



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Planning & Building Services

**Date to Council:** July 14, 2020

**Report Number:** PBS-2020-21

**Subject:** Zoning By-law Amendment  
470698 Ontario Ltd. (Dalla Bona Construction)  
3455 North Talbot Road  
Scheduling of a Public Meeting  
OUR FILE: D19 3455NTR

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting in accordance with the *Planning Act*, for the application submitted by 470698 Ontario Ltd. (Dalla Bona Construction) to amend Sandwich South Zoning By-law 85-18 by rezoning a 1.0 hectare (2.4 acre) property situated on the south side of North Talbot Road, approximately 40 metres (130 feet) east of its intersection with Hennin Drive (3455 North Talbot Road), from “Industrial Zone (M1)” to a site-specific “Business Park Zone (BP)” in order to permit the addition of general/business offices, professional offices, a union hall, restaurants, craft industries/specialty workshops and retail sales as permitted uses, and establish site-specific yard/lot requirements, **be authorized**, once Council formally approves the holding of virtual public meetings.

### Executive Summary

A zoning by-law amendment application has been filed in order to facilitate the redevelopment of the property located at 3455 North Talbot Road. The proposed redevelopment involves the construction of an additional 1,954 square metres (21,035 square feet) of floor area to the existing 350 square metre (3,769 square foot) building resulting in a 2304 square metre (24,804 square foot) building that would be subdivided into multiple units. The uses proposed for these new units are not permitted by the M1 Zone which currently applies to the subject

property. The applicant is requesting that the Zoning By-law be amended to a site-specific Business Park Zone (BP) that would permit a limited range of commercial uses that would serve the surrounding manufacturing/construction industry and broader community. In addition, the site-specific BP zone would establish site-specific yard/lot requirements that would accommodate the proposed development.

## Background

An application has been filed with the Town to amend the Sandwich South Zoning By-law 85-18 for a 1.0 hectare (2.4 acre) property situated on the south side of North Talbot Road, approximately 40 metres (130 feet) east of its intersection with Hennin Drive (5470 Walker Road). The subject property currently contains a 350 square metre (3,769 square foot) building and associated parking area that was once occupied by the Township of Sandwich South municipal offices. With the exception of the Ciociaro Club institutional lands that abut the subject property to the east and south, the lands surrounding the subject property are industrial in nature and are zoned M1 (see Attachment 1).

470698 Ontario Ltd. (Dalla Bona Construction) ("the applicant") has filed an application in order to facilitate the redevelopment of the property through the construction of an additional 1,954 square metres (21,035 square feet) of floor area resulting in a 2304 square metre (24,804 square foot) building that would be subdivided into multiple units. The applicant has provided a preliminary site plan that illustrates the proposed redevelopment of the property (see Attachment 2).

The applicant is proposing that the uses intended to occupy the units will be those related to, or that would serve, the surrounding manufacturing/construction industry and where feasible the broader community. Accordingly, the applicant is proposing to rezone the subject property from "Industrial Zone (M1)" to a site specific "Business Park Zone (BP)" that will permit the following uses:

- general/business offices;
- professional offices;
- a union hall;
- restaurants;
- craft industries/specialty workshops; and
- retail stores, with a desire to provide retail related to the manufacturing/construction industry.

In addition, the site-specific BP zone would establish site-specific yard/lot requirements that will facilitate the proposed redevelopment of the site.

All development will be on full municipal services and site plan approval will be required prior to development proceeding.

## Comments

### Provincial Policy Statement

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2020 Provincial Policy Statement (“PPS”) issued under The *Planning Act*.

The following are the relevant excerpts from the PPS:

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

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;

- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

...

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

### 1.3.2 EMPLOYMENT AREAS

- 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.”

In summary, the PPS contemplates the types of uses being proposed within identified urban areas, particularly those areas identified for employment land purposes, subject to establishing the suitability of the proposed uses for the area.

## County of Essex Official Plan

The subject property is within an identified Primary Settlement Area of the County Official Plan. The goals and policies of the County of Essex Official Plan are very similar in nature to those found in the PPS insofar as they encourage a range of urban development within identified settlement areas, such as the Oldcastle Hamlet within the Town of Tecumseh. The one exception is that the County Official Plan contains some specific language as it pertains to Oldcastle.

The following are the relevant excerpts from the County Official Plan:

### “3.2.2 Goals

The following goals are established for those lands designated as settlement areas on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas;

...

- 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.

#### 3.2.4 Primary Settlement Areas

- i) Oldcastle Hamlet (Town of Tecumseh)

Oldcastle Hamlet has historically been the focus of manufacturing due in part to its proximity to the City of Windsor. The recent investment in sanitary services and the existing forms of development make it an ideal location to focus employment growth subject to the following policies:

- i) Oldcastle Hamlet shall be primarily developed with employment uses, while recognizing that limited opportunities may exist to expand upon the few existing residential clusters that are situated in the area. The local Official Plan will more specifically designate the lands in appropriate land use designations.

...

- iii) The local Official Plan shall contain policies to ensure orderly and appropriate development.
- iv) All new development shall be on full municipal sewage services and municipal water services.
- v) Cost effective development patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided."

##### 3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;

...

- d) All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

...

- h) All types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans.”

In accordance with the aforementioned goals and policies, the proposed development conforms to the County of Essex Official Plan.

### **Sandwich South Official Plan**

The subject property is designated “Business Park” on Schedule “A-2” of the Sandwich South Official Plan (see Attachment 3). The policies for the Business Park designation encourage a variety of light industrial uses including manufacturing, assembling, processing, fabricating and warehousing uses that can be appropriately integrated with the existing and proposed development pattern. In addition, a range of commercial uses are permitted, including: restaurants, wholesale establishments, offices, financial institutions, retail stores, retail warehousing and auto sales and service establishments.

Section 3.7 of the Official Plan contains the goals and policies for lands designated Business Park. The following excerpts of the Official Plan are relevant to this application:

#### **“3.7.1 Goals**

The following goals are established for the Business Park area:

- i) To encourage the development of integrated, multi-use business park areas that provide the opportunity for individuals and corporations to undertake a broad range of commercial and light manufacturing activities.

#### **3.7.2 Policies**

The following policies shall apply to those lands designated "Business Park" on the Land Use Schedules of this Plan:

- ii) other permitted uses include public and private sports facilities, exhibition halls, transportation depots, offices, financial institutions, retail and wholesale establishments, retail warehousing and discount merchandising outlets, and other retail activities that are space-extensive and normally locate outside of conventional shopping centres and require easy access to the arterial road network;
- iii) automobile sales and service establishments and service commercial uses such as restaurants, gas bars and retail convenience stores are also permitted”

The uses contemplated by the proposed Zoning By-law Amendment application conform to the Sandwich South Official Plan.

## **Sandwich South Zoning By-law**

The subject property is currently zoned “Industrial Zone (M1)” on Schedule “A”, Map 10 of Sandwich South Zoning By-law 85-18 (see Attachment 4). The M1 zone permits a range of light-industrial uses and retail/offices related to permitted industrial uses that are located in the same building.

The applicant is proposing to attract uses that primarily serve the surrounding industrial businesses and employees along with the broader community. Accordingly, an amendment to the Zoning By-law is required to place the lands into an appropriate site-specific “Business Park Zone (BP)”. The proposed BP defined area zoning would allow for the proposed uses and establish yard/lot requirements to that will facilitate the proposed redevelopment/building additions.

## **Zoning By-law Amendment Procedures in the Official Plan**

Section 6.17, Amendment Procedures, of the Sandwich South Official Plan establishes that due regard shall be given to the following matters when contemplating a Zoning By-law Amendment:

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

The subject property is relatively flat and there are no identifiable physical barriers to development. From a “physical suitability” perspective the lands can accommodate the proposed uses.

- ii) the adequacy of all required services;

The subject property will be serviced by municipal water, municipal sanitary sewers and municipal storm sewers/drains.

Public Works and Environmental Services has confirmed that adequate municipal services are available to support the proposed development, subject to the finalization of engineering design details as part of the site plan control agreement that will be required between the owner and the Town. Future development at this site will require stormwater management to be implemented addressing both quantity and quality requirements to the satisfaction of the Town Engineer. This property drains into the Upper Little River watershed. Allowable release rates in the Upper Little River Watershed are very restrictive and, depending on the development proposal, underground storage facilities may be required to adequately address stormwater quantity control for this site.

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

The property is currently serviced with an access drive from North Talbot Road. Administration has no concerns regarding the projected traffic generation of the future use and its effect on the operation of North Talbot Road.

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

As noted above, with the exception of the Ciociaro Club institutional lands that abut the subject property to the east and south, the balance of the lands immediately surrounding the subject property are industrial in nature. As the uses being proposed are commercial uses specifically intended to serve the surrounding area, no land use compatibility issues are anticipated. The proposed uses are ideally located on North Talbot Road, which is identified in the Official Plan as a Collector Road. In addition, the development will provide a logical transition from the industrial uses to the west and north of the subject property to the community facility use to the east and south. Site plan control can be used to address any potential compatibility issues that might arise with the proposed commercial uses and the abutting Ciociaro Club if concerns are identified through the public consultation process.

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

Given the on-going demand for serviced land in the Oldcastle area and the current limited vacant, fully-serviced land supply, there appears to be a need for redevelopment of underutilized properties in order to accommodate the uses as contemplated by the applicant. Intensification of existing sites such as that being proposed is promoted. The applicant has advised that there is a demand for the types of uses proposed to serve the considerable employment population in the surrounding area as well as the broader community. In addition, the current "Business Park" land use designation in the Official Plan contemplates the uses proposed on the subject property.

### **Site Suitability in the Official Plan**

In addition to the foregoing criteria set out in Section 6.17, Section 2.2, Site Suitability, of the Official Plan establishes that prior to the approval of any development or amendment to this Plan or the Zoning By-law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:

- "a) soil and drainage conditions are suitable to permit the proper siting of buildings;
- b) the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development;
- c) the road system is adequate to accommodate projected increases in traffic;



- d) the land fronts on a public road which is of a reasonable standard of construction;
- e) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any existing or proposed adjacent use.”

These criteria are similar in nature to the ones set out in Section 6.17 of the Official Plan and have been addressed in the preceding section of this Report.

## **Site Plan Control**

Subsection 6.4.3 of the Sandwich South Official Plan establishes that new commercial developments shall be subject to site plan control. Accordingly, subject to the approval of the current rezoning application, Administration recommends that a by-law be passed to make the lands subject to site plan control, thereby ensuring that all site design and servicing issues are adequately addressed prior to the development proceeding.

## **Summary**

The proposed zoning by-law amendment is in keeping with the Provincial Policy Statement, County of Essex Official Plan and Sandwich South Official Plan. The proposed site-specific BP zone will allow for the commercial uses proposed by the applicant. This approach is consistent with the policy direction of the Business Park designation.

Based on all of the foregoing, consideration of the proposed zoning by-law amendment is warranted. A public meeting to consider the rezoning in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and public agencies. These comments and concerns will then be considered as part of a final evaluation of the requested rezoning, which will be provided in a subsequent report to Council.

It is noted that due to the COVID-19 global pandemic and related emergency declarations and associated regulations, the holding of public meetings is not currently permitted. A separate Report from Administration is anticipated that will propose an alternative means by which public consultation will take place virtually during the pandemic.

## **Consultations**

Fire & Emergency Services  
Public Works & Environmental Services

## Financial Implications

None

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	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 ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

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<b>Attachment Number</b>	<b>Attachment Name</b>
1	Property Location Map
2	Preliminary Site Plan Drawing
3	Official Plan Map
4	Zoning Map