



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: October 13, 2020

Report Number: PBS-2020-34

Subject: Zoning By-law Amendment
Winds Holdings Inc. (Eleven Winds)
13375 Desro Drive
Scheduling of a Public Meeting
OUR FILE: D19 DESRO

Recommendations

It is recommended:

That the scheduling of a public meeting in accordance with the *Planning Act*, for the application submitted by Winds Holdings Inc. (Eleven Winds) to amend Sandwich South Zoning By-law 85-18 by rezoning a 0.22 hectare (0.54 acre) property situated on the south side of Desro Drive, approximately 100 metres (328 feet) east of its intersection with Sylvestre Drive (13375 Desro Drive), from “Industrial Zone (M1-10)” to a site-specific “Industrial Zone (M1-26)” in order to permit the addition of general or business offices and professional offices and establish site-specific parking requirements, **be authorized.**

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to 13375 Desro Drive from Industrial Zone (M1-10) to Industrial Zone (M1-26) to permit general or business offices and professional offices and establish a minimum of 17 off-street parking spaces. The proposed rezoning would accommodate a software development and consultation company to operate from the existing building on the subject property. This Report is requesting the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

Background

An application has been filed with the Town to amend the Sandwich South Zoning By-law 85-18 for a 0.22 hectare (0.54 acre) property situated on the south side of Desro Drive, approximately 100 metres (328 feet) east of its intersection with Sylvestre Drive (13375 Desro Drive). The subject property currently contains a 595 square metre (6,400 square foot) building and associated parking area that was once occupied by a sewing company. Except for a tier of lots on the south side of Desro Drive, the majority of the lands that surround the subject property are commercially zoned. The lands to the north of the subject property, across Desro Drive, are commercial in nature while the lands to the west and south are vacant. The properties on the south side of Desro Drive to the east of the subject property are in the same Industrial Zone (M1-10) as the subject property and are industrial in nature (see Attachment 1).

Winds Holdings Inc. (Eleven Winds) ("the applicant") has filed an application in order to facilitate the re-use of the subject property for its offices. Eleven Winds is a software development and consultation company that provides services such as database design, core development, smart-map and smart meter readings. The applicant has advised that 60 - 70% of its business is associated with industrial companies such as local energy providers, construction companies and mechanical companies. In addition, the applicant has advised that two of its clients are also located in the Sylvestre Business Park.

At present, no expansion to the existing building is being proposed. The applicant is in discussions with the Town regarding proposed improvements to the existing parking area and related improvements to the grading and stormwater management of the site. The applicant is working towards the completion of engineering drawings that will need to be approved by the Town prior to any improvements being undertaken. In advance of these improvements, the applicant has provided a preliminary site plan that illustrates the existing layout of the parking area denoting a total of 17 parking spaces (see Attachment 2). The applicant has advised that a total of 11 employees will work from the subject property.

Based on the foregoing, the applicant is proposing to rezone the subject property from "Industrial Zone (M1-10)" to a site specific "Industrial Zone (M1-26)" that will permit all the uses in the current M1-10 zone, with the addition of general or business offices and professional offices. In addition, the site-specific M1-26 zone would establish a minimum number of 17 off-street parking spaces, recognizing the number of parking spaces the existing parking lot design can accommodate. It should be noted, however, that if above-noted parking lot improvements are completed, the site will be able to accommodate approximately 23 spaces.

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:

“1.3 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 proposed use within areas identified for employment land purposes, subject to establishing the suitability of the use 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 encourage a range of urban development within identified settlement areas. 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.

3.2.4.1 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-1” of the Sandwich South Official Plan (see Attachment 3). 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;”

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 (M1-10)” on Schedule “A”, Map 3 of Sandwich South Zoning By-law 85-18 (see Attachment 4). The M1-10 zone permits a range of light-industrial uses and retail/offices related to permitted industrial uses that **are located in the same building**. Stand-alone offices uses, however, are not permitted. Further, the parking provisions of the Zoning By-law establish a minimum of one space per 18.5 square metres (199 square feet) of rentable office floor area thereby necessitating a total of 33 spaces for the subject property. Accordingly, the proposed M1-26 defined area zoning would allow for all the uses in the current M1-10 zone, with the addition of general/business offices and professional offices, along with establishing a minimum number of 17 off-street parking spaces to accommodate the proposed office use.

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 preventing the use of the land for the proposed office establishment.

ii) the adequacy of all required services;

The subject property is currently serviced by municipal water, municipal sanitary sewers and municipal storm sewers/drains.

Public Works and Environmental Services has been assisting the applicant in the preparation of engineering drawings related to the proposed future parking area improvements. These improvements will only occur once the engineering drawings have been finalized by the applicant and approved by the Town. The future parking lot improvements will require stormwater management measures, addressing both quantity and quality, to be implemented to the satisfaction of the Town Engineer.

It should also be noted that the future parking lot improvements will necessitate the applicant to acquire a portion of the Town's municipal right-of-way (ROW) on which the subject property currently fronts. This portion was once utilized as part of the Desro Drive cul-de-sac which no longer exists as Desro Drive now extends westerly to connect to Sylvestre Drive. Administration believes that the transfer of this portion of the former cul-de-sac would be appropriate as it no longer serves any municipal purpose. The transfer of these lands will require Council approval that will be preceded by a future report outlining the details of the transfer process.

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

The property is currently serviced with an access drive from Desro Drive. Administration has no concerns regarding the projected traffic generation of the future use and its impact on the operation of Desro Drive.

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

As noted earlier in the Report, the majority of the lands that surround the subject property are commercially zoned. The lands to the north of the subject property, across Desro Drive, are currently zoned and occupied by commercial uses while the lands to the west and south are vacant. The properties on the south side of Desro Drive to the east of the subject property are in the same Industrial Zone (M1-10) as the subject property and are occupied by light industrial uses. No land use compatibility issues are anticipated as a result of the proposed office use.

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

Over the past several years, this portion of the Sylvestre Business Park has evolved commercially and there appears to be a continued demand for commercial related uses

in this area. In addition, the long term planning of this area through the existing “Business Park” land use designation contemplates the use of lands for commercial purposes such as the proposed office use.

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 the 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

The subject property is currently subject to site plan control. Any future additions to the existing building will require the approval of drawings as part of the Site Plan control review process.

Summary

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement and conforms to both the County of Essex and Sandwich South Official Plans. Based on 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. If concerns are received that cannot be addressed at the public meeting, a

follow-up report will be provided to Council. Otherwise, the proposed by-law amendment will be brought forward at a subsequent Council meeting for its consideration.

Consultations

Fire & Emergency Services
Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

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

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Property Location Map
2	Site Plan, Existing Conditions
3	Official Plan Map
4	Zoning Map