



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: June 25, 2024

Report Number: DS-2024-18

Subject: Zoning By-law Amendment
5485 Walker Road
Scheduling of a Public Meeting
Our File: D19 5485WA

Recommendations

It is recommended:

That Report DS-2024-18 entitled “Zoning By-law Amendment, 5485 Walker Road, Scheduling of a Public Meeting” **be received**;

And that the scheduling of a public meeting, to be held on Tuesday, July 23, 2024 at 5:00 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 0.77 hectare (1.9 acre) vacant parcel of land located north-west of the Walker Road and McCord Lane intersection (5485 Walker Road), seeking to amend Zoning By-law 85-18 by rezoning the subject property from “Hamlet Commercial Zone (CH)” to a site-specific “Hamlet Commercial (CH-6)” to permit the sale and service of motorcycles and other powersport vehicles such as ATVs, jet skis and dirt bikes, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed to change the zoning pertaining to a 0.77 hectare (1.9 acre) vacant parcel of land located north-west of the Walker Road and McCord Lane intersection (5485 Walker Road), in order to permit the sale and

service of motorcycles and other powersport vehicles such as ATVs, jet skies and dirt bikes and establish site-specific lot provisions related to the minimum number of parking spaces. 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

Subject Property and Proposed Zoning By-law Amendment

National Vehicle Ltd. (“the Applicant”) on behalf of the Owner, has submitted a Zoning By-law amendment application for a 0.77 hectare (1.9 acre) triangular shaped vacant parcel of land with a municipal address of 5485 Walker Road (“subject property”). It is located on the west side of Walker Road, approximately 70 metres northwest of the Walker Road and McCord Lane intersection in the Oldcastle Hamlet Settlement Area.

The Applicant is proposing to amend Zoning By-law 85-18 by rezoning the subject property from “Hamlet Commercial Zone (CH)” to a site-specific “Hamlet Commercial Zone (CH-6)” to permit the sale and service of motorcycles and other powersports products such as ATVs, jet skies and dirt bikes and to establish site-specific lot provisions related to the minimum number of parking spaces (see Attachment 1).

A preliminary site plan (see Attachment 2) has been submitted which illustrates the following:

- i. A sales and service establishment occupying the centre of the property, having a building footprint of approximately 1,115 square metres (12,001 square feet);
- ii. On-site surface parking area totalling 22 parking spaces (two of which are barrier free). The parking area will have direct access to Walker Road by way of private driveways; and
- iii. Buffer areas surrounding the development containing landscaping with tree screening.

The current “Hamlet Commercial (CH)” zoning that applies to the subject property establishes that certain highway commercial uses, including the proposed use, are restricted to properties fronting on the Highway 3 and County Road 42.

Surrounding Land Uses

Abutting the subject property to the north and west is a church, to the north of which is a second church, at the northwest corner of the Walker Road and Blackacre Drive intersection. Farther to the north and west are industrial properties fronting on Blackacre and Fasan Drives. Directly across Walker Road from the subject property is a gas station/convenience store. Farther to the east, there is a cluster of industrial properties that front on Di Cocco Court. Tecumseh Fire Station No. 2 is situated to the southeast of the subject property, at the intersection of McCord Lane and Walker Road. To the south of the subject property is a cluster of single unit residential dwellings fronting Walker Road and Highway No. 3 (see Attachment 3).

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 excerpts are relevant to and supportive of the application for the proposed development:

“1.1.3 Settlement Areas

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

...

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;

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 encourages and supports development on lands that are identified for urban growth in approved settlement area. In addition, it 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. Based on the foregoing, it is the opinion of the writer that the application for the proposed development is consistent with the PPS.

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.

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;
- ...
- 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.

Tecumseh Official Plan

The subject land is currently designated "General Commercial" in the Tecumseh Official Plan (Tecumseh OP) (see Attachment 4). The policies for the General Commercial designation encourage a variety of commercial uses including all types of retail, office and service commercial uses, places of entertainment, assembly halls, eating establishments, recreational commercial uses, clinics, funeral homes, financial service establishments, gas bars, automotive service stations, car washes, automobile repair shops excluding automobile body shops and towing compounds, hotels, motels, laundry and dry cleaning establishments, and other similar commercial businesses.

The Tecumseh OP provides broad support for the type of development proposed. With respect to the proposed land use, the Tecumseh OP establishes the following:

“4.3.1 Goals

The following goals are established for the General Commercial area:

- i) to strengthen and enhance the Town’s existing economic base by recognizing existing commercial districts and by allowing for their continued development and redevelopment;
- ii) to ensure that suitable sites are available within the designated urban areas to accommodate a full range of commercial goods and services to meet the needs of the surrounding neighbourhoods, the community at large, and the travelling public;
- iii) to recognize that commercial areas are dynamic in nature and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences, and retail trends change over time and to provide a corresponding policy environment which will permit these changes to occur in a manner which is beneficial to Town ratepayers.

4.3.2 Policies

The following policies shall apply to those lands designated General Commercial on the Land Use Schedules of this Plan:

- i) the permitted uses shall include all types of retail, office and service commercial uses, places of entertainment, assembly halls, eating establishments, recreational commercial uses, clinics, funeral homes, financial service establishments, automobile sales and service establishments, gas bars, automotive service stations, car washes, automobile repair shops excluding automobile body shops and towing compounds, hotels, motels, laundry and dry cleaning establishments, and other similar commercial businesses that serve the needs of Town residents;

...

- iii) no outdoor storage of goods, materials, parts, derelict vehicles or parts thereof, is permitted in conjunction with automobile service stations and specialty automotive repair shops.

Based on the foregoing, the Tecumseh OP contemplates the uses and development being proposed for the subject property, subject to the review,

evaluation and public/stakeholder consultation process being undertaken as part of the required Zoning By-law Amendment process.

Zoning By-law 85-18

As noted earlier in this Report, the subject property is currently zoned “Hamlet Commercial Zone (CH)” (see Attachment 5), which only permits the proposed use if the property fronts on Highway 3 or County Road 42. This zoning restriction no longer aligns with the more up-to-date and broader range of uses contemplated by the property’s General Commercial designation of the Official Plan. The proposed zoning by-law amendment changes the zoning on the subject property from “CH” to a site-specific Hamlet Commercial (CH-6)” zone to permit the proposed development and bring the property’s zoning into conformity with the goals and policies of the Town’s Official Plan for lands designated General Commercial.

Site Plan Control

Site Plan Control applies to the subject property. Accordingly, approval of a site plan control agreement will be required prior to any development occurring on-site. The site plan control agreement will address matters such as site servicing, hard-surfacing and curbing of parking areas, landscaping details, outdoor lighting and fencing. The Owner has been advised of this requirement.

Conclusion

Having regard to the nature of surrounding uses, the location of the proposed development along with the current land use policies established for this property by the PPS, the County OP and the Town OP, it is believed that there is merit in considering the requested application to permit the proposed development of the subject property.

Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* to seek public input. A public meeting to consider the proposed amendments will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application. If issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the application will follow by way of a future Planning Report. If, however, all issues are resolved, a Zoning By-law amendment by-law will be brought forward for Council’s consideration at a subsequent Council Meeting.

Consultations

Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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.

Prepared by:

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Reviewed by:

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Reviewed by:

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Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Preliminary Site Plan

Attachment Number	Attachment Name
3.	Property Location and Surrounding Land Uses Map
4.	Official Plan Map
5.	Zoning Map