February 3, 2010.

3. BASIS

The subject land is approximately 4.58 acres in size. The property has been used for the past 12 years for a supermarket and associated retail. There are two accesses to the site including one from Sandwich Street South and the other from Fort Street.

To the immediate north of the site the land use is general commercial, specifically Rexall/ walk-in clinic. To the south of the site the existing land uses are single detached dwellings. There is one single detached dwelling to the south and west of the subject lands. A flower shop is also located adjacent to the subject site as well as a new two storey building with retail on the main floor and residential above at the corner of Sandwich and Fort Street. The lands on the west side of Sandwich Street are occupied by a secondary school, six single detached dwellings and a vacant lot.

The Provincial Policy Statement (2014) came into force and effect on April 30, 2014. The 2014 Provincial Policy Statement (PPS 2014) provides policies to permit the proposed development. Section 1.3.1 provides policy direction on employment. The PPS 2014 also addresses the efficient use of infrastructure and services (1.6.2 and 1.6.6.2) and the promotion of land use patterns that minimize the length of vehicle trips and support public transit (1.6.7.4). Section 1.3 of the PPS 2014 provides the policy direction identifying that municipalities will promote economic development and competitiveness.

The PPS 2014 also calls for appropriate development standards. Appropriate development standards are expressed in the Official Plan, Zoning By-law and Site Plans. The proposal maintains the intent of the Official Plan policies related to determining the appropriateness of a change in land use and will be implemented by a Zoning By-law Amendment. The proposal is consistent with the policies of the PPS 2014.

The County of Essex Official Plan contains policies which apply to the proposed development. The County of Essex Official Plan designates this site as being within the "Settlement Area". The Settlement Area policies state that future growth and development is to be encouraged to locate within these areas and that all types of land uses are permitted within Settlement Areas subject to site specific land use policies in local Official Plans. The County Official Plan also encourages local Official Plans to provide opportunities for re-development, intensification and revitalization in areas that have sufficient existing or planned infrastructure. The amendment proposes a land use which is in conformity with the location requirements, the principles and the relevant goals and policies for Settlement Areas as contained in the County Plan.

The amendment proposes a land use which is in conformity with the Location of Development policies and the site suitability criteria established in the Town's Official Plan including locating on a public road capable of accommodating any increased

traffic, utilization of existing services/ utilities and soil/ drainage conditions of the site can support the proposed development.

The proposed land use of a drive-through restaurant establishment is not currently permitted under the existing designation. Section 4.4.2 of the Official Plan restricts drive-through restaurants to locations on Sandwich Street north of Alma Street or South of Pike Street. It should be noted that the CG Zone already permits a drive through facility as in a housekeeping ZBA 2012-65. A Zoning By-law Amendment will proceed concurrently seeking to reduce the interior side yard and landscaping requirement abutting the single detached dwelling to the south and to permit the outdoor patio. An Amendment to the Official Plan is also necessary to permit the increase in the maximum building setback from Sandwich beyond the current restriction of 15 metres.

The subject lands fall within an area the Official Plan refers to as the “gateway to Amherstburg” and has historic character that is to be protected. The current site specific policies were drafted to extend the General Commercial Designation northerly to include both sides of Sandwich with restrictions while retaining the High Density Residential Designation. Following a public meeting to deal with the original OPA application, a municipal commercial policy review was undertaken by the Town. The results of that study concluded that additional land should be designated for commercial development. The study also provided recommendations as to which lands should be designated and the specific designations that should be applied. At the time of adoption of OPA #1, a section of the Basis states *“renewed interest in the continued revitalization of the downtown core of the Town of Amherstburg, coupled with recent development proposals for new and enlarged commercial establishments has brought about the need to reevaluate the land use policies affecting these interests”*. One of the purposes of the commercial review was to allow for logical and necessary growth in the Town, while ensuring that the quality of existing commercial areas are maintained and/or enhanced.

Official Plan Amendment #1 which incorporated the policies restricting drive through restaurants, requiring consultation with the Heritage Committee on architectural design elements and enhanced landscaping was approved by Ontario Municipal Board Settlement in 2002. The subject lands presently host a grocery store and have retail uses to the north and south. According to the Planning Justification Report submitted to support these applications, *“the following demonstrates the evolution of the subject lands and surrounding area, from, a predominantly residential neighbourhood to, a mainly commercial area.”* Amendments to the Official Plan as proposed achieve the desired implementation of the current regulation in the Zoning By-law which permits drive-through restaurants in this location while consulting with the Heritage Committee on the heritage façade elements and enhanced landscaping.

Substantial consultation has taken place with representatives from the franchise regarding the proposed heritage façade. The Heritage Committee at their meeting that

took place on April 18th, unanimously recommended approval of the façade elements as identified in the Official Plan policies which includes roof line, height, building material, and window placement.

The statutory public meeting is scheduled to take place on May 10, 2018. The notice of public meeting will be advertised in the Rivertown Times on April 18th and April 25th, 2018. The notice has also been circulated to the neighbouring residents and agencies as required.

The proposed amendment is consistent with the provisions of the PPS 2014, conforms to the County Official Plan and recognizes the commercial function of Sandwich Street South, in the Town of Amherstburg's Official Plan.

PART "B" - THE AMENDMENT

All of this part of the document, entitled, "Part 'B' - The Amendment" consisting of the following text and map schedule constitutes Amendment No. 8 to the Official Plan for the Town of Amherstburg.

1. DETAILS OF THE AMENDMENT

The Official Plan of the Town of Amherstburg is amended as follows:

- 1.1 That Schedules "A", "B" and "B-2" in the Town of Amherstburg Official Plan be amended by identifying the lands shown as the subject lands on Schedule "A" attached to and forming this amendment, as "General Commercial Special Policy Area 17".
- 1.2 Subsection 4.4.3 General Commercial Special Policy Areas, as amended, is hereby further amended by the addition of the following policy to immediately follow 4.4.3 (5)

"4.4.3 (6) Lands known as 83 Sandwich Street South, located at the east side of Sandwich Street South and north of Fort Street, shall be developed in accordance with the General Commercial policies with the addition of a drive-through restaurant as a permitted use. Development shall be subject to site plan control. A maximum setback of 25 metres shall be permitted for commercial development from the front lot line."

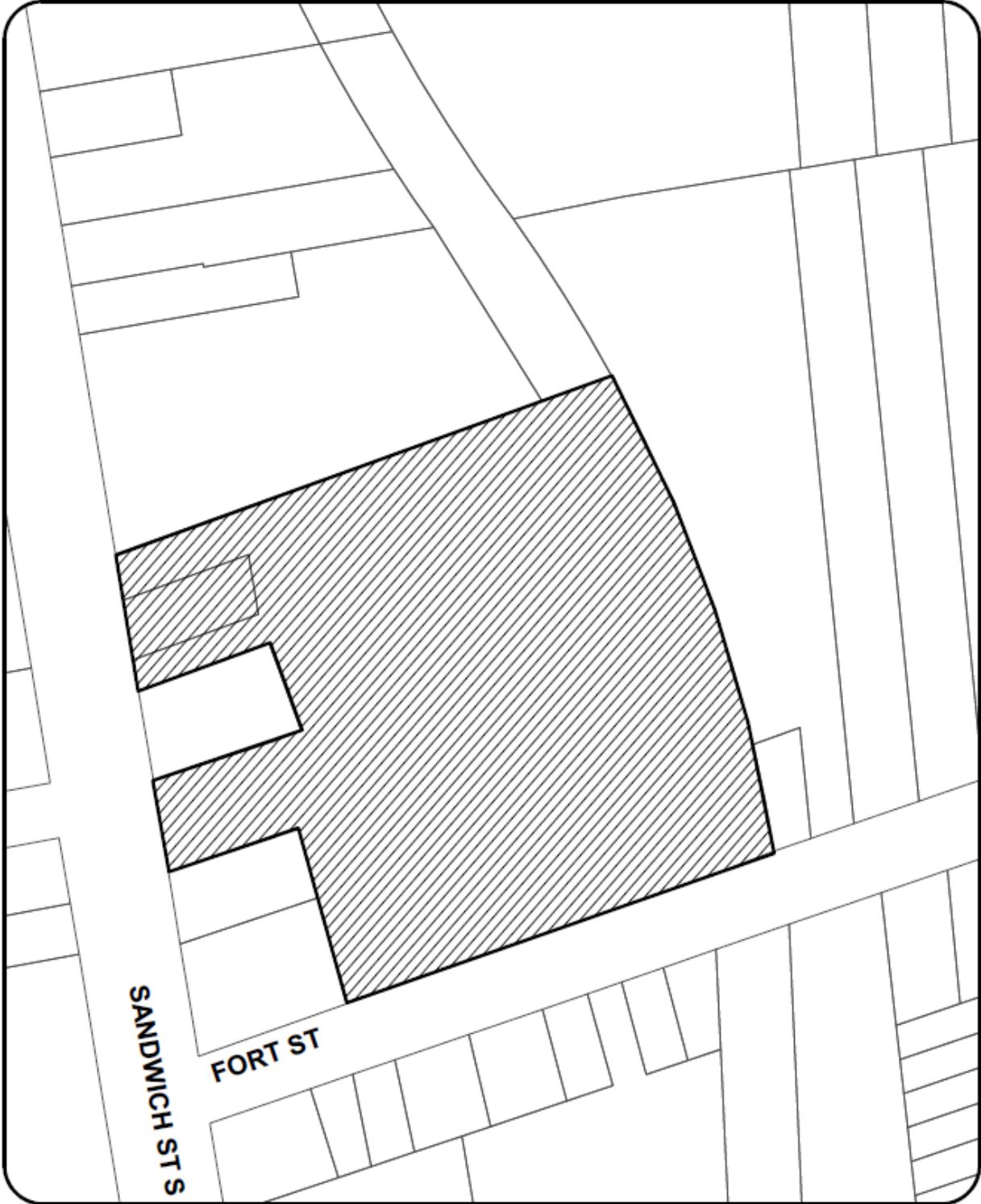
2. IMPLEMENTATION AND INTERPRETATION

This document will be implemented by the Town of Amherstburg by enacting an

appropriate amendment to the Zoning By-law of the Town of Amherstburg and enacted a Site Plan Control Agreement.

DRAFT

**OPA No. 8
Schedule "A"**



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**
PROPOSED OFFICIAL PLAN AMENDMENT No.8



General Commercial Special Policy Area 11 to
General Commercial Special Policy Area 17



**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2018-44**

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

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

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

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

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

1. Schedule "A", Map 37 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from CG-2 and RO to CG-12" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Commercial General (CG-2) Zone" and "Residential Office (RO) Zone" to "Special Provision Commercial General (CG-12) Zone".
2. THAT Section 15(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (l) as follows;

"(l) CG-12 (83 Sandwich Street South)

Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-12 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

- | | | |
|--------|--|----------------------|
| (i) | Frontage on Sandwich Street | 30 m contiguous |
| (ii) | Front Yard Depth (Minimum) | 6 m from the street |
| (iii) | Interior Side Yard Width (Minimum) | 6 m |
| (iv) | Exterior Side Yard Depth (Minimum) | 3 m from Fort Street |
| (v) | Rear Yard Depth (Minimum) | 7 m |
| (vi) | Minimum Widths for Landscaped Planting Strips | |
| | Abutting Sandwich Street | 6 m |
| | Abutting Fort Street | 3 m |
| | Abutting East Boundary | 0 m |
| | Abutting Existing Residential Interior Side Yards | 3 m |
| | Abutting all other boundaries | 3 m |
| (vii) | Loading Spaces Required | 1 |
| (viii) | Notwithstanding Section 3(21)(c) the minimum number of parking spaces required shall be 211. | |

- (ix) Location of Parking
Access and limited front yard parking shall be permitted on Lot 14 and Part Lot 15, subject to the required landscaped planting strips as provided for in Subsection (vi). No access will be permitted from Part Lot 12.
- (x) An outdoor patio associated with a restaurant shall be permitted on lands adjoining a residential zone class with a maximum gross area of 44 sq m. All other provisions in Section 3(20) shall apply.
- (xi) Lot Area 1.5 hectares”

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

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

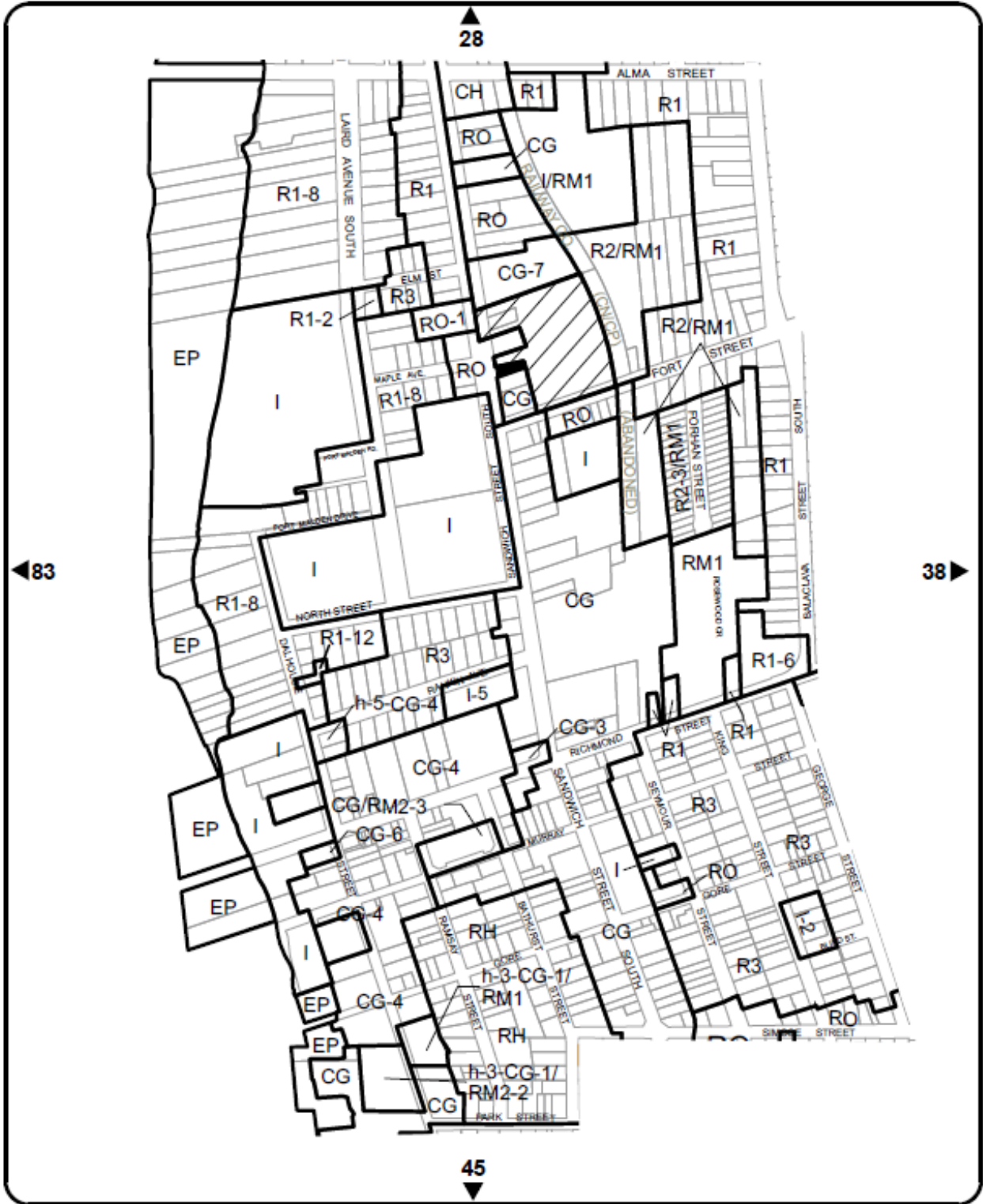
Read a first, second and third time and finally passed this 14th day of May, 2018.

MAYOR- ALDO DICARLO



CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2018-44
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
 ZONING BY-LAW NO. 1999-52
MAP 37

CG-2 to CG-12 
RO to CG-12 

MAYOR- ALDO DICARLO

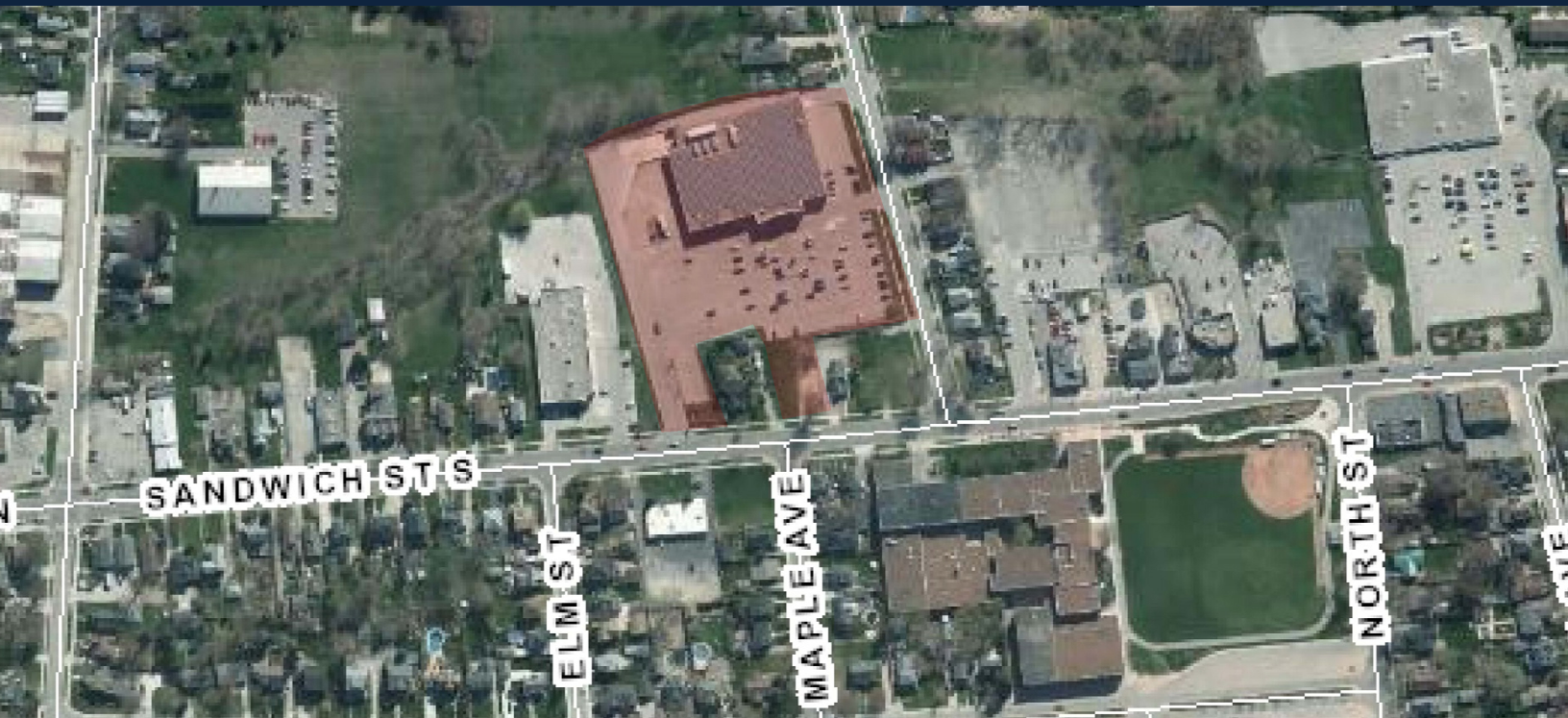
CLERK- PAULA PARKER

Planning Justification Report

Official Plan and Zoning By-Law Amendment

Town of Amherstburg

Mikhail Holdings



October 30, 2017



TABLE OF CONTENTS

	Page No.
1.0 INTRODUCTION.....	2
1.1 The Subject Land.....	2
1.2 Historical Land Use Analysis.....	4
1.3 Proposal.....	6
2.0 PLANNING ANALYSIS.....	7
2.1 Provincial Policy Statement 2014 (PPS).....	7
2.2 County of Essex Official Plan.....	8
2.3 Town of Amherstburg Official Plan.....	9
2.4 Town of Amherstburg By-Law 1999-52.....	12
3.0 CONCLUSION.....	14

1.0 INTRODUCTION

This report is prepared in support of a drive-through restaurant on the Sobey's parking lot located at the north-east corner of Sandwich Street South and Fort Street. The report describes the subject lands and proposal and provides a justification based on a review of the applicable policies in the Provincial Policy Statement, the Ontario Heritage Act, the County of Essex Official Plan, the Town of Amherstburg Official Plan and the applicable regulations in the Town of Amherstburg Zoning By-law.

1.1 THE SUBJECT LAND

Figure 1 shows the location of the proposed drive-through restaurant on the Sobey's property, highlighted in yellow.

Figure 1 – Subject lands (highlighted in red) and surrounding context



The proposed drive-through restaurant is located at the Sobeys' access driveway located at the north-west corner of the subject lands. The subject lands have an area of approximately 2.096 ha (5.18 ac). A second access to the Sobeys' parking area is located on Fort Street. The Sobeys store has a floor area of 3716 m² (40,000 sq.ft.). The parking area has 211 parking spaces. The subject land has frontage of 124 m (407 ft.) along Fort Street and approximately 63 m (206 ft.) along Sandwich Street South. Landscape strips are located along Fort Street and adjacent to the access driveway on Sandwich Street South.

Figure 1 identifies the surrounding land use. All commercial uses and vacant lots surrounding the subject lands are marked alphanumerically in red. The lands between Sandwich Street South and the Sobeys' parking area are occupied by a single detached dwelling (R1 which has mature coniferous trees that buffer the dwelling from abutting parking spaces), vacant lots (V which are part of the subject lands), a flower shop inside a former single detached building (3) and a recently constructed two storey building with retail uses on the ground floor and dwellings on the second floor (4). The lands to the north of the subject lands are occupied by a Rexall/walk-in-clinic and its associated parking area (2).

The lands on the west side of Sandwich Street are occupied by a secondary school (6), single detached dwellings (R2), a vacant lot (V), and a commercial realty office (5). The lands on the South side of Fort Street are occupied by single detached dwellings (R3).

In Appendix 1, it outlines areas on the east side of Sandwich Street South which extend north from the subject lands to St. Arnaud Street and south from the subject lands to Richmond Street. In addition, it identifies the land use on the east and west sides of Sandwich Street South.

Lands to the north, located between St. Arnaud Street and Alma Street are occupied by an automotive dealership, a restaurant, and a gas station/convenience store. These are purpose built buildings with associated parking lots/parking areas with prominent commercial signage. Lands between Alma Street and the subject lands are occupied by a retail store with a large parking lot, a former detached dwelling converted to a law office, a residence, a large building converted from a video store to a modern dental office, a purpose built law office/retail building, and four two storey single detached dwellings. The previously stated purpose built Rexall/walk-in-clinic is located between the four two-storey detached dwellings and the proposed drive through restaurant.

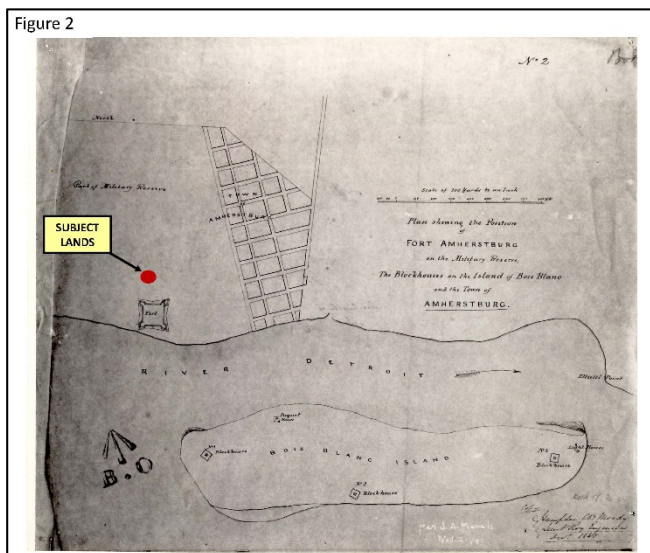
Lands to the south of the subject lands are occupied by the previously stated single detached dwellings fronting on Fort Street, restaurants including a take-out restaurant (7) and a drive through restaurant (8), a dental and financial office, a food store, a drug store and a utility building.

The existing development on the west side of Sandwich Street South from St. Arnaud Street to a real estate office and vacant land located opposite the access driveway to the Sobeys is predominantly single detached dwellings.

The prevalent urban form on the east side of Sandwich Street South between St. Arnaud Street and Richmond Street is commercial/office uses in primarily purpose-built buildings and associated parking areas and signage. The prevalent urban form on the west side of Sandwich Street South between St. Arnaud Street and Maple Avenue is single-detached residential. The urban form south of Maple Avenue is a mix of institutional/park/commercial uses.

1.2 HISTORICAL LAND USE ANALYSIS

The subject lands fall within an area the Official Plan refers to as the “gateway to Amherstburg” and has “historic character” that is to be protected. The following is a historical analysis that demonstrates the evolution of the subject lands and surrounding land, from, a predominantly residential neighbourhood to, a mainly commercial area.



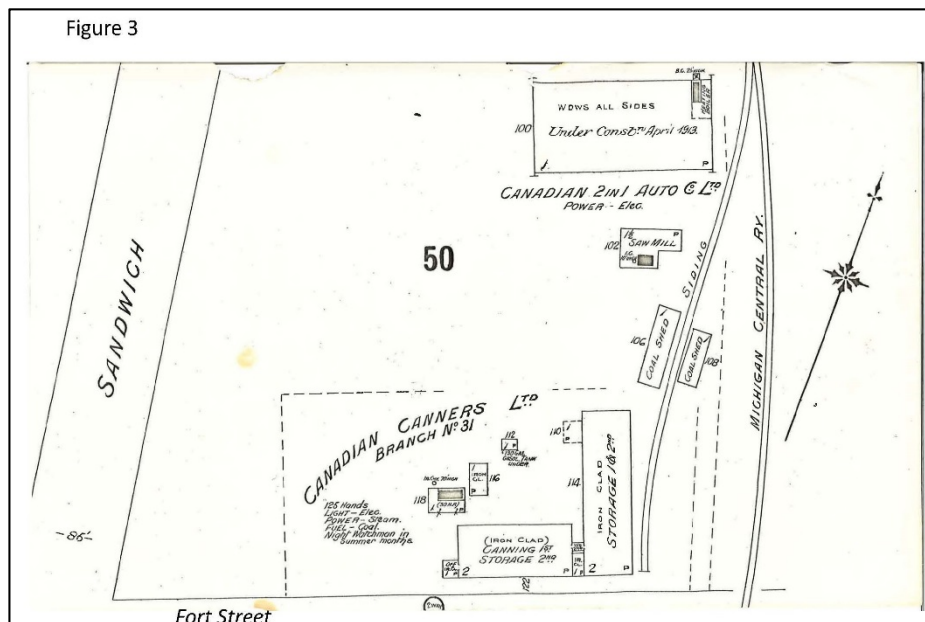
Historically, the subject lands were outside of the main Town and were part of Fort Malden’s military reserves (see Figure 2). As the operations of the Fort were gradually phased out its lands were divided and developed into mainly residential neighbourhoods around the subject lands. Residential homes fronting Sandwich Street started to develop on and around the subject lands in the late 1890’s early 1900’s. The homes were an eclectic mix of mainly two

storey timber frame structures of a modest late Victorian style of architecture. Some of the common features were veranda, wood siding, and high gable roofs.

The subject lands location adjacent to the Michigan Central Railway attracted the development of small industrial uses. In 1907 the Canadian Cannery Limited purchased lands on the north side of Fort Street on the west side of the rail line. They operated a canning factory that packed ketchup, chili sauce, and tomatoes. The factory began with a warehouse and a boiler room then expanded to a larger plant with additions in 1952, 1955 and 1966. The factory closed in 1982 and was sold in 1984.

The Two-in-One Auto Company was also located on the subject lands just north of the canning factory (see Figure 3). In 1912 the company was formed by a group of Detroit promoters and a few local residents to produce a touring car that could be converted to a truck. The Town took a financial role in the company to allow them to build a 929 m² (10,000 ft²) building. The Amherst 40, one of the first automobiles built in Canada, was the only model they produced as the financial instability of the company caused it to only operate for one year. The building was briefly occupied by the Canadian Glass Company Limited and then eventually was taken over by the canning factory.

After the canning factory, uses included a lumber yard and a waste management facility until the Sobey's was built in 2002. All the structures associated with the former canning factory and the Two-in-One Auto Company were demolished. Seven of the original homes that



fronted Sandwich Street have also been demolished with only two remaining (see Appendix 2).

The subject lands are not designated under the Ontario Heritage Act (OHA), and are not listed in the Town of Amherstburg Municipal Heritage Register. (A listed property allows the municipality to delay the intent to demolish a property for 60 days to decide if they want to pursue designation under the OHA).

The historic residential uses of the surrounding area between Elm Street and Fort Street have also seen change. Since 1917, four homes were demolished for the expansion of General Amherst High School. Two homes were demolished at the northwest corner of Maple Street, one lot remains vacant, and the other contains an office building. The development of the Rexall Plus/walk-in-clinic resulted in the demolition of two residential homes along with a low rise apartment building, (see Appendix 2).

There are no adjacent properties that are designated under the Ontario Heritage Act, or listed in the Town Amherstburg Municipal Heritage Register.

1.3 PROPOSAL

Appendix 3, is a Concept Plan which demonstrates how the drive-through restaurant can be located on the lands. The proposed plan shows the existing 3741 m² (40,000 sq ft.) Sobeys and the proposed one-storey:

- 217.3 m² (2339 sq. ft.) take out restaurant building;
- 38.2 m² (411.2 sq.ft.) outdoor patio at the front of the building;
- 211 parking spaces;
- 20.5 m (67.25 ft.) front yard setback;
- 6.30 m (20.67 ft.) interior side yard abutting the existing single detached residence zoned Residential Office (RO) and landscaping in this yard;
- 19.62 m (65.4 ft.) interior side yard abutting the existing Rexall/walk-in-clinic zoned Commercial General (GC-7);
- existing landscaping and pylon sign fronting on Sandwich Street South and landscape strips along Fort street and abutting the Rexall/walk-in-clinic;
- concrete sidewalks connecting the entrances to the building from the public sidewalk;
- enclosed waste material disposal at the rear of the building;
- order board located at the rear of the waste material disposal;
- reconfigured driveway; and

- six car queuing aisle and 8 parking spaces on both sides of the queuing aisle.

The area proposed for the building, queuing aisle, parking and landscaped area is currently occupied by part of the access driveway, a parking aisle, a 6 m (19.68 ft.) grassed landscape strip and 34 parking spaces.

Drive-through restaurants and other forms of drive-through have become a welcome convenience for the travelling public at appropriate locations. The drive-through has become a part of the fabric of commercial uses in Ontario Municipalities of various sizes. The following sections together with the historical analysis demonstrates that the Sobeys location provides a suitable site for a drive-through restaurant.

An Official Plan Amendment and a Zoning By-law Amendment is required. An amendment to the site plan/development agreement that applies to the Sobey's land is also required to facilitate the addition of the drive-through restaurant to this site.

2.0 PLANNING ANALYSIS

2.1 PROVINCIAL POLICY STATEMENT 2014 (PPS)

The PPS, issued under the authority of Section 3 of the Planning Act provides policy direction on matters of provincial interest related to land use planning in order to ensure efficient, cost-efficient development and the protection of resources. All planning applications are required to be consistent with applicable policies.

The general land use framework for the subject lands has been established by the General Commercial designation in the Town's Official Plan and the Commercial General (CG) Zone that currently apply to the lands. The proposal is consistent with applicable PPS policies as follows:

- The proposed drive-through restaurant provides a contemporary design that makes efficient use of the subject lands (policies 1.1.1 a), 1.1.1 e), 1.1.3.2 a));
- The drive-through design improves accessibility for persons with motor disabilities and elderly individuals challenged by motor impairments (policy 1.1.1 f));
- The subject lands are within a designated settlement area (policy 1.1.3.1);
- The site is an appropriate location, suitable for intensification, taking into account the existing commercial uses in the area and that full municipal services are available. (Policies 1.1.3.2 b), 1.1.3.3);

- Development standards are expressed in the Town's Official Plan, Zoning By-law, Development Manual, by advice from various Advisory Committees and through the Site Plan Approval Process. The Amherstburg Official Plan contains special policies which are intended to preserve built heritage and promote high-order urban design. The policies permit a broad range of commercial uses, but prohibit drive-through facilities and drive-through restaurants. Provided that the proposal can address Official Plan criteria to support an Official Plan Amendment and Zoning By-law Amendment including compatibility, site suitability, built heritage preservation and adequate setbacks, the proposal is consistent with the Town's development standards (policy 1.1.3.4);
- The proposed drive-through restaurant will enhance the viability of Sandwich Street, the main commercial corridor, in Amherstburg (policy 1.7 c); and
- Based on the historical land use analysis the subject lands and adjacent lands do not have significant built heritage resources and significant cultural heritage landscapes that could be conserved (policy 2.6).

The proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the applicable PPS policies 1.1.1 a), 1.1.1 e), 1.1.1 f), 1.1.3.1, 1.1.3.2 b), 1.1.3.3, 1.7 c. and 2.6. Provided that development of a drive-through restaurant on the subject lands can be demonstrated to not adversely affect built heritage attributes and the gateway policies in the Official Plan, the proposal is consistent with the Town's development standards policies (policy 1.1.3.4).

2.2 COUNTY OF ESSEX OFFICIAL PLAN

The subject lands are designated Primary Settlement Area on Schedule 'A2' – Land Use in the County of Essex Official Plan. Applicable policies are found in Sections: 1.3.4 Cultural Heritage; 2.7 Cultural Heritage and Archaeological Resources; 3.2.4 Primary Settlement Areas; 3.2.6 General Settlement Area Policies; and 3, 2, 7 Intensification & Redevelopment.

Policy 3.2.4 a) identifies the Urban Area of Amherstburg as a Primary Settlement Area. Policy 3.2.4.1 a) identifies Primary Settlement Areas as the focus of growth and public/private investment. Policy 3.2.4.1 d) requires new development in Primary Settlement Areas to occur on full municipal services. Policy 3.2.4.1 h) allows all types of land use within the Settlement Areas designation subjected to specific land use policies of the local Official Plan. Policy 3.2.4.1 i) encourages cost effective development patterns and those which minimize land consumption. Land use which cause environmental, heritage preservation or public health and safety concerns must be avoided. Policy 3.2.4.1 j) supports universal physical access. Policy 3.2.6 g) v) requires maintaining the well-being of downtowns and main-streets to contribute to long-term economic prosperity. Section 3.27 encourages well-planned

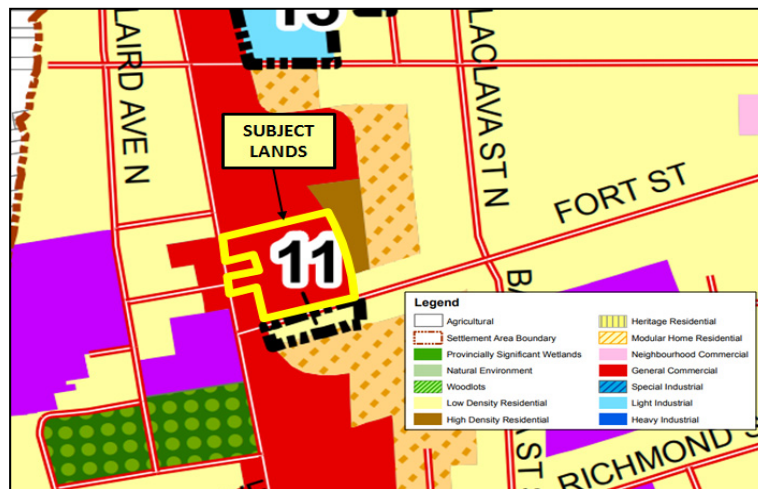
intensification development projects in settlement areas. Section 3.27 also requires new development in older established areas of historic, architectural, or landscape value, in a manner consistent with the overall character of these areas.

The proposal is in an established commercial area in a fully serviced Primary Settlement Area and the proposed land use is permitted in Settlement Areas subject to local Official Plan policies. The proposal minimizes land consumption and will not cause environmental, heritage preservation or public health and safety concerns. The proposal supports physical access for challenged individuals and will contribute to economic well-being. The proposal is generally in conformity with the County Official Plan, provided the Amherstburg Official Plan and Zoning By-law are amended to allow the drive-through restaurant. No County Official Plan Amendment is required.

2.3 TOWN OF AMHERSTBURG OFFICIAL PLAN

The subject lands are designated ‘General Commercial’ on Schedule B-2 in the Town of Amherstburg Official Plan (see Figure 4). The Official Plan, as amended, was adopted by Council on April 14, 2009, and came into effect on February 3, 2010, pursuant to Ontario Municipal Board approval.

Figure 4 – Town of Amherstburg – Schedule B-2



The subject lands are designated General Commercial on Schedule B-2 in the Town of Amherstburg Official Plan. Applicable policies are found in Sections 4.4.2 General Commercial Areas and 4.4.3 Special Policy Areas.

A broad range of commercial establishments serving the whole of the municipality's market area are permitted (paragraph 1, under 4.4.2 General Commercial Areas). However, drive-through restaurants or other drive-through establishments are restricted to locations on Sandwich Street, north of Alma Street or South of Pike Street (paragraph 6 under 4.4.2 General Commercial Areas). Buffering in the form of planting (grass strips, beams, screening or distance) is required between commercial use and any adjacent residential areas. Reduction in the number of driveways along Arterial Roads (Sandwich is a designated Arterial Road) is promoted (paragraph 7 under 4.4.2 General Commercial Areas).

Commercial Special Policy Areas apply (Section 4.4.3). The subject lands have a dual designation of Office Residential and General Commercial (Commercial Special Policy Areas, 4.4.3b)). The general area is described as having "historic character" and a "Gateway to Amherstburg". Within this area additional landscaping and special attention is to be given to lighting, fencing, and location of garbage disposal at site plan approval. The policy includes Council seeking the advice of the Heritage Committee regarding matters related to building elevation.

There are a number of permissive policies (Council may) including:

- Setback no less than 6 m (20 ft.) minimum and no more than 15 m (50 ft.);
- Minimum elevation at 6 m (20 ft.) setback from front lot line of 6 m and a maximum of up to 15 m (50 ft.);
- Enhanced landscaping as part of site plan approval that deciduous trees be planted in the boulevard having 2 m (6 ft.) clear stem and head room for pedestrians and cyclists; and
- Minimum buffer or landscape strip of 3 m (10 ft.) along Sandwich Street and 20% of landscaping be woody plant material.

No Official Plan Amendment is required should Council find the proposed setbacks suitable for the development.

One prescriptive policy (Council shall....) requires fencing or dense hedge material to obscure front yard parking. Chain link or wood construction fencing is not permitted unless fully screened.

Section 6.7 Planning Impact Analysis requires evaluation to determine the appropriateness of changes to the Official Plan and to identify measures needed to reduce any adverse impacts on surrounding land uses. The proposal satisfies planning impact analysis criteria as follows:

- The existing and future land use on the site and adjacent land uses on the east side of Sandwich Street in this area is commercial use; the proposed drive-through restaurant will have no impact on the character of and stability of the uses in the surrounding

neighbourhood or the prevalent urban form, streetscape features and future development in the area;

- The proposed separation distance of 6.3 m (20 ft.) between the drive-through restaurant and the adjacent residence, zoned Residential Office (RO), combined with the existing mature vegetation associated with the existing residence, enhanced landscaping associated with the drive-through, blank wall on the side facing the residence and the location of the order box, driveway and pick-up windows will mitigate adverse impacts on the adjacent residence from traffic noise and lights;
- Separation distance between the proposed facility is approximately 60 m (200 ft.) from residential/retail development at the intersection of Sandwich Street and Fort Street; and approximately 50 m (164 ft.) from residences on the west side of Sandwich Street at Elm Street and approximately 70 m (230 ft.) from residences on the north side of the Rexall/walk-in-clinic. The proposed drive-through restaurant will have no impact on these residences;
- Desirable existing landscaping fronting on Sandwich Street will be retained, and enhanced;
- The proposed 217.3 m² (2,339 sq. ft.) one-storey building is in scale with adjacent buildings; the building location is setback from the adjacent residence and will be screened from the residence by existing mature trees and proposed additional landscaping; the setback from Sandwich Street and retaining existing landscaping maintains the Sandwich Street streetscape;
- The size and shape of the land on which the proposed development is to be located can accommodate the proposed use; there is sufficient area for the building, landscaping, driveway, walkways, parking and waste disposal;
- The existing access from Sandwich Street will be configured in accordance with municipal standards to accommodate the proposed drive-through facility; no impact on pedestrian and vehicular safety is anticipated;
- The proposal is to construct a restaurant brand building which has been demonstrated in many municipalities to integrate with a variety of land uses;
- Details regarding the provision of landscaping, fencing, waste disposal facilities, and signs will be addressed at site plan approval.

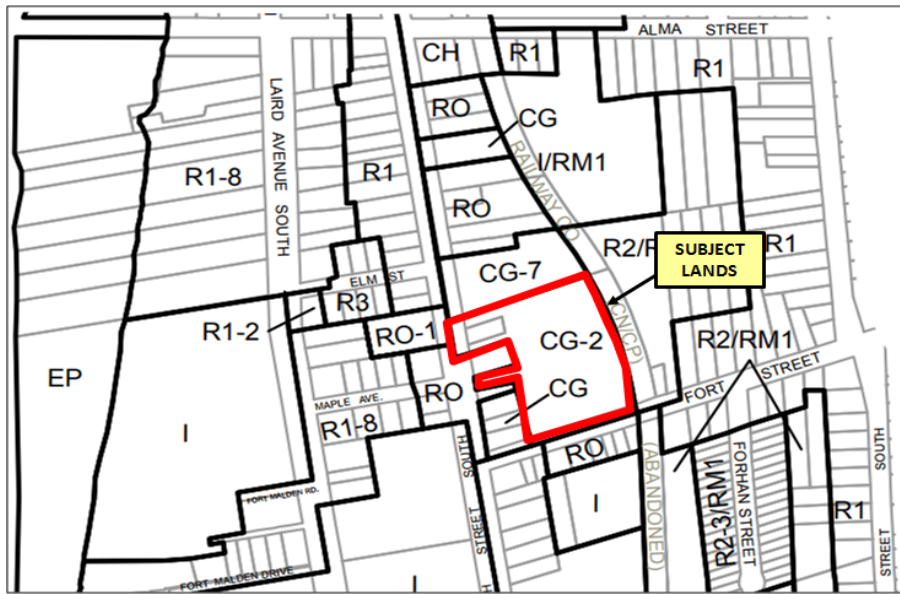
The land use and historical analysis demonstrate that the proposed drive-through restaurant is in an area that is commercial in character and is not in an established area of historic, architectural or landscape value. The commercial character of the area is not expected to change over the long term. The proposed use is compatible with abutting uses, provided mitigation measures are incorporated into the site plan to address noise, lights and visual impacts.

An Official Plan Amendment is required to allow the proposed drive-through restaurant. An application for the amendment will be subject to the review of the Amherstburg Heritage Committee.

2.4 TOWN OF AMHERSTBURG BY-LAW 1999-52

The subject lands are zoned General Commercial 2 (CG-2 (Supermarket and Associated Retail) in the Town of Amherstburg Zoning By-law No. 1999-52, as amended (see Figure 5).

Figure 5 – Town of Amherstburg – Zoning by-law



The CG-2 (Supermarket and Associated Retail) Zone is a special provision found in Section 15 (4) (b) of By-law 1999-52. The permitted uses are the uses permitted in the General Commercial (CG) Zone (Section 15(2)). Drive-Through Restaurant is not a permitted use. We note that Drive-through Facility is a permitted use, among a broad range of commercial uses, notwithstanding the prohibition of Drive-Through Facility in the Official Plan. Restaurant and Restaurant, Fast Food are also permitted. The CG Zone appears to have been amended to add Drive-Through Facility as a permitted use by By-law No. 2012-65.

The following Special Provisions apply to the CG-2 zone:

- Frontage on Sandwich Street - 30 m contiguous
- Front Yard Depth (Minimum) - 6.0 m from Sandwich Street
- Interior Side Yard Width (Minimum) - 7.0 m
- Exterior Side Yard Depth (Minimum) - 3.0 from Fort Street
- Rear Yard Depth (Minimum) - 7.0 m

- Minimum Widths for Landscaped Planting Streets Abutting Sandwich Street - 6.0 m
Abutting Fort Street - 3.0 m
Abutting East Boundary - 0.0 m
Abutting existing residential Interior Side Yards - 6.0 m
Abutting all other boundaries - 3.0 m
- Loading Spaces Required - 1
- Location of Parking
Access and limited front yard parking shall be permitted on Part Lots 14 and 15, subject to the required landscaped planting strips as provided for in Subsection (vi) of B-law 2001-58. No access will be permitted from Part Lot 12. (Note: Location of parking is not applicable to this application)
- Lot Area - 1.5 hectares

Required parking for a Drive-Through Restaurant is 1 space per 10 m² plus 6 queuing spaces in advance of each drive-through window or service outlet (Section 21 c). Parking spaces for the outdoor patio are required at the same ratio as for restaurants (Section 20 f), which is 1 space per 15 m² (107.64 sq. ft.) (Section 21 c). Required parking for the Food Store is 1 space per 25 m² (269 sq. ft.). The Sobeys has adequate parking to accommodate the proposed drive-through restaurant and the existing supermarket.

Setback requirements for the drive-through restaurant is a minimum distance of 10 m from any boundary of a Residential Zone measured from any part of associated buildings or structures including speakers and menus/display boards, to the nearest point along the Residential Zone boundary.

Required Amendments include a Special Provision to permit the Drive-Through Restaurant as an additional use on the Sobeys and a special regulation to permit a 6.3 m (20 ft.) interior side yard adjacent the residence.

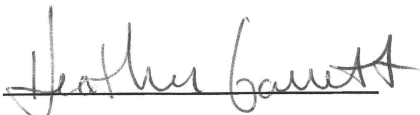
3.0 CONCLUSION

The proposed Official Plan and Zoning By-law Amendment provides the basis for the proposed Site Plan. The proposed use is a logical addition to an established commercial area.

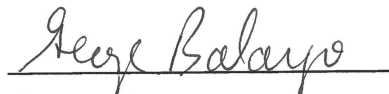
Land use and historical analysis demonstrates that the subject land is located in, and has evolved from, a residential area to a predominantly commercial area. The historic character is not evident and consequently the broad application of this policy in this area to protect historic character is no longer appropriate.

Municipalities must articulate cultural heritage value and specify the features and attributes to be protected. An Official Plan policy that states “protect historic character” and “maintain the historic small town appearance” to such a large and diverse area is vague, confusing and gives no direction on how to manage change. The Policy offers little protection. The properties identified within the corridor are not designated under Part IV, V or VI of the Ontario Heritage Act, nor are they listed on the municipal registry. This has left the once stable residential neighbourhood and streetscape vulnerable to inappropriate alteration, infill and demolition.

The proposal is the intensification of an underutilized commercial parcel which is consistent with the policies of the Provincial Policy Statement, the County of Essex Official Plan, and the Town of Amherstburg Official Plan, and is appropriate and desirable for the subject lands, and represent good planning.



Heather Garrett, *Dipl. Urban Design, B.A., CPT*
Senior/ Heritage Planner

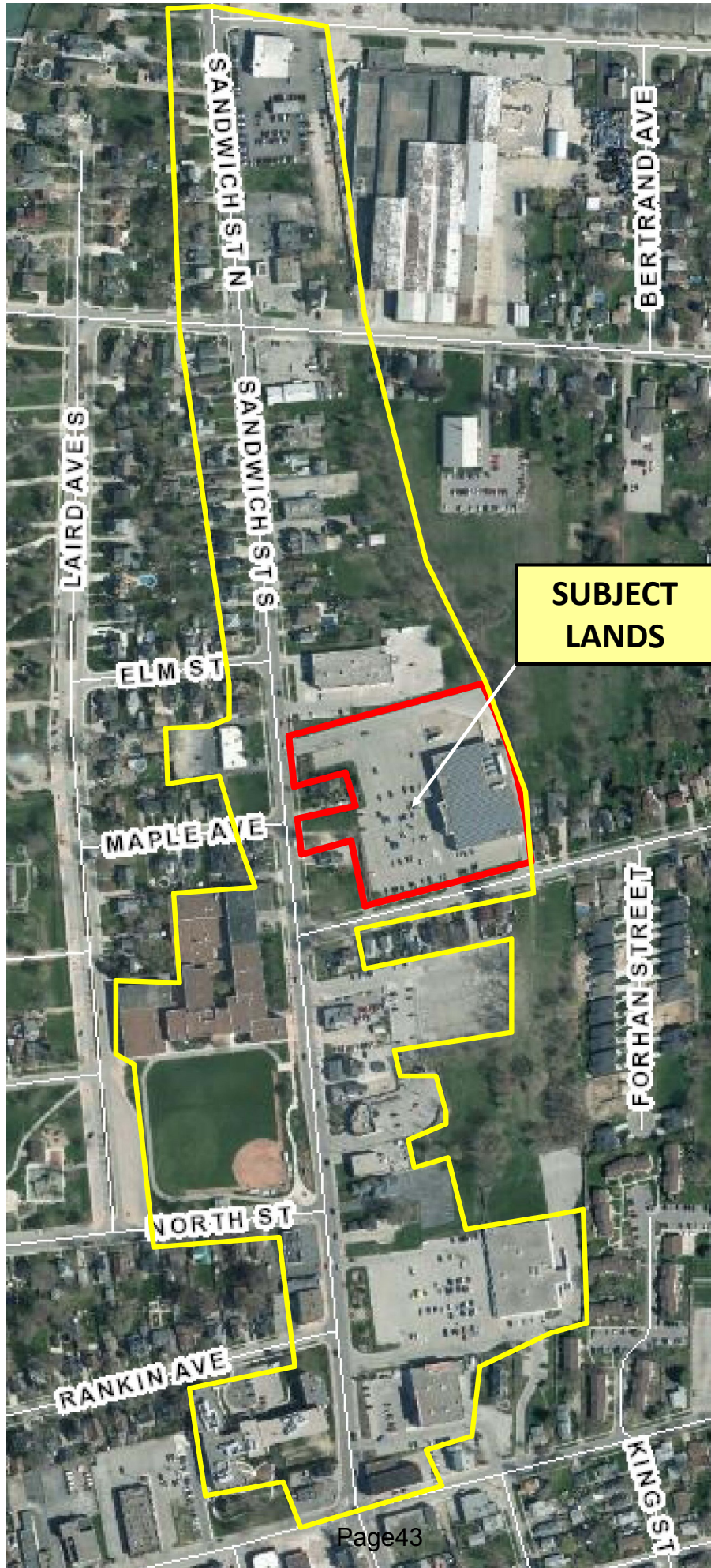


George Balango *BES, MCIP, RPP*
Senior Planner

Note: This report is based on information available to us at the time of preparation. It does not include information provided from circulated agencies or the public.

Appendix 1 -3

Appendix 1 – Subject Lands and Lands to the North and South

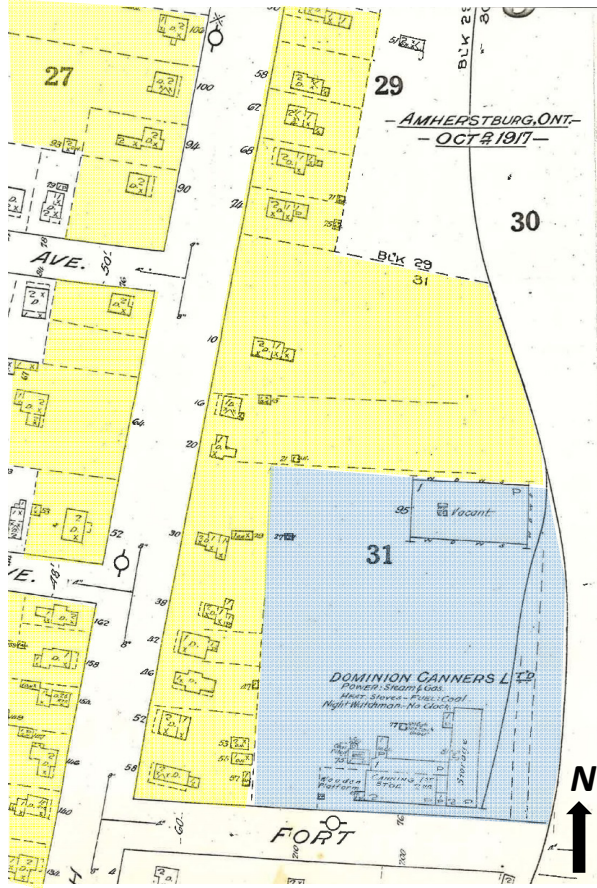


Appendix 1 – Land Use Chart - Subject Lands and Lands to the North and South

Single Detached Dwelling	St. Arnaud Street		
Single Detached Dwelling	Sandwich Street	Joe Meloche Ford Car Dealership	
Single Detached Dwelling			
Single Detached Dwelling			
Single Detached Dwelling			
Single Detached Dwelling		Vacant Lot	
Single Detached Dwelling		Shooter's Roadhouse	
Single Detached Dwelling			
Single Detached Dwelling			
Single Detached Dwelling		Shell Gas Station/Convenience Store	
Single Detached Dwelling			
Single Detached Dwelling			
Single Detached Dwelling			
Alma Street			
Single Detached Dwelling	Sandwich Street	Plaza - Village Shoppe	
Single Detached Dwelling			
Single Detached Dwelling			
Single Detached Dwelling		Law Office (converted Single Detached Dwelling)	
Single Detached Dwelling			
Single Detached Dwelling		Single Detached Dwelling	
Single Detached Dwelling		Amherstburg Dental	
Single Detached Dwelling			
Single Detached Dwelling		Law Office/Rags to Riches	
Single Detached Dwelling		Single Detached Dwelling	
Single Detached Dwelling		Single Detached Dwelling	
Single Detached Dwelling		Single Detached Dwelling	
Single Detached Dwelling		Single Detached Dwelling	
Single Detached Dwelling		Single Detached Dwelling	
Elm Street		Rexall/Walk-in-Clinic	
Single Detached Dwelling		Sobey's Food Store	
Single Detached Dwelling			
Office		Single Detached Dwelling	
Vacant Lot			
Maple Avenue		Vacant	
Single Detached Dwelling		Vacant	
Single Detached Dwelling		Flower & Gift Shop(converted Single Detached Dwelling)	
		Mixed use building - ground floor commercial/residential Units above	
General Amherst High School		Fort Street	
		Single Detached Dwelling	
	Parking Lot		
	Maria's Restaurant		
	Parking Lot		
Bill Wigle Park	Dentist Office/Financial Investment		
	Domino's Pizza		
	McDonald's Restaurant		
	Bell Utility Building		
	Dentist Office		
North Street			
Retail Plaza	Take-out Restaurant (converted Single Detached Dwelling)		
Retail Plaza	No Frills Food Store		
Rankin Avenue			
Richmond Terrace – Seniors Residents	Shopper's Drug Mart		
Medical Office	Hair Salon		
Naples Pizza	Mixed use building - ground floor commercial/residential Units above		
Richmond Street			

Appendix 2 - Neighbourhood Land Use

1917



2000



Current



- Residential
- Office
- Light Industrial
- Commercial
- Institutional
- Vacant

▲ Existing single detached house converted to commercial use

■ New building with commercial on the ground floor/residential units above.

This drawing shall not be used for construction unless it is accompanied by the CONSULTANT.

MAR.10/03 SITE PLAN APPROVAL
DEC.23/02 SITE PLAN APPROVAL
NOV.07/02 SITE PLAN APPROVAL
NOV.05/02 SITE PLAN APPROVAL
OCT.25/02 SITE PLAN APPROVAL

Date: Issued For:
A A DETAIL NUMBER
B B LOCATION SHEET
C C DETAIL SHEET

All drawings, specifications and other related documents shall be read in conjunction with the CONSULTANT and shall be returned upon request. Reproduction of contents and related documents without permission of the CONSULTANT. The contractor shall check and verify all dimensions and quantities before construction. Discrepancies shall be reported to the CONSULTANT before proceeding with the work.

Project:
AMHERSTBURG SHOPPING PLAZA

AMHERSTBURG, ONTARIO
Drawing Title:
SITE PLAN

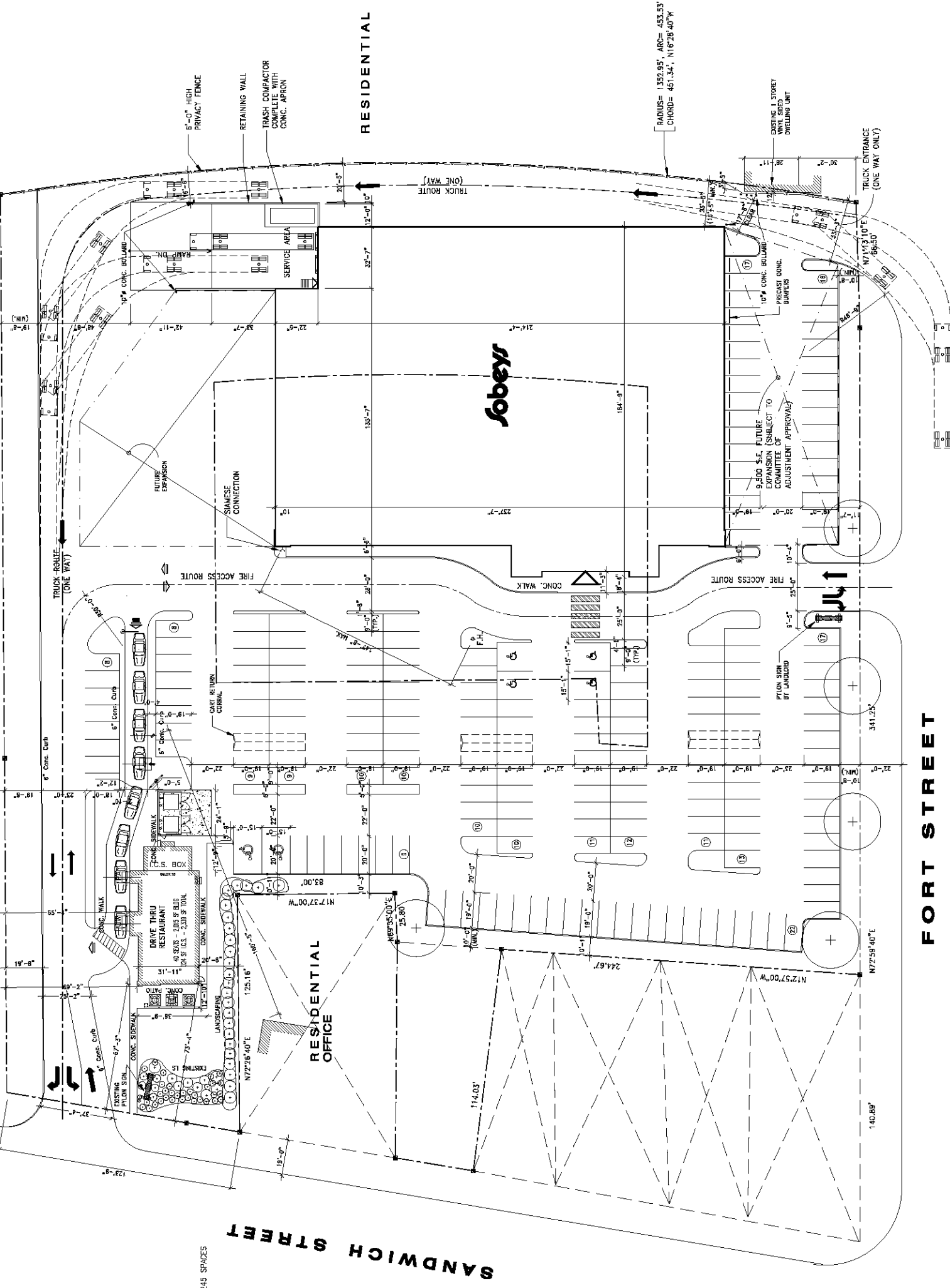
Date: JAN. 3/2017
Scale: AS SHOWN
Drawn By: J.B.
Checked By:
Project No.: 01-1853
Drawing No.:

RESIDENTIAL

RESIDENTIAL

FORT STREET

SANDWICH STREET



SITE DATA:

SITE AREA: 5.18 ACRES
225,848 SQ.FT.

BUILDING AREA:

EXISTING FOOD STORE 40,000 SQ.FT.
FUTURE EXPANSION 20,175 SQ.FT.
NEW DRIVE THRU 2,339 + 88 SQ.FT. (TOTAL INC PART)
TOTAL 62,602 SQ.FT.

PARKING REQUIRED: (TOWN OF AMHERSTBURG BY-LAW, SECTION 3)
ALL COMMERCIAL OCCUPANCIES LISTED ABOVE REQUIRE MIN. 1 SPACE PER 289 SQ.FT.
ALL RESTAURANT OCCUPANCIES LISTED ABOVE REQUIRE MIN. 1 SPACE PER 107 SQ.FT.

CURRENT RECORD	FUTURE EXPANSION RECORD	NEW DRIVE THRU	TOTAL RECORD
40,000 = 149 SPACES	10,491 = 75 SPACES	2,427 = 23 SPACES	1,494+75+23 = 248 SPACES
289	107		

PARKING PROVIDED:
CURRENT PROVIDED: 211 SPACES

Note: Parking configuration based on lands acquired to date.



SITE PLAN
SCALE: 1" = 30'-0"

ORIGINAL SITE PLAN AS PER THE DESIGN OF LAKESHORE GROUP.

Sources

Planning Documents:

Provincial Policy Statement 2014;

Ontario Heritage Act, R.S.O. 1990, c.O.18;

County of Essex Official Plan, 2014 as modified by MMAH April 28, 2014;

Town of Amherstburg Official Plan, as amended, was adopted by council on April 14, 2009, and came into effect on February 3, 2010, pursuant to Ontario Municipal Board approval; and

Town of Amherstburg Zoning By-law No. 1999-52, as amended.

Historical Background:

Amherstburg 1796 – 1996 - The New Town on the Garrison Grounds, Amherstburg Bicentennial Book Committee, 1997, Pages 391-392;

Article – The History of Canadian Cannery Limited 1903-1986, Louise Elder, Ph.D., Page 77; and

Article – Canadian Two-in-One Auto Co., Amherstburg 1912-1915, Windsor Public Library.

Figures:

One – Essex Region Conservation Authority (ERCA) Aerial photography, 2017;

Two – Courtesy of the Marsh Collection Society;

Three – Personal Collection H. Garrett (originally Town of Amherstburg);

Four – Schedule B-2 - Town of Amherstburg Official Plan, as amended, was adopted by Council on April 14, 2009, and came into effect on February 3, 2010, pursuant to Ontario Municipal Board approval; and

Five – Schedule “A” Map 37 - Town of Amherstburg Zoning By-law No. 1999-52.

Appendix:

One - Essex Region Conservation Authority (ERCA) Aerial photography, 2017:

Two - Personal Collection H. Garrett (originally Town of Amherstburg) and ERCA Aerial photography, 2017; and

Three – Concept Plan – SPL-1 – Jan 3/2017/Elevations.



regs@erca.org
P.519.776.5209
F.519.776.8688

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

April 25, 2018

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

Dear Ms. Belanger:

RE: Applications for Official Plan and Zoning By-law Amendment OPA-ZBA
83 SANDWICH ST S
ARN 372926000002300; PIN: 705530101
Applicant: Mikhail Holdings Ltd

The following is provided for your information and consideration as a result of our review of the Notice of Public Meeting to Consider Applications for Official Plan Amendment OPA and Zoning By-law Amendment ZBA.

NATURAL HAZARD POLICIES OF THE PPS, 2014

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

WATER RESOURCES MANAGEMENT

We would recommend that the municipality ensure that the release rate for the future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and any other Municipal requirements (e.g., Development Standards Manual). We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality.

We do not require further consultation on this file with respect to stormwater management.

Ms. Belanger
April 25, 2018

NATURAL HERITAGE POLICIES OF THE PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Official Plan Amendment or Zoning By-law Amendment.

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

Sincerely,



Corinne Chiasson
Resource Planner
/cor





**83 SANDWICH STREET
AMHERSTBURG, ONTARIO
CONCEPTUAL ELEVATIONS**

04/10/18
SKEO 1



**"Old Chicago"
Premier Plus
Size Brick**

**Asphalt
Shingles**

**Hardi Plank
Exterior
Board and
Trim**

**White
Aluminum
Storefront**

**Painted
Cornice**

Limestone Sill

**Painted
Cornice**

**"Old Chicago"
Premier Plus
Size Brick**



Limestone Sill

CONCEPTUAL ELEVATIONS - NOT FOR CONSTRUCTION

FINAL ELEVATIONS MUST BE REVIEWED AND APPROVED BY THE WENDY'S COMPANY PRIOR TO PROCEEDING WITH DESIGN/WORKING DRAWINGS
VERIFY EXISTING CONDITIONS - ELEVATIONS MAY NEED TO BE ADJUSTED ACCORDING TO ACTUAL BUILDING CONDITIONS



**83 SANDWICH STREET
AMHERSTBURG, ONTARIO
CONCEPTUAL ELEVATIONS**

04/10/18

SKE02



CONCEPTUAL ELEVATIONS - NOT FOR CONSTRUCTION

FINAL ELEVATIONS MUST BE REVIEWED AND APPROVED BY THE WENDY'S COMPANY PRIOR TO PROCEEDING WITH DESIGN/WORKING DRAWINGS
VERIFY EXISTING CONDITIONS - ELEVATIONS MAY NEED TO BE ADJUSTED ACCORDING TO ACTUAL BUILDING CONDITIONS