



## 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:** May 14, 2019

**Report Number:** PBS-2019-10

**Subject:** Zoning By-law Amendment  
South Side of North Talbot Road  
SCWI Enterprises  
Condition of Consent Application (B-04/19)  
Summary of Public Consultation Process and Final Recommendation  
OUR FILE: D19 MATOS

---

### Recommendations

It is recommended:

1. **That** a by-law having the effect of amending the Sandwich South Zoning By-law 85-18 for 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 “Business Park Zone (BP-4)” 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 adopted**.

### Background

On April 9, 2019, Council held a public meeting in accordance with the provisions of the *Planning Act* to hear comments on an application to amend the Sandwich South Zoning By-law for 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 (see Attachment 1). The proposed amendment would accommodate the future development of the lands for a range of light industrial and commercial uses.

The rezoning is required in order to satisfy Condition No. 8 of severance application B-04/19 which was granted by the Committee of Adjustment on February 11, 2019. The effect of that

decision was to give provisional consent to sever the vacant 1.18 hectare (2.9 acre) subject land from the commercial land located at the south-east corner of the Walker Road/North Talbot Road intersection. The proposed retained parcel is currently occupied by a Tim Hortons restaurant. SCWI Enterprises Inc. ("the Applicant") has entered into an agreement to purchase the proposed severed parcel from the TDL Group ("the Owner").

The purpose of this Report is to summarize the nature of the comments received and recommend a course of action with respect to the proposed Zoning By-law amendment.

## **Comments**

### **Comments Received for the April 9, 2019 Public Meeting**

Written comments both in favour of and in opposition to the proposed application were received by Council by way of inclusion on the Public Meeting Agenda and being verbally delivered at the April 9, 2019 statutory public meeting.

The Owner provided written correspondence advising that over the past approximately 20 years they had experienced no demand for the range of commercial uses permitted by the current C2-5 zoning on the property that is the subject of the current application. The Owner also advised that they have no intention of developing the subject property in the future within the framework of the current C2-5 zoning.

In addition, the Applicant advised that his current group of local companies require land for expansion and that the proposed development is based on the current business demands in the local area. This property in particular was quite suitable for the applicant as it abutted one of his current land holdings to the immediate east.

Ms. Judy Wellwood-Robson provided verbal and written correspondence outlining a number of concerns regarding the proposed application. The key issues raised by Ms. Wellwood-Robson are summarized below and are followed by an Administrative response.

### **Issue No. 1 – Application is premature until Secondary Plan is completed**

Without a Secondary Plan being completed for the entire Oldcastle Hamlet, there is no way to determine the future need for commercial space and the establishment of residential areas. Therefore, until a Secondary Plan is completed, the proposed application is premature.

## **Response**

With respect to the concern that a Secondary Plan is required for the entire Oldcastle Hamlet, the following is provided:

- Secondary Plans address issues related to land use in broad geographic areas by providing specific policies for these areas where more detailed direction is needed for matters beyond the general framework provided by the Official Plan. The land use for these areas has usually not been established (i.e. the lands are typically vacant and/or farmed) and development barriers such as municipal servicing constraints, transportation/road network constraints or environmental constraints may exist, necessitating further, more detailed study. Secondary Plans are typically not undertaken for lands that are already designated for development, largely developed and fully serviced such as the area in which the subject property is located.
- The Oldcastle Hamlet urban area encompasses an area totalling approximately 756 hectares (1,868 acres). Of this area, 83.5% (631 hectares) are designated for urban land uses, the majority of which are developed. Only 16.5% of the Oldcastle Hamlet (125 hectares) are not identified/designated for a specific urban land use at this time and these lands are designated “Hamlet Development”.
- Of these 125 hectares, approximately 20.5 hectares are currently part of an alternative development concept contemplated as part of a recent Ontario Municipal Board (OMB) decision (the “Del Duca” lands). These lands are situated at the northeast corner of the 8<sup>th</sup> Concession Road and North Talbot Road intersection. Therefore, of the total Oldcastle Hamlet urban area, only 105 hectares of land (13.8%) are not specifically designated for urban development at this time. These lands require further study to determine appropriate land use designations.
- A Secondary Plan is not required prior to considering development proposals on lands that are currently designated for development such as the subject application, which is designated Business Park in the Official Plan. The subject application is requesting that the lands be zoned in the Zoning By-law to a Business Park zone, permitting industrial and commercial uses, consistent with the Official Plan designation. The existing zoning only permits commercial uses.
- It remains the commitment of the Town that the new Town Official Plan will contain policies establishing the future undertaking of a special planning study to determine the preferred long-term use of lands identified as “Hamlet Development” within the existing Oldcastle Hamlet urban area. Upon completion of such a study, it is intended that the new Official Plan would be amended to place these lands in appropriate land use designations establishing the type and form of development to be permitted.
- Based on the foregoing, Town Administration does not believe a Secondary Plan is required in the context of the subject application nor that the application is premature. The zoning by-law amendment application is in conformity with the existing Business Park designation policies of the Official Plan.

With respect to the need to evaluate if the Oldcastle Hamlet requires additional commercial land to meet its future needs, Town Administration offers the following:

- Even with the removal of the subject property from a commercial zoning, the Oldcastle Hamlet will continue to have approximately 28.3 hectares (70 acres) of commercially zoned land. Of that, 10.5 hectares (26 acres) are currently vacant or underutilized. This total also does not include three other properties that provide commercial related services (i.e. restaurants) that are located on lands not currently zoned commercial. It is further noted that 0.4 hectare (1.0 acre) of vacant C2-5 zoned land will be retained by TDL Group and remain available for future commercial development immediately north of the current Tim Hortons site.
- In addition, the total above does not include the 0.75 hectare (1.85 acre) commercial area proposed as part of the alternative development concept contemplated for the Del Duca lands situated at the northeast corner of the 8<sup>th</sup> Concession Road and North Talbot Road intersection. This alternative development concept identifies uses such as retail stores, eating establishments, financial institutions, day nurseries and general and professional offices.
- The proposed re-zoning does not remove the ability for the subject lands to be used for commercial purposes. The proposed Business Park (BP-4) Zone will permit a wide range of light-industrial and commercial uses, consistent with the Business Park Official Plan policies. The proposed rezoning will accommodate commercial tenants in the future if market forces dictate their need and the Applicant has a desire to accommodate their introduction on the property.
- As a reference, a total of 10.5 hectares (5.09 hectares existing and 5.42 hectares to be designated) of commercial land was identified through the Maidstone Hamlet Secondary Plan process for the Maidstone Hamlet urban area. These 10.5 hectares (26 acres) of commercial land were determined sufficient to support the Hamlet's existing population and the potential residential development of an additional 900 dwelling units. In total, the 10.5 hectares of commercial land were deemed sufficient for a build-out population of 3,310 residents.

Administration continues to be of the opinion that the Zoning By-law Amendment application proposing that the lands be used for a range of light industrial and commercial uses, on full municipal services, will result in appropriate development that is suitable and compatible with surrounding existing and proposed uses and will result in orderly development.

## **Issue No. 2 – Current Industrial Land Supply**

There are ample vacant or undeveloped properties that are currently designated and zoned for industrial purposes. The subject property does not need to be rezoned.

## **Response**

Based on the analysis contained in “Tecumseh New Official Plan Process, Employment Lands Discussion Paper”, additional industrially designated land is required in the Oldcastle Business Park in order to ensure an adequate supply of land is available for new industrial development.

It should also be noted that the industrial land supply inventory presented to Council at the Public Meeting by Ms. Wellwood-Robson identifies many properties and associated land areas that:

- are not designated in the Official Plan for industrial uses;
- are not zoned in the Zoning By-law for industrial uses (i.e. zoned Agricultural);
- are not located within the Oldcastle Hamlet settlement area identified in the Official Plan;
- are lands identified in the Employment Lands Discussion Paper as having high-constraints for development (i.e. have physical and/or servicing characteristics that make their development highly unlikely without significant investment by the owner or the Town);
- have existing buildings located on the property that are for sale/lease, but may not have the building attributes required for the uses proposed by the proposed BP-4 zone.

It should also be reiterated that the proposed rezoning does not facilitate the development of the lands for industrial uses only. The proposed Business Park (BP-4) Zone will permit a wide range of light-industrial and commercial uses.

Town Administration continues to believe there is a need for additional industrial land and that this proposal has the potential to assist in meeting that demand.

## **Issue No. 3 – Non-consistency of the application to applicable planning documents**

The application is not consistent with the Provincial Policy Statement, the County of Essex Official Plan and the Sandwich South Official Plan.

## **Response**

It is Administration’s opinion that the proposed rezoning is consistent with the PPS, the County of Essex Official Plan and the Sandwich South Official Plan. A more detailed response on this issue is provided in the Planning Analysis section of this Report below.

#### **Issue No. 4 – Field Assessment/Screening in relation to *Endangered Species Act***

Concern was expressed that the environmental screening in relation to the *Endangered Species Act* is being conducted by a biologist that has been retained by the applicant.

##### **Response**

The professional retained by the applicant is a qualified professional biologist who is governed by legislation to complete the screening in accordance with the process prescribed by the Ministry of Natural Resources and Forestry (MNRF). The 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) has been completed and submitted to MNRF for its review and clearance.

#### **Issue No. 5 – Traffic Conflicts/Pedestrian Safety**

The future access driveway for the proposed uses will be located next to the existing commercial development (Tim Hortons) driveway access. This condition will result in traffic issues related to pedestrian and cyclist safety.

##### **Response**

Any future development of the lands will require the execution of a site plan control agreement. Through the site plan review process, site design and layout will be reviewed and the appropriateness of the location of the driveway access will be assessed.

It should be noted that the vast majority of businesses on North Talbot Road have driveway access directly onto North Talbot and that the introduction of a driveway to support the proposed use is a normal condition. In addition, it is acknowledged that regardless of the zoning on the property, a driveway access onto North Talbot Road would be anticipated.

#### **Planning Analysis**

A detailed planning analysis addressing the policies contained within the Provincial Policy Statement, the County of Essex Official Plan and the Sandwich South Official Plan was provided by way of PBS-2019-05. This Report was received and reviewed by Council at its March 12, 2019 Regular Council Meeting and at the subsequent Public Meeting on April 9, 2019.

A summary of the previously provided analysis is provided below:

## **Provincial Policy Statement (PPS)**

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs of a municipality. In addition, they should provide 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. The PPS contemplates the types of uses being proposed by the application within identified urban areas, particularly those areas identified for employment land purposes, subject to establishing the suitability of the proposed uses for the area.

In addition, the PPS specifically identifies the need to protect employment areas for current needs (as identified by the Applicant above) and future uses. The proposed BP-4 zone will offer a wide range of light industrial and commercial uses that will support the current and future needs of the area as identified by the noted directive of the PPS.

Accordingly, it continues to be our opinion that the proposed rezoning is consistent with the relevant policies of the PPS.

## **County of Essex Official Plan**

Any amendment to a local official plan must be in conformity with the policy direction contained in the 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 County Official Plan specifically acknowledges the uniqueness of the Oldcastle Hamlet as compared to other Primary Settlement Areas due to its role in the region as a significant regional employment district. The County Official Plan notes that the Oldcastle Hamlet has historically been the focus of manufacturing and establishes that it “shall be primarily developed with employment uses.” The proposed application would broaden the list of permitted uses beyond those currently permitted and this would further enhance the ability of the property to be developed for employment uses, as contemplated by the County Official Plan.

Accordingly, it continues to be our opinion that the proposed rezoning conforms to the goals and policies of 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 2). It is proposed to be rezoned from a more restrictive commercial zoning to a broader Business Park (BP-4) zone that permits both light industrial and commercial uses consistent with the Official Plan. The policies for the Business Park

designation specifically encourage and permit the land uses proposed through the subject rezoning.

Accordingly, it is our opinion that the proposed rezoning is in conformity with the relevant policies of the Official Plan.

### **Sandwich South Zoning By-law 85-18**

It should be noted that prior to the subject property being rezoned to the current "Neighbourhood Commercial Zone (C2-5)" in December of 2000, it was zoned "Industrial Zone (M1)" which permitted a wide range of industrial-related uses. Since that time, the subject property has been vacant despite attempts to market it commercially. Accordingly, the Owner has indicated the lands subject to the current application are deemed surplus to its needs.

In addition, as noted above, the proposed re-zoning in no way removes the ability of the subject lands to be used for commercial purposes. The proposed Business Park (BP-4) Zone will permit a wide range of light-industrial and commercial uses. In addition, the zoning will establish various zone requirements (minimum lot area and frontage, building setbacks, parking requirements, etc.) to ensure the subject property is ultimately developed in an appropriate manner.

### **Site Plan Control**

The subject property is subject to site plan control. A site plan control agreement, approved by Council, will be required prior to any development taking place on the lands. This will enable the Town to use the site plan control process to adequately address all servicing and site design issues prior to any new developments occurring.

### **Conclusion**

In summary, it is the opinion of the writer, along with Town Administration, that the concerns/issues raised by those in attendance at the public meeting and through written correspondence to the Town have been adequately addressed. Administration continues to support the proposed development and believes that it provides for the logical infill of the existing land uses within this area of Oldcastle. Detailed site design issues will be addressed through a future site plan control agreement that will be finalized and recommended for execution by Council at a future date.

On the basis of all of the foregoing, it is the opinion of the writer that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the County of Essex Official Plan and Sandwich South Official Plan policies and will result in appropriate development based on sound land use planning principles.

Accordingly, Town Administration recommends that Council pass a by-law having the effect of amending the Sandwich South Zoning By-law 85-15 in order to facilitate the development of



the subject lands for a range of light industrial and commercial uses, in order to satisfy Condition No. 8 of severance application B-04/19.

## Consultations

None

## 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:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

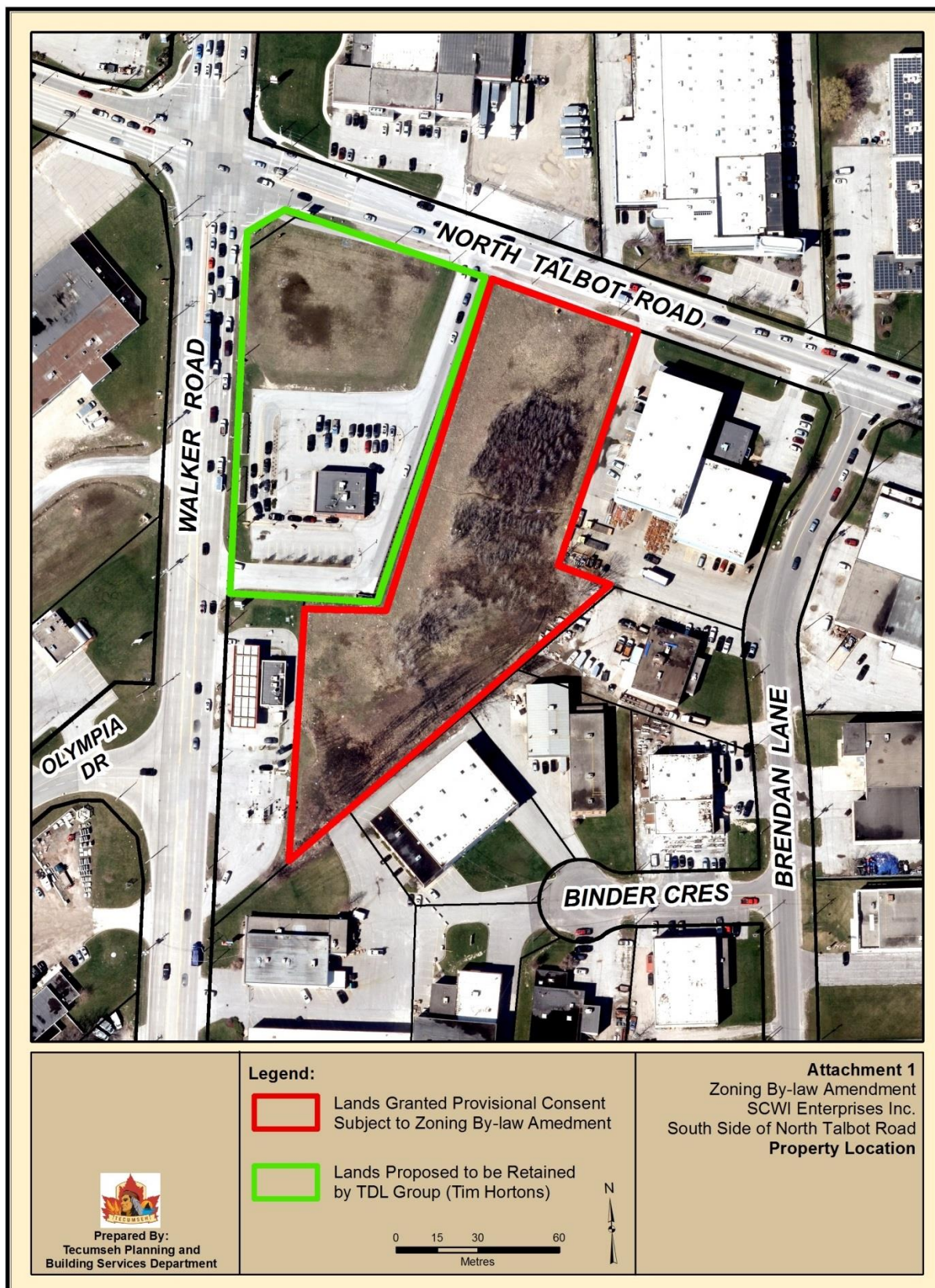
Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

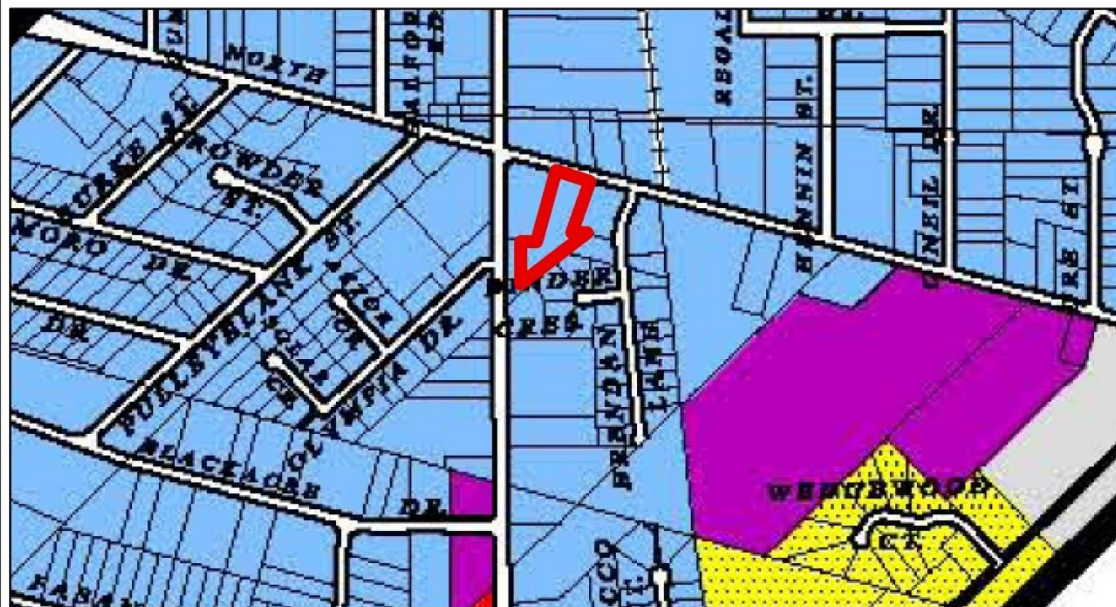
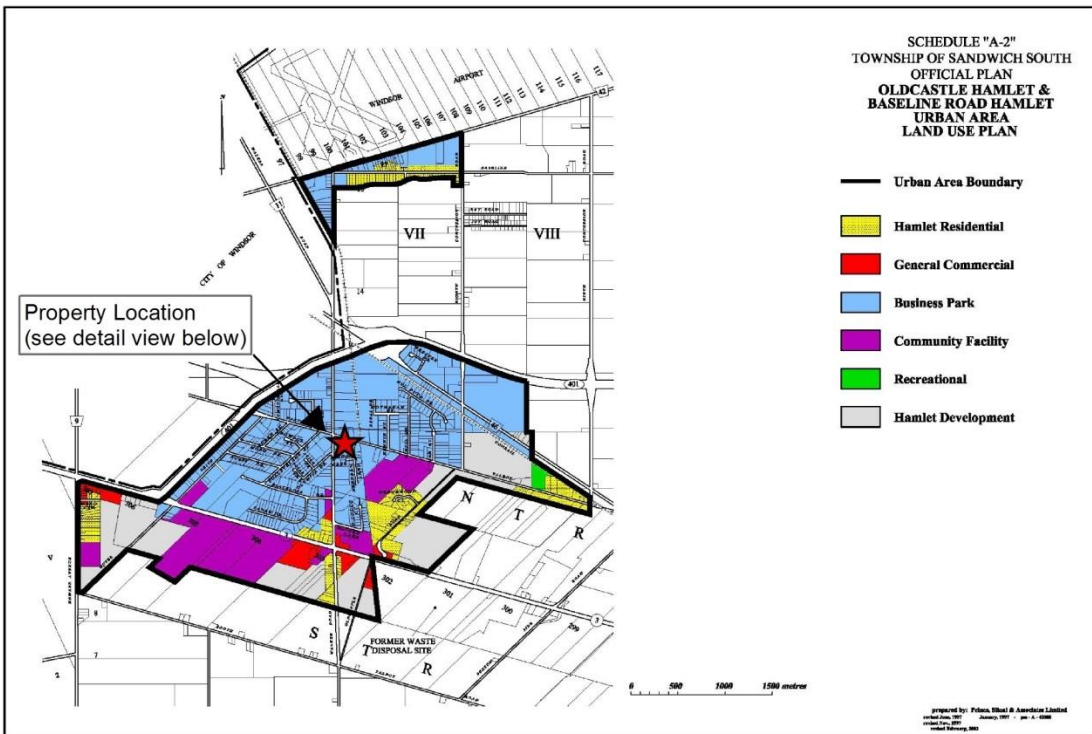
Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Property Location Map
2	Official Plan Map







Prepared By:  
 Tecumseh Planning and  
 Building Services Department

**Legend:**



Subject Property

**Attachment 2**  
 Zoning By-law Amendment  
 SCWI Enterprises Inc.  
 South Side of North Talbot Road  
**Official Plan**