



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Chad Jeffery, Manager Planning Services

Date to Council: March 12, 2019

Report Number: PBS-2019-05

Subject: Zoning By-law Amendment
South Side of North Talbot Road
SCWI Enterprises
Condition of Consent Application (B-04/19)
OUR FILE: D19 MATOS

Recommendations

It is recommended:

1. **That** the scheduling of a public meeting, to be held on Tuesday, April 9, 2019, at 6:00 p.m., in accordance with *The Planning Act*, for the application submitted by SCWI Enterprises Inc., to amend Sandwich South Zoning By-law 85-18 to rezone a 1.18 hectare (2.9 acre) property situated on the south side of North Talbot Road, approximately 95 metres east of its intersection with Walker Road, from “Neighbourhood Commercial Zone (C2-5)” to a site-specific “Business Park Zone (BP)” in order to permit the future development of the lands for a range of light industrial and commercial uses, in order to satisfy Condition No. 8 of severance application B-04/19, **be authorized.**

Background

Severance application B-04/19 was granted provisional consent by the Committee of Adjustment at its February 11, 2019 meeting. The purpose of the application was to sever a vacant 1.18 hectare (2.9 acre) area of land from the commercial developed land located at the south-east corner of the Walker Road/North Talbot Road intersection. The remnant, and partially developed, 1.01 hectare (2.5 acre) parcel contains a Tim Hortons restaurant (see Attachment 1). SCWI Enterprises Inc. (“the applicant”) has entered into an agreement to

purchase the proposed severed lands from the TDL Group. The proposed new lot, which over time has partially naturalized, would front on the south side of North Talbot Road.

The Committee determined that the application conformed to the Land Division Policies for those lands designated “Business Park” in the Sandwich South Official Plan. In addition to standard conditions, the consent was granted subject to the passing of a zoning by-law amendment on the proposed severed 1.18 hectare (2.9 acre) vacant parcel that would have the effect of rezoning the lands from “Neighbourhood Commercial Zone (C2-5)” to an appropriate site-specific “Business Park Zone (BP)” in order to permit the proposed future development of the land for light industrial purposes.

Based on the foregoing, an application to amend the Sandwich South Zoning By-law 85-18 has been filed as it relates to the rezoning of the proposed severed parcel.

Comments

Provincial Policy Statement

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 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

1.1.3.1.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.1.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. 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;

- b) 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;
- ...
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

2.1 Natural Heritage

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.”

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. The subject property is designated Business Park in the Official Plan. It is proposed to be rezoned from a more restrictive commercial zoning to a broader “Business Park” zone that permits both light industrial and commercial uses, consistent with the Official Plan. With respect to potential endangered and/or threatened species which may be present due to the exiting naturalized areas on a portion of the property, the applicant has advised that it is in the process of retaining a qualified biologist to complete a field assessment/screening on the lands to ensure that the proposed development of the property will not contravene the Endangered Species Act, 2007 (ESA 2007).

County of Essex Official Plan

The subject lands are 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.
- ii) A mixture of lot sizes shall be provided, including large lots that would be suitable to employment uses that may not be appropriately located within other nearby Primary Settlement Areas due to their size or impacts.
- 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

As previously noted, the subject property is designated "Business Park" on Schedule "A-2" of the Sandwich South Official Plan (see Attachment 2). 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: wholesale establishments, offices, financial institutions, retail convenience 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:

- i) lands designated "Business Park" shall be used for a range of light industrial uses including manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. All permitted light industrial uses shall meet the requirements of and, where necessary, obtain the approval of the Ministry of Environment and Energy with respect to any and all emissions to the environment (including waste water, odours, noise, dust, vibrations, etc.)"

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 "Neighbourhood Commercial Zone (C2-5)" on Schedule "A", Map 10 of Sandwich South Zoning By-law 85-18 (see Attachment 3). The C2-5 zone permits a range of commercial/retail uses including banks, restaurants, general and professional offices, retail stores, personal service shops, service shops and gas bars.

This zoning was put into effect in 2000 at the request of the owner at that time. It was believed at that time that the full commercial development of the entire site was achievable. Since that time and notwithstanding marketing of the site, there has not been a demonstrated need for the scale and range of commercial uses contemplated at this location. Although a Tim Hortons restaurant did ultimately locate on the proposed retained portion of the C2-5 zone, the only other commercial proposal that came forward to the Town for consideration was for a gas bar to its immediate north. However, to date the gas bar has never proceeded to construction, although this 0.4 hectare (1 acre) area of land will remain exclusively for future commercial development on the proposed retained lands, even if this current proposal for the proposed severed land proceeds.

In summary, the existing owner has resolved that the commercial development of the proposed severed land is unlikely, with a much higher prospect that it will develop industrially. This appears to be a reasonable assumption based on the experience to date.

The applicant is proposing light industrial uses for the proposed severed lands. 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 a range of light industrial and commercial uses including the commercial uses currently

permitted by the C2-5 zone. Accordingly, if the applicant's current industrial proposal does not proceed as anticipated, the severed lands could develop for a range of alternative uses. The proposed BP defined area would also address site-specific zone provisions pertaining to minimum yard requirements and minimum lot area.

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.

However, based on 2017 aerial photography, it appears that a small naturalized area exists on the proposed severed site. The Essex Region Conservation Authority (ERCA) recommended to the applicant that a field assessment/screening on these lands be completed to ensure that the proposed development of the property will not contravene the Endangered Species Act, 2007 (ESA 2007). These comments were provided to the applicant during the Committee of Adjustment approval process. ERCA had advised that it had no objection with the proposed consent application. As noted above, the applicant has advised that it is in the process of retaining a qualified biologist to complete a field assessment/screening on the lands to ensure that the proposed development of the property will not contravene the Endangered Species Act, 2007 (ESA 2007).

- 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 industrial 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.

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

The proposed industrial lot will be serviced with a new access drive from North Talbot Road. Administration has no concerns regarding the projected traffic generation of the future industrial use and its effect on the operation of North Talbot Road. The proposed development is consistent with development that has occurred along the balance of

North Talbot Road. Special regard will be given to the location of access driveways during the site plan control process.

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

The broader area in the vicinity of the subject lands are characterized by industrial uses, however, there are a few commercial uses also existing in the vicinity of Walker Road (see Attachment 4). More specifically, industrial uses are located to the east and south. To the west of the subject property, on the proposed retained lot, is the Tim Hortons restaurant and a vacant area identified in an existing site plan for a future gas bar. South of the Tim Hortons property is a gas bar/convenience store. Another gas bar/convenience store is located on the northwest corner of the Walker Road/North Talbot Road intersection. The balance of the lands on the west side of Walker Road, in the vicinity of the subject property, are industrial in nature with the exception of a restaurant that is located on the northwest corner of the Walker Road/Olympia Drive intersection. A wholesale establishment, which is a combination of commercial and warehousing uses, is located to the north, across North Talbot Road. Light industrial uses on the subject property will represent a logical continuation and completion of the existing industrial development abutting to the east and south. Site plan control will be used to address any potential compatibility issues that might arise as a result of future industrial uses adjacent to the aforementioned Tim Hortons restaurant and gas bar/convenience store.

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

Given the steady and growing demand for industrial land in the Oldcastle area and the current limited vacant, fully-serviced industrial land supply, there appears to be a need for additional land to accommodate light industrial uses as contemplated by the applicant. In addition, the current "Business Park" land use designation in the Official Plan fully 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

The subject property is currently subject to site plan control. Prior to any development taking place on the property, the applicant will be required to enter into a site plan control agreement with the Town. This will enable the Town to use the site plan control process to adequately address all on-site servicing and site design issues including storm water management, parking, vehicular circulation, buffering, landscaped areas, lighting, etc.

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. As noted in this Report, there has not been a demonstrated need for commercial land on the subject lands since the current C2-5 Zone was established in 2000. Conversely, there appears to be a steady and growing demand for industrial land and, consequently, the applicant has advised that manufacturing-related uses are proposed for the subject lands. The proposed BP defined area zoning will permit the light industrial uses currently proposed by the applicant while also allowing the site to be used for a range of commercial uses should that form of development become preferable. This approach is consistent with the policy direction of the Business Park designation.

If adopted, the rezoning fulfills Condition No. 8 of consent application B-04/19. 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 thorough evaluation of the requested rezoning.

Consultations

Planning & Building Services
Public Works & Environmental Services

Financial Implications

None

Link to Strategic Priorities

| Applicable | 2017-18 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 the Town of 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 the Town 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.

Prepared by:

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Recommended by:

Paul Anthony, RRFA
Acting Chief Administrative Officer

| Attachment Number | Attachment Name |
|------------------------------|---|
| 1 | Property Location Map |
| 2 | Official Plan Map |
| 3 | Zoning Map |
| 4 | Property Location and Surrounding Land Uses Map |







