

Tuesday, November 22, 2016, 5:30 pm
Tecumseh Town Hall
www.tecumseh.ca

Pages

1. CALL TO ORDER

2. ROLL CALL

3. DISCLOSURE OF PECUNIARY INTEREST

4. INTRODUCTION AND PURPOSE OF MEETING

The purpose of the meeting is to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*. An application has been filed with the Town requesting that the Sandwich South Zoning By-law 85-18 be amended by changing the zoning on a 1.5 hectare (3.8 acre) property located on the west side of Manning Road/County Road 19 (1855 Manning Road), approximately 190 metres south of its intersection with Jamsyl Drive, from “Industrial Zone (M1)” to a site-specific “Industrial Zone (M1)”. This rezoning will add “commercial recreation facility” as a permitted use on the property, in addition to all the uses currently permitted in the general M1 Zone. The proposed rezoning will permit a fitness class facility to operate from a portion of the existing main building that is located on the subject property. The subject property is designated “Business Park” in the Sandwich South Official Plan.

5. DELEGATIONS

- a. Jeff Sylvestre, JSNC Holdings Inc.

6. COMMUNICATIONS

- a. Notice of Public Meeting, October 26, 2016 2
Re: Proposed Zoning Bylaw Amendment, 1855 Manning Road
- b. Manager Planning Services, October 20, 2016, Report No 33/16 3
Re: Zoning By-Law Amendment 1855 Manning Road/County Road 19
- c. Essex Region Conservation Authority, November 1, 2016 14
Re: Zoning By-Law Amendment 1855 Manning Road

7. ADJOURNMENT

**TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING
PROPOSED ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, November 22nd, 2016 at 5:30 p.m.** in the Town Municipal Office Council Chambers at 917 Lesperance Road to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

An application has been filed with the Town requesting that the Sandwich South Zoning By-law 85-18 be amended by changing the zoning on a 1.5 hectare (3.8 acre) property located on the west side of Manning Road/County Road 19 (1855 Manning Road), approximately 190 metres south of its intersection with Jamsyl Drive (see Key Map below), from "Industrial Zone (M1)" to a site-specific "Industrial Zone (M1)". This rezoning will add "*commercial recreation facility*" as a permitted use on the property, in addition to all the uses currently permitted in the general M1 Zone. The proposed rezoning will permit a fitness class facility to operate from a portion of the existing main building that is located on the subject property. The subject property is designated "Business Park" in the Sandwich South Official Plan.

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

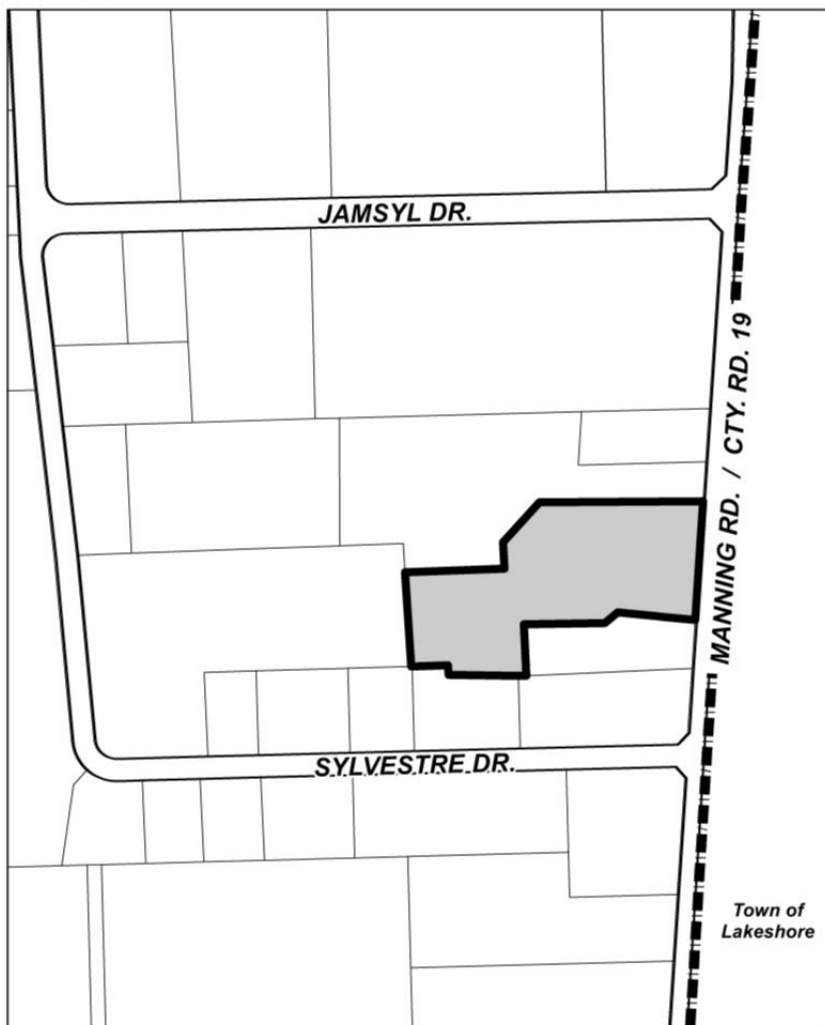
If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Council of the Corporation of Town of Tecumseh on the proposed Zoning By-law amendment, you must make a written request to the Corporation of the Town of Tecumseh, c/o Laura Moy, Clerk, at the mailing address noted below.

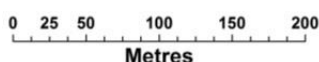
ADDITIONAL INFORMATION relating to this matter is available for review during regular office hours at the Town Municipal Office on Lesperance Road.


KEY MAP



DATED AT THE TOWN OF
TECUMSEH THIS 26TH DAY OF
OCTOBER, 2016.

LAURA MOY, CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO
N8N 1W9



 **Lands subject to proposed applications**



**THE CORPORATION OF THE
TOWN OF TECUMSEH**

**PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 33/16**

TO: Mayor and Members of Council

FROM: Chad Jeffery, MA, MCIP, RPP
Manager, Planning

DATE: October 20, 2016

DATE TO COUNCIL: October 25, 2016

SUBJECT: Zoning By-Law Amendment
JSNC Holdings Inc. (Mr. Jeff Sylvestre)
1855 Manning Road / County Road 19
OUR FILE: D19 1855MAN

RECOMMENDATIONS

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, November 22, 2016 at 5:30 p.m., in accordance with *The Planning Act*, for the application submitted by JSNC Holdings Inc. (Mr. Jeff Sylvestre) to amend the Sandwich South Zoning By-law 1746 by rezoning a 1.5 hectare (3.8 acre) property located on the west side of Manning Road / County Road 19 (1855 Manning Road), approximately 190 metres south of its intersection with Jamsyl Drive, from "Industrial Zone (M1)" to a site-specific "Industrial Zone (M1)", in order to permit the establishment of a "*commercial recreation establishment*", be authorized; and
2. A draft Zoning By-law Amendment for the lands be considered, subject to the resolution of any concerns being identified through the public consultation process and public meeting.

BACKGROUND

JSNC Holdings Inc. (Mr. Jeff Sylvestre) is the Owner of a 1.5 hectare (3.8 acre) property within the Sylvestre Business Park, located on the west side of Manning Road / County Road 19 (1855 Manning Road), approximately 190 metres south of its intersection with Jamsyl Drive. The eastern portion of the subject property abutting Manning Road / County Road 19 is currently occupied by a 14,613 square foot industrial building, along with three other industrial out-buildings to the rear of this building (see Attachment 1).

The Owner is proposing internal renovations to the 14,613 square foot building that will create four separate units within the structure. Three of the units, totalling 12,400 square feet, will be occupied by contractors, while the fourth unit, totalling 2,213 square feet, is proposed to be used for fitness classes that are booked by appointment. The Owner has advised that there will be eight 30-minute fitness classes per day with 10-15 participants per class. In addition, limited one-on-one training will be made available. The Owner has provided a site plan drawing that identifies the proposed building/unit layout along with the location of associated existing parking areas (see Attachment 2).

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The current "Industrial Zone (M1)" zoning that applies to the property does not specifically list the proposed fitness class use as a permitted use. Accordingly, the Owner has filed a Zoning By-law Amendment application with the Town to place the subject property into a site specific Industrial (M1) Zone that will permit a "*commercial recreation establishment*", as defined in the Sandwich South Zoning By-law 85-18, in addition to the uses currently permitted in the general M1 Zone. A "*commercial recreation establishment*" contemplates the proposed fitness class use, along with other types of recreation facilities, all of which are permitted by the subject property's current Official Plan designation.

COMMENTS

Provincial Policy Statement, 2014

The Planning Act establishes that Council, when making decisions that affect a planning matter, "shall be consistent with" the 2014 Provincial Policy Statement ("PPS") issued under *The Planning Act*. The PPS encourages and supports development on lands identified for urban growth in settlement areas. Relevant excerpts include:

"1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;*

"1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted."

Given that the PPS encourages and supports an appropriate mix of urban uses along with redevelopment on lands that are within settlement areas, the proposed amendment would be in keeping with the policy direction outlined in the PPS.

County of Essex Official Plan, 2014

The subject property is within a Primary Settlement Area as identified in the County Official Plan. The County Official Plan encourages urban development within identified settlement areas. The following goals and policies of the County Official Plan are of relevance in the assessment of the subject proposal:

"3.2.2 Goals

The following goals are established for those lands designated as Settlement Areas on Schedule "A1":

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

Based on the foregoing, the proposed application conforms to the County of Essex Official Plan.

Sandwich South Official Plan

The subject property is designated “Business Park” on Schedule “A-1” of the Sandwich South Official Plan (see Attachment 3). The Business Park policies encourage a variety of light industrial uses and commercial activities that can be appropriately integrated with the existing and proposed development pattern. In addition, public and private sports facilities are specifically identified as permitted uses within this designation. Accordingly, it is the opinion of the writer that the proposed use is in keeping with the intent of the “Business Park” designation of the Sandwich South Official Plan.

Sandwich South Zoning By-law 85-18

The subject property is currently zoned “Industrial Zone (M1)” on Map 3 of the Sandwich South Zoning By-law 85-18 (see Attachment 4). As noted, the applicant is proposing to rezone the property to a site specific “Industrial Zone (M1)”, which will specifically permit the proposed use in addition to the uses currently permitted in the general M1 Zone.

When evaluating a proposed zoning by-law amendment, Section 6.17 of the Sandwich South Official Plan provides policy guidance. Specifically, it is established that due regard shall be given to the following matters:

- i) *the physical suitability of the land to be used for the proposed use;*

Comment: The land is currently flat and developed with a number of buildings and parking areas which are suitable for the proposed use. The subject property has a large asphalted and gravelled parking area that will be able to accommodate the vehicular traffic generated by the proposed additional use.

In addition, the total parking provided on site meets the minimum requirements established in the zoning by-law for the uses proposed for the property.

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ii) *the adequacy of all required services;*

Comment: The subject property is serviced by municipal water and stormwater ditches. The Owner will be required to upgrade the on-site septic services on the property in accordance with the Ontario Building Code (refer to Building Services comments below). The Owner is aware of this requirement and has advised that this requirement will be addressed through the Building Permit approval process required as part of the aforementioned internal renovations.

iii) *the adequacy of the road system to accommodate the projected traffic volume increases;*

Comment: The subject property fronts onto a fully paved County Road. Based on the nature and size of the proposed fitness class facility and the fact that the site will provide the required number of parking spaces, it is not anticipated that the proposed use will cause traffic conflicts on County Road 19.

However, the applicant has been advised that the County of Essex will be consulted through the Zoning By-law Amendment process in order to obtain any comments/concerns the County may have with the proposed use/application.

iv) *the compatibility of the proposed use with existing and potential future uses in the surrounding area;*

Comment: The majority of the lands surrounding the subject property are industrial in nature. The proposed use will occur entirely indoors and it is believed that it will not cause incompatibility issues with the surrounding industrial uses or the Sylvestre Business Park as a whole.

v) *the need for the additional land to accommodate the proposed use/facilities.*

Comment: As noted above, the proposed internal renovations to the existing structure will facilitate the introduction of the proposed use at this location. No additional land is being developed to accommodate the proposed use.

Based on the foregoing, it is the opinion of the writer that the proposed Zoning By-law Amendment would be in keeping with the applicable policies of the Sandwich South Official Plan.

Building Services

The applicant will be required to have drawings and permits approved for the proposed internal renovations and on-site septic service improvements in accordance with the Ontario Building Code.

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Fire and Emergency Services

Fire and Emergency Services has advised that its concerns will be addressed through the Building Permit process as the Ontario Building Code will address issues related to fire protection.

Conclusion

Recreational facilities such as the one being proposed for the subject property are contemplated by the Official Plan. The nature of the use can be properly integrated within the existing land uses situated in the surrounding area. The buildings on the subject property have been underutilized for a number of years. The introduction of the proposed use is deemed reasonable and one that will optimize the use of the existing vacant building in a manner that is appropriate from a planning perspective.

In summary, it is the opinion of the writer, along with Town Administration, that the proposal warrants further consideration. A public meeting to consider the proposed Zoning By-law Amendment in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders, including the County of Essex. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications.

CONSULTATIONS

The application was reviewed at recent Planning Staff Review meeting(s) by:

Public Works and Environmental Services
Fire and Emergency Services

FINANCIAL IMPLICATIONS

There are no financial implications.

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LINK TO STRATEGIC PRIORITIES

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

COMMUNICATIONS

Not applicable

Website Social Media News Release Local Newspaper

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This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

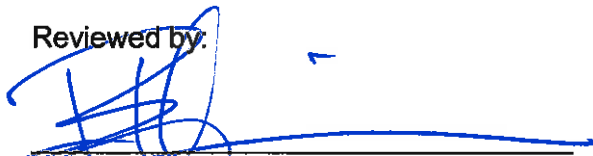
Prepared by:


Enrico De Cecco, BA (Hons), MCIP, RPP
Junior Planner

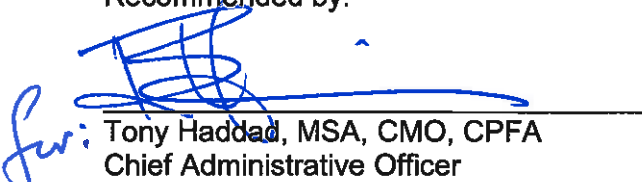
Prepared by:


Chad Jeffery, MA, MCIP, RPP
Manager, Planning

Reviewed by:


Brian Hillman, MA, MCIP, RPP
Director of Planning and Building Services

Recommended by:


Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

ED

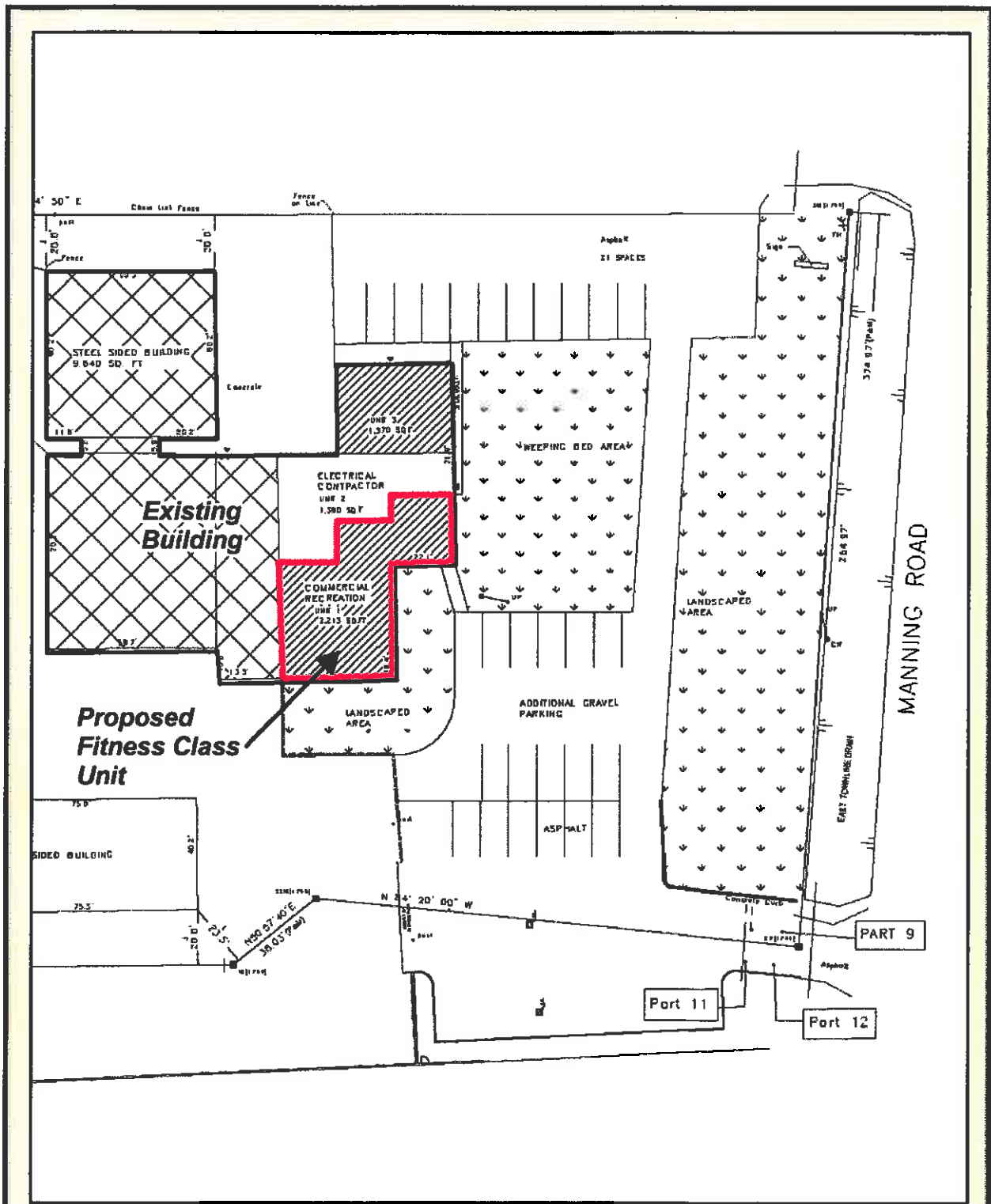
- Attachment(s):
1. Property Location and Surrounding Area Map
 2. Site Plan, Detail View
 3. Official Plan Map
 4. Zoning Map

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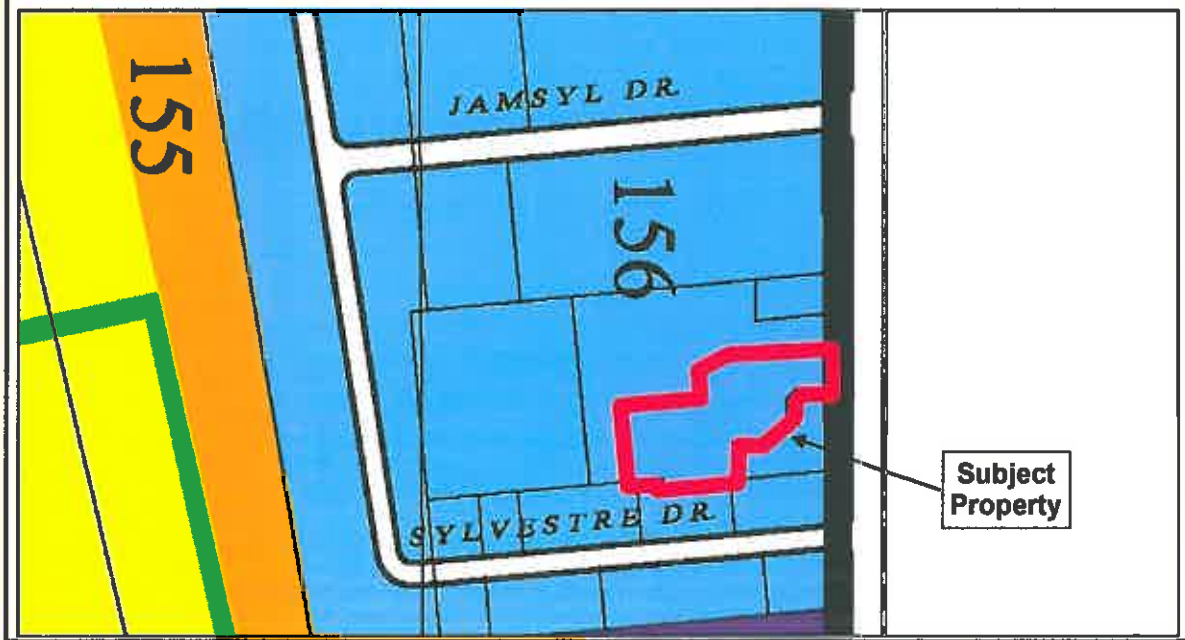
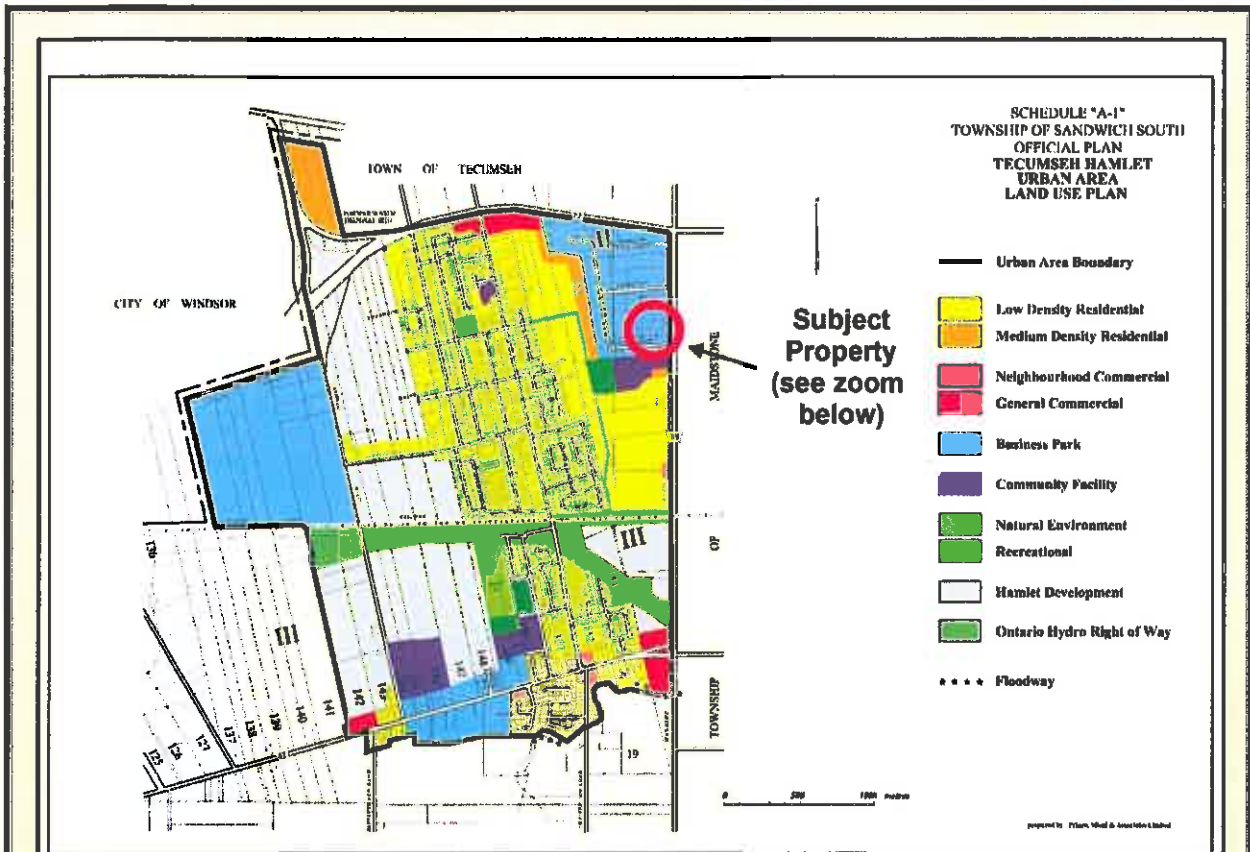



Prepared By:
Tecumseh Planning and
Building Services Department



Attachment 2
Zoning By-law Amendment
JSNC Holdings Inc.
1855 Manning Road
Site Plan, Detail View

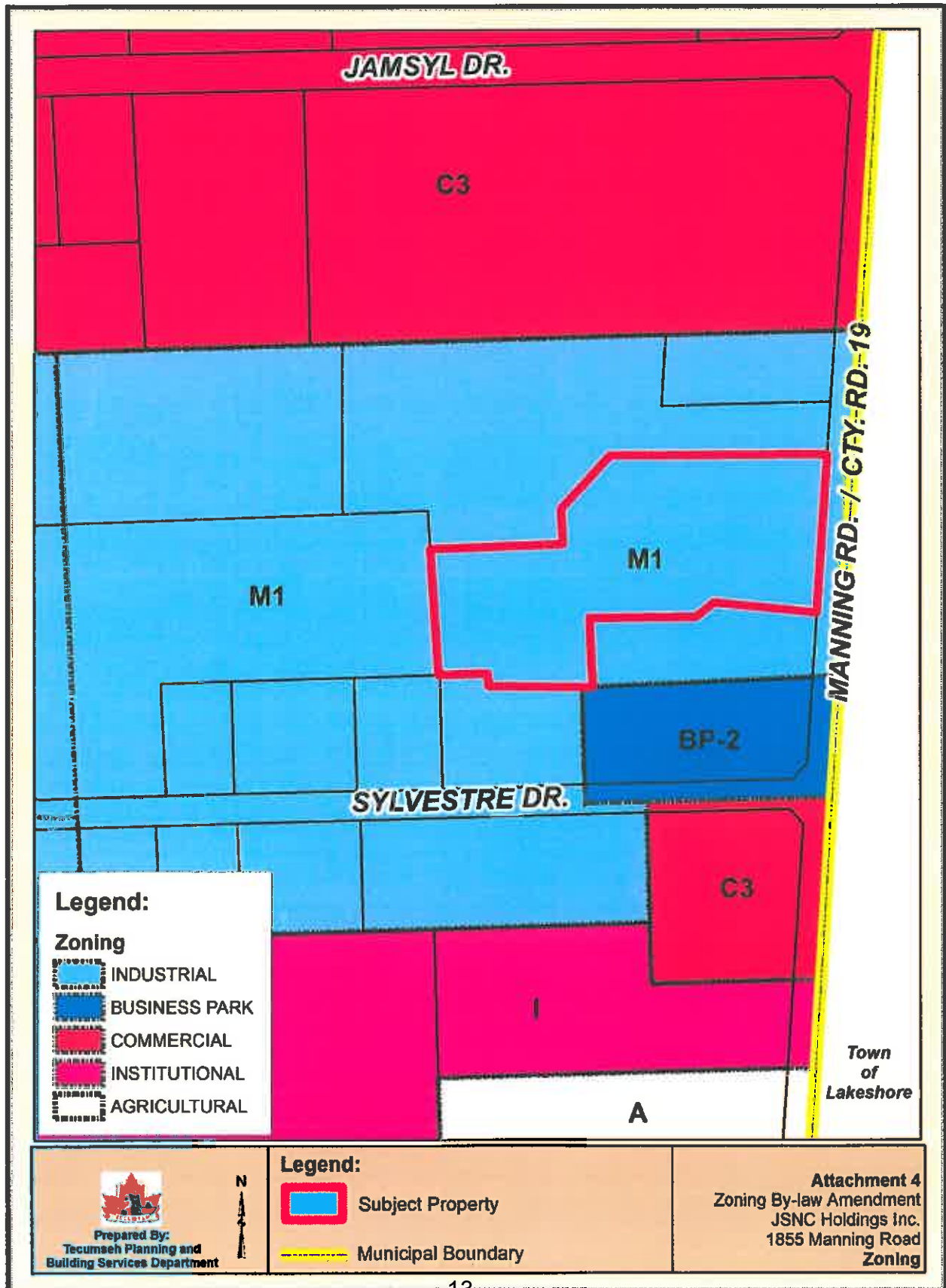
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 Prepared By:
 Tecumseh Planning and
 Building Services Department

Attachment 3
Zoning By-Law Amendment
JSNC Holdings Inc.
1855 Manning Road
Official Plan

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 Zoning By-Law Amendment
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Partner Municipalities

November 01, 2016

Town of Amherstburg

Town of Essex

Town of Kingsville

Town of Lakeshore

Town of Lasalle

Municipality of
Leamington

Township of Pelee

Town of Tecumseh

City of Windsor

Ms. Laura Moy, Clerk
Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9

Dear Ms. Moy:

RE: Zoning By-Law Amendment ZBA 1855 MANNING RD
ARN 374457000048350; PIN: 752440405
Applicant: JSNC Holdings Inc.

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA. We understand that the purpose of this application is to amend the current zoning of the subject property from 'Industrial Zone (M1)' to a site-specific 'Industrial Zone (M1)' which will allow the additional use of "commercial recreation facility". The applicants wish to utilize a portion of the existing main building for a fitness class facility.

SECTION 28 CONSERVATION AUTHORITIES ACT

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the East Townline Road Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

WATER RESOURCES MANAGEMENT

Our office has reviewed the proposal and has no concerns relating to stormwater management.

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.



Ms. Moy
November 01, 2016

FINAL RECOMMENDATION

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

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at mnelson@erca.org.

Thank you.

Sincerely,



Michael Nelson, *Watershed Planner*
/cor

