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**Date:** May 28, 2024

**To:** Town of Amherstburg, Planning Department

**RE:** Planning Justification Outline for  
Proposed Application for Zoning By-law Amendment  
6754 County Rd 50, Pt. Lot 53, Concession 5, Pt. 1. RP 12R 16284

Roll # 3729 530 000 01000

**Author:** Robert Brown, H. Ba, MCIP, RPP

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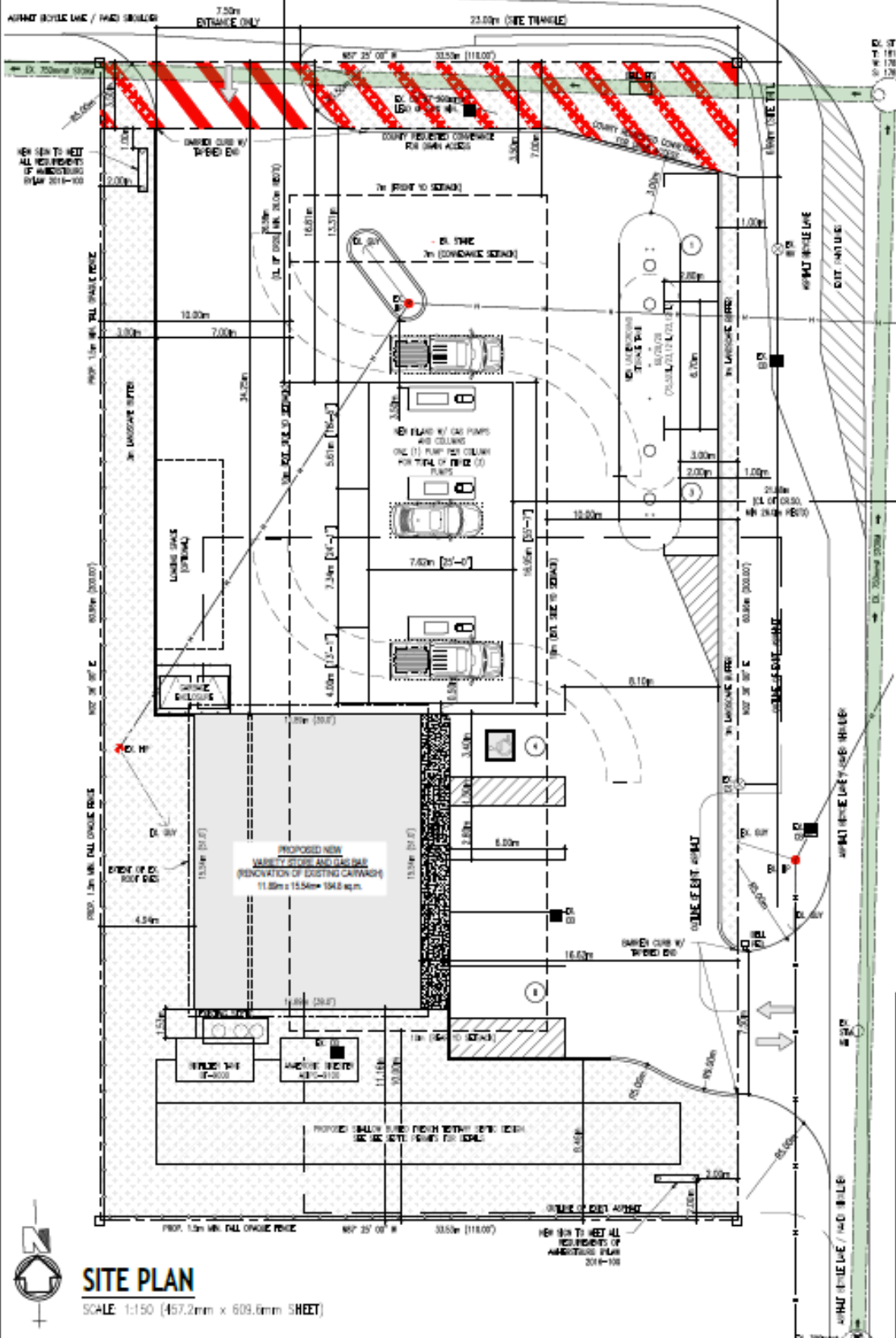
## **Purpose**

To provide an overview of the related land use planning considerations in support of a zoning by-law amendment to permit the addition of a gas bar as a permitted use and address any deficient zoning provisions.

## **Background**

The subject land is a 33.53 m (110 ft.) x 60.96 m (200 ft.) 2,043.8 sq. m (22,000 sq. ft.) commercial lot located in the southwest corner of the intersection of County Road 20 and County Road 50. The property is commercially zoned and contains one building that was originally used as a self-serve car wash. The owner is now preparing to redevelop the site by renovating the existing building for use as a convenience store with the addition of a gas bar. The store portion of the redevelopment is a permitted use however the addition of the gas bar will require a zoning amendment. The overall development will also be subject to site plan approval. The proposed layout and elevation are provided as Appendix A and B.

# APPENDIX A - SITE PLAN



## SITE PLAN

SCALE: 1:150 (457.2mm x 609.6mm SHEET)

**APPENDIX B  
#1**



**Amherstburg Variety & Gas Bar**  
Exterior Rendering  
December 19, 2023



**Y.C. LIU ENGINEERING**  
39 MCNAUGHTON AVE W  
CHATHAM, ONTARIO N7L 1R2  
TEL: (519) 351-9812  
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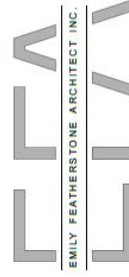
**APPENDIX B  
#2**



**Amherstburg Variety & Gas Bar**  
Exterior Rendering  
December 19, 2023



**Y.C. LIU ENGINEERING**  
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## Planning Rationale

### 1) Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a secondary settlement area in the County of Essex Official Plan, within the settlement area of Malden Centre and designated Neighbourhood Commercial by the Amherstburg Official Plan

Section 1.1.3.1 notes that settlement areas shall be the focus of growth and development.

**Comment:** The subject lands are within a settlement area under the County and Amherstburg Official Plan.

Section 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;

**Comment:** The subject site is currently underutilized having only the self-serve carwash in the southwest corner. The addition of the gas bar use will fully develop the lot while minimizing impacts to the intersection and surrounding uses.

- 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;

**Comment:** the property is existing and has been used commercially for quite some time. No new or additional services are required on the site with the exception of a revised storm water management plan.

- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;

**Comment:** The provision of or development of new commercial uses in small secondary settlement area is rather rare. The provision of day-to-day services such as convenience and a gas bar can provide additional basic services to the immediate area and reduce the need to travel further burning gas to get gas.

- d) Prepare for the impacts of a changing climate;

**Comment:** New development or redevelopment requires site plan approval which affords the Town the opportunity to seek updating of storm



water management systems to current standards helping to address climate change impacts.

e) Support active transportation;

**Comment:** not applicable

f) Are transit-supportive, where transit is planned, existing or may be developed; and

**Comment:** not applicable

g) Are freight-supportive.

**Comment:** The proposed use is located with access to two County roads which will provide access for delivery trucks to the site.

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.

**Comment:** While Section 1.1.3.3 goes onto refer to intensification and redevelopment relative to housing it is no less important to provide opportunities for redevelopment and intensification on all land uses to minimize the need for settlement area expansion. As noted earlier the provision of many day-to-day services in small hamlet type communities has been in decline. This means that local residents have to travel for even simple things such a topping up the gas tank or getting a liter of milk. This can often make these areas less attractive to new residents and further stall or prevent even minimal development.

## 2) Official Plan – County of Essex

The subject lands are within a secondary settlement area as outlined in the County of Essex Official Plan. The *Secondary Settlement Areas* shown on Schedule “A2” represent more than 40 small hamlet, village, employment based, or other site specific settlements or developments that have historically been identified in local Official Plans and were conceptually carried forward into the first version of the County Official Plan.

The County recognizes the diversity among the many different *Secondary Settlements Areas* and accordingly has established the following policy framework that recognizes this diversity:

a) New *development* will be permitted to the boundaries of the *Secondary Settlement Areas* as shown on Schedule “A2” provided such *development*

is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.

**Comment:** The subject property is located at the four corners of the Malden Centre settlement area and has been a commercial property for many years.

b) The *local municipalities* will be responsible for determining the hierarchy of *Secondary Settlement Areas*.

**Comment:** The Amherstburg Official Plan classes Malden Centre as a settlement area.

c) New *development* is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

**Comment:** The property has access to municipal water but like all development in Malden Centre is on a private septic system. This will remain the same. The gas bar use should actually place less demand on a private septic system than the former car wash use.

d) Expansions to the boundaries of a *Secondary Settlement Area* are not permitted. However, the County encourages *local municipalities* to undertake a Local Comprehensive Review in accordance with Section 3.2.3.1 that may result in the reduction of the boundaries in conjunction with the corresponding expansion of a *Primary Settlement Area* boundary. An amendment to this Plan and the local Plan shall be required to alter the boundary of any "*Settlement Area*".

**Comment:** Not expansion is required.

e) All types of land uses are permitted within the *Secondary Settlement Areas* designation subject to the specific land use policies of the local Official Plans.

**Comment:** The property is commercially zoned. This will remain the same with the addition of the gas bar as a permitted use, if approved.

*Secondary Settlement Areas*, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:

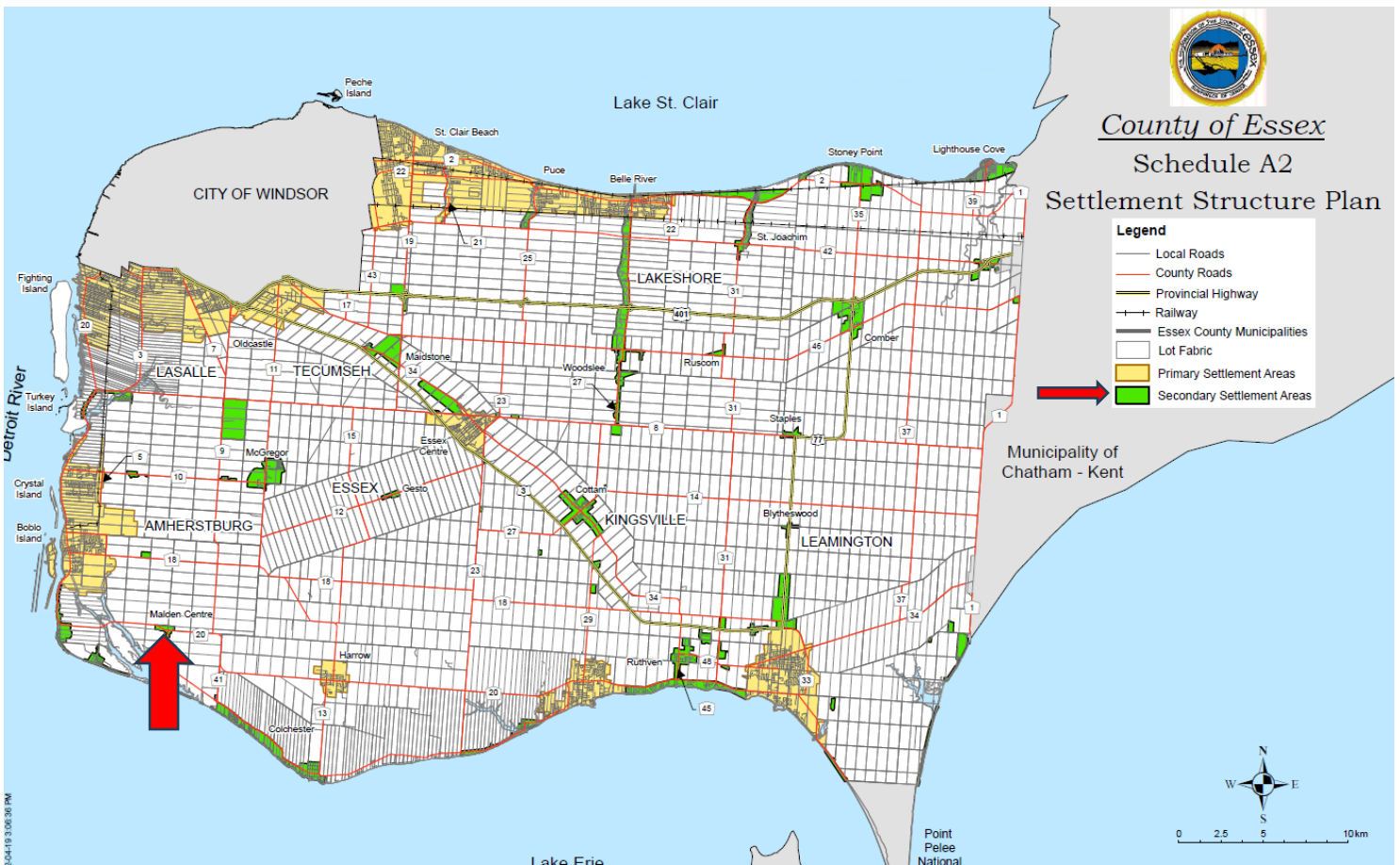
i) They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these

*Secondary Settlement Areas*, provided the *Primary Settlement Area(s)* in the municipality remains the focus of growth.

**Comment:** The focus of development in the Town of Amherstburg still remains the primary settlement area of Amherstburg. The proposed redevelopment is potentially to the size of the area it will service

ii) *New development* will generally be limited to infilling, *redevelopment* on existing lots of records, and limited *residential intensification*.

**Comment:** The proposed gas bar can be considered redevelopment and reuse of the former car wash site.



### 3) Official Plan – Town of Amherstburg

The subject lands are located within the Neighbourhood Commercial designation and within the settlement area of Malden Centre. As such they are subject to the policies of Section 4.4.1 - Neighbourhood Commercial.



The uses permitted in the Neighbourhood Commercial designation shall be limited to those commercial uses which provide for the sale of convenience goods and services to meet the daily living needs in foods, sundries and personal services, and may include neighbourhood business and professional offices.

**Comment:** The proposed convenience store is already a permitted use and conforms with the Official Plan policy. The addition of the gas bar provides for an additional use that caters to daily living needs for the residential in Malden Centre.

The development of Neighbourhood Commercial areas may take place in the form of a small shopping plaza owned and operated as a unit or as individual establishments. The scale of development shall be guided by the population of the area to be served, the location of the site relative to abutting land uses and road classification. The actual size of the uses permitted will be specified by the Zoning By-law.

**Comment:** The proposed use involves the reuse of an existing building on the site and the addition of gas pumps and a canopy. The only zoning regulations that may require a reduction is to recognize the existing setback of the former car wash. All other setback and regulations should be in compliance.

Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

**Comment:** The proposed development is able to provide the necessary parking space associated with the proposed uses.

No open storage shall be permitted in Neighbourhood Commercial areas.

**Comment:** None is proposed.

The location of the Neighbourhood Commercial areas shall be in accordance with Schedules "A" and "B". Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.

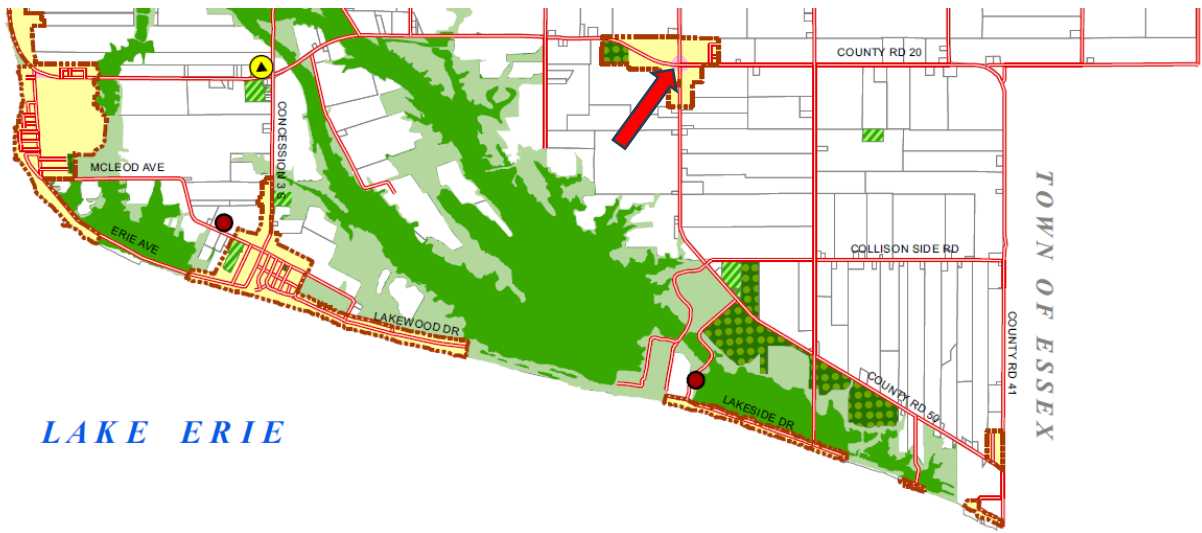
**Comment:** not applicable

The building or buildings contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.

**Comment:** Should the zoning amendment on the property be supported the applicant is currently working on the detailed site plan which will address lighting, signage as well as buffering and screening of the existing residential lots to the west and south. As noted in Appendix B the elevation show both fencing and landscaping along the west an south site of the property.

The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law

**Comment:** This is the purpose of the application for zoning by-law amendment on the subject site.



**TOWN OF AMHERSTBURG  
OFFICIAL PLAN**

**SCHEDULE "A"  
LAND USE PLAN**

**Legend**

Agricultural	Heritage Residential	Recreational Development
Settlement Area Boundary	Modular Home Residential	Open Space
Provincially Significant Wetlands	Neighbourhood Commercial	Special Policy
Natural Environment	General Commercial	Closed Landfill Site
Woodlots	Special Industrial	Open Landfill Site
Low Density Residential	Light Industrial	Sewage Treatment Facility
High Density Residential	Heavy Industrial	
Medium Density Residential	Extractive Industrial	
Office Residential	Institutional	

#### 4) Comprehensive Zoning By-law – Town of Amherstburg

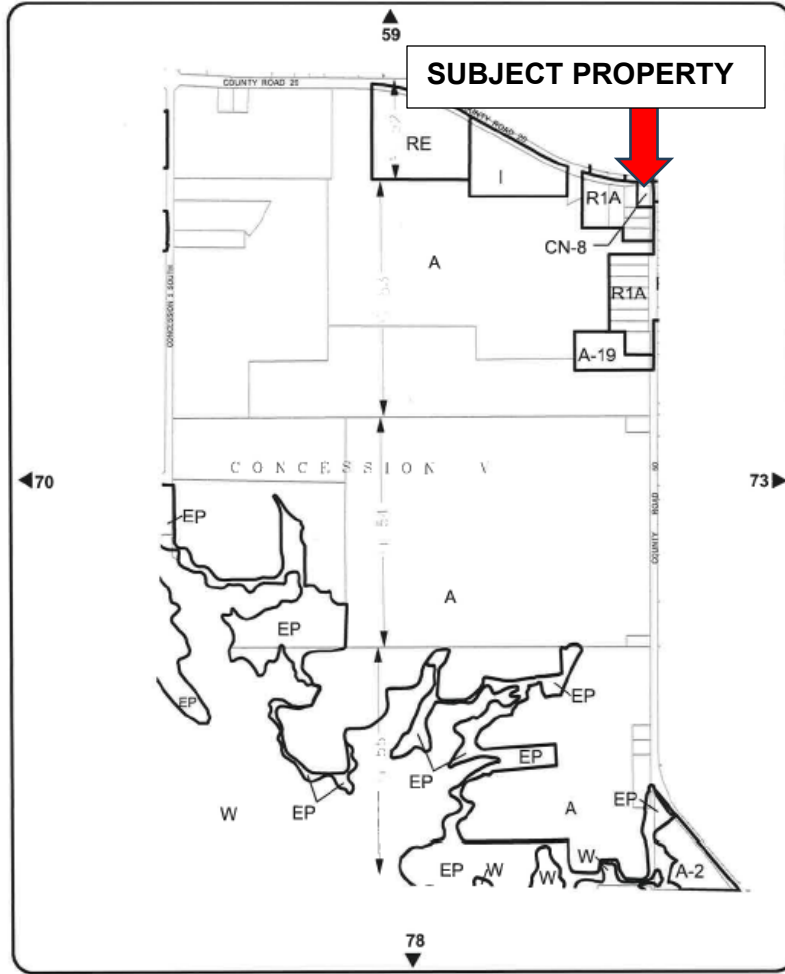
The subject property is currently zoned a site-specific Commercial Neighborhood (CN-8). This zoning permits the standard CN uses which include the following:

- i) Business office
- ii) Day care;
- iii) Dry cleaner's distribution station;
- iv) Dwelling unit;
- v) Medical/dental office;
- vi) Personal service shop;
- vii) Professional office;
- viii) Public use;
- ix) Retail store;
- x) Convenience store;
- xi) Video rental establishment;

The site-specific CN-8 added:

- i) carwash, and
- ii) garden and landscaping centre.

From the standpoint of use of the property the proposed amendment would add gas bar as an additional permitted use. In terms of the regulation side of the proposed zoning the amendment would need to address a reduction in the westerly side yard setback from 10 m to 4.5 m which is the existing setback of the former carwash building and reduce the required setback of 26 m from the centre line of County Road 50 to 21.5 m. All other new development on the site will conform to the required setbacks. County Engineering was consulted during the development of the site plan and has indicated no objection to the requested reduction along County Road 50.



**TOWN OF AMHERSTBURG**  
 ZONING BY-LAW NO. 1999-52

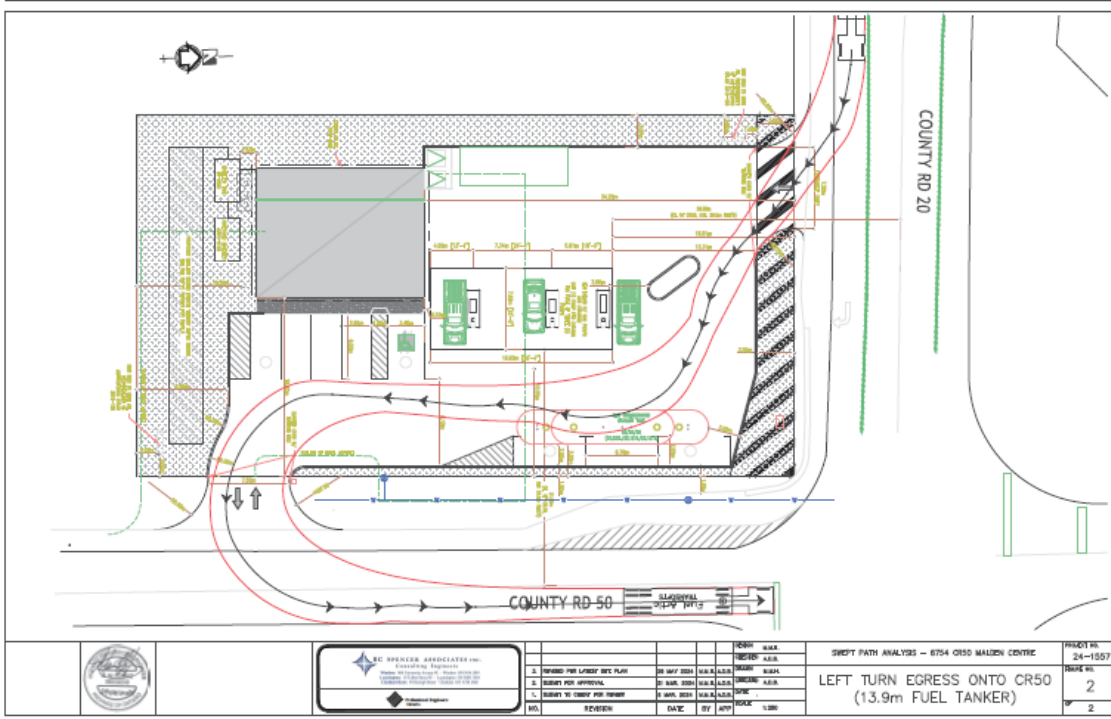
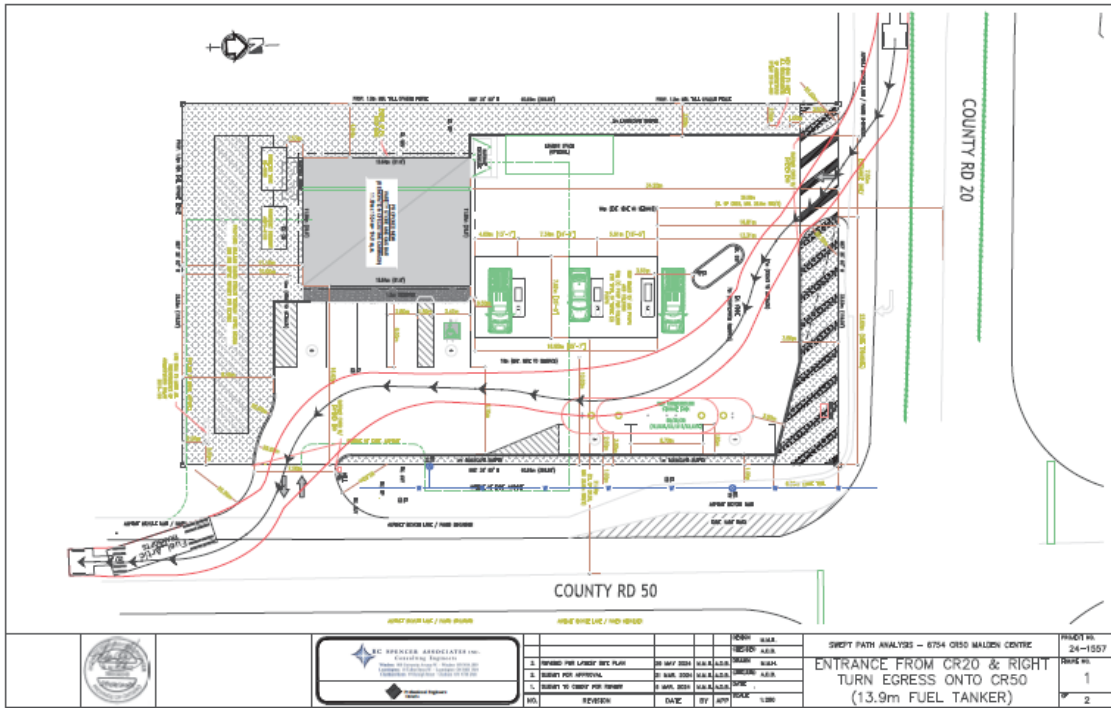
**SCHEDULE 'A'**  
**MAP 72**  
 0 100 200 400m

### 5) Site Plan Approval

Appendix A in the report shows the proposed layout of the site. The existing building on the site will be renovated to accommodate the new gas bar and convenience store. A canopy will be added to the north end of the building to accommodate the gas pumps. A new septic system will be required along with stormwater management for the site.

The County did request that a road widening be conveyed to the County along County Road 20. This would ensure that the existing roadside drain would then be within the County Road allowance. The requested conveyance is shown on Appendix A in red hatch. Conveyance of these lands can be incorporated as a condition of site plan approval.

In support of both the requested zoning amendment and site plan approval a traffic impact study was completed for the site and proposed use. The report concluded that the use would not negatively impact on the ongoing function of the intersection of County Road 20 and 50. (Appendix B) Because of the compact nature of the site the report also included a truck movement assessment to ensure that based on the entrance limitations and site layout that fuel delivery trucks would be able to enter and exit the site safely.





## Conclusions

The proposed development utilizes an existing building and repurposes it in combination with a new use to provide services to the community of Malden Centre, the travelling public and surrounding area. The proposal represents a change in the community and will create competition for the existing gas bar and convenience store on the opposite corner. Activity at the intersection may increase as a result of the new use. This may result in traffic noise and lights impacting the residential uses to the west and south. Through the site plan approval process requirements will be included to address these items through the use of fencing and landscaping. The placement of the fuel tanks on the site has been considered to locate them away from the residential uses to minimize smell issues during refilling.

The site is currently zoned for commercial uses and designated by the Official Plan as Neighbourhood Commercial. The proposed convenience store is a permitted use. This is often combined with a gas bar. As a smaller community the uses will not see the same significant volumes of traffic that a similar urban based gas bar would have.

Based on the rationale outlined in this report and in combination with the site plan provided for consideration and further approval through the site plan process the proposed development and approval of the requested zoning by-law amendment represents good land use planning.

Prepared by:

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal flourish extending to the right.

Robert Brown, H, Ba, MCIP, RPP  
Principal Planner  
Oakview Land Use Planning