



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

***Mission Statement:*** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

<b>Author's Name:</b> Christopher Aspila	<b>Report Date:</b> April 14, 2025
<b>Author's Phone:</b> 519 736-5408 ext. 2124	<b>Date to Council:</b> April 29, 2025
<b>Author's E-mail:</b> caspila@amherstburg.ca	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

**Subject:** Statutory Public Meeting for an Official Plan Amendment (OPA #27) and Zoning By-law Amendment (ZBA-24-24) – 130 Sandwich Street South

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#### **1. RECOMMENDATION:**

It is recommended that:

1. Following the receipt of updated engineering studies prepared to the satisfaction of the Director of Infrastructure Services, comments from the public, municipal departments, agencies and Council with respect to the proposed Official Plan Amendment and Zoning By-law Amendment for lands municipally known as 130 Sandwich Street South (Files OPA #27 and ZBA-24-24) **BE RECEIVED and SUMMARIZED** in a future report to Council.

#### **2. BACKGROUND:**

The Town is in receipt of applications for an Official Plan Amendment to the Town of Amherstburg Official Plan, as amended and a Zoning By-law Amendment to By-law 1999-52, as amended, from Valente Development via Agent Pillon Abbs Inc. c/o Tracey Pillon-Abbs (see Appendix 'A' and Appendix 'B'). The subject lands are located on the west side of Sandwich Street South, north of and excluding Bill Wigle Park, the former site of General Amherst High School, municipally known as 130 Sandwich Street South. **It is noted with emphasis that neither Bill Wigle Park, nor any municipal buildings, are part of these two Planning Act applications before Council.**

The Applicant held an Applicant-led Open House at the Libro Centre, 3295 Meloche Road in Amherstburg from 5:00pm to 7:00pm on March 20, 2025 in response to a request from Development Services per section 7.16 and subsections of the Town of Amherstburg Official Plan. 81 residents signed into the Open House. An Open House Summary

Report is attached as Appendix 'D' to this report. Notice of the Open House and copies of comments received are attached as Appendix 'E' to this report.

The effect of the proposed Official Plan Amendment will be to change the designation of the subject lands from "Institutional" to "General Commercial – Special Policy Area 25". The General Commercial – Special Policy Area 25 designation would allow for commercial, residential and institutional uses on the subject lands and additionally allow for development of an 8 storey mixed-use tower and an 11 storey mixed-use tower.

The effect of the proposed Zoning By-law amendment will be to change the zoning of the subject lands from "Institutional (I) Zone" to "Commercial General – Special Provision 21 (CG-21)". The CG-21 zoning would allow for commercial, residential and institutional uses with the following relief from By-law 1999-52 provisions to allow for development of an 8 storey mixed-use tower and an 11 storey mixed-use tower. Details of the development proposal are included in Appendix 'C'.

The current Institutional Official Plan designation and Zoning do not permit the development of residential nor commercial uses on the subject lands and restrict development to a maximum height of 10 metres.

### **3. DISCUSSION:**

#### **Provincial Planning Statement (2024)**

A new Provincial Planning Statement (PPS) came into effect on October 20, 2024 that replaced the Provincial Policy Statement that came into effect on May 1, 2020. It is acknowledged that the PPS contains a chapter titled: "Building Homes, Sustaining Strong and Competitive Communities" that includes policies on several topics including "Planning for People and Homes", "Housing" and "Settlement Areas and Settlement Area Boundary Expansions". The PPS also contains a chapter titled "Infrastructure and Facilities" that includes policies on several topics including "General Policies for Infrastructure and Public Service Facilities", "Transportation Systems", and "Sewage, Water and Stormwater". Additionally, the PPS contains a chapter titled "Wise Use and Management of Resources" that includes policy on the topic of "Cultural Heritage and Archaeology". Furthermore, the PPS contains a chapter titled "Implementation and Interpretation" that includes policies about "General Policies for Implementation and Interpretation" and "Coordination". A comprehensive review of the proposed development in the context of the PPS to determine consistency will be provided in a future report to Council, should council support the recommendation in section 1 of this report.

#### **County of Essex Official Plan**

The County of Essex Official Plan in effect at the time of these Applications is the 2014 version. It is noted that County Council has adopted the 2024 version of the County of Essex Official Plan and the 2024 version is still pending approval from the Ministry of Municipal Affairs and Housing. These applications will be evaluated in the context of the 2014 version as part of a future report to Council as the proposed amendment to the Town of Amherstburg Official Plan must conform with the County of Essex Official Plan.

#### **Town of Amherstburg Official Plan**

The subject lands are designated as Institutional in the Town of Amherstburg Official Plan (TOP).

Section 4.6 of the TOP states:

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose.

The general principles to be considered in the development and control of the use of such land are as follows:

The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

Section 4.4.2 of the TOP states:

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 story's and unless a site-specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

In order to ensure compatibility with the Heritage Residential area abutting the General Commercial designation in the Central Business District, development on the east side of Dalhousie Street and/or on the south side of Murray Street shall be limited to only Medium Density Residential development with access restricted to Dalhousie Street and/or Murray Street and height restricted to three stories. Properties along the west side of Dalhousie Street within the General Commercial Designation may be considered for a High-Density Residential development. Height, however, would be restricted to a maximum of five stories. Public participation meetings would be held as part of any site plan reviews for multi-family developments.

Hotels and multi-family residential development within the Sandwich Street corridor (County road 20) of the General Commercial designation may have heights of up to eight stories.

Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores servicing domestic customers, may locate within the General Commercial designation located on Sandwich Street north of Alma Street or south of Park Street.

Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13, provides the Town of Amherstburg with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law. Section 40 allows the Town to collect money which can then be used to provide municipal parking within the area. Under such a policy the Town may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment. The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from their parking requirements. Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied. See Subsection 6.2.5 for additional policies regarding downtown revitalization for a portion of the General Commercial designation.

When applying the payment in lieu option the Town Council shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law to provide parking. Money received should be placed into a special account and the agreement registered against the land. Payment in lieu will only be considered within the General Commercial land use category. New residential developments should attempt to include all required tenant parking on site, however, the residential standards of the Zoning By-Law may be significantly reduced within the zones

applied to the General Commercial area to encourage intensification and redevelopment that is deemed to have a positive impact on the downtown area. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings. Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks and taverns.

Evaluation of a site as suitable for payment in lieu must carefully assess the effect the number of spaces required will have on the feasibility of the development, the availability of parking in the area, the opportunity or viability of ever providing parking in the area and the resulting cumulative effect of applying the payment in lieu policy and whether or not the opportunity to achieve a desirable development can occur without creating a significant parking deficiency. A parking fund shall be established from cash-in-lieu of parking spaces received from Commercial development in the General Commercial Area.

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing Zoning By-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern.

The general location of the General Commercial areas shall be in accordance with Schedules "A" and "B".

Any public works or private redevelopment within the area should take into account the Heritage Policies and Downtown Revitalization Policies of this Plan and should implement any applicable portion.

The General Commercial lands may be placed in separate zoning classifications in the implementing Zoning By-Law.

The proposed Official Plan Amendment will allow for a special provision that allows for the commercial development and including the proposed 8 storey and 11 storey mixed-towers and provides an option for the proponent to have the opportunity to request of Council for cash-in-lieu of parking spaces for portions of the commercial component of the development if they choose to do so.

A comprehensive review of the applications in the context of the TOP will be provided in a future report to Council.

## **Town of Amherstburg Zoning By-law 1999-52**

The subject lands are zoned Institutional (I) in Zoning By-law 1999-52. The following uses are permitted in the “I” Zone:

No person shall within any I Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:

- (i) cemeteries;
- (ii) colleges;
- (iii) day nurseries;
- (iv) government buildings;
- (v) hospitals;
- (vi) marina;
- (vii) manse;
- (viii) museums;
- (ix) nursing home;
- (x) parks;
- (xi) places of worship;
- (xii) recreational facilities owned and operated by a public authority;
- (xiii) schools.

The following are the zone requirements for the “I” Zone:

No person shall within any I Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (Minimum)	No minimum
(b) Lot Frontage (Minimum)	No minimum
(c) Front Yard Depth (Minimum)	15 m
(d) Interior Side Yard Width (Minimum)	10 m
(e) Exterior Side Yard Width (Minimum)	15 m
(f) Rear Yard Depth (Minimum)	10 m
(g) Lot Coverage (Maximum)	50%
(h) Landscaped Open Space (Minimum)	30%
(i) Height of Building (Maximum)	10m

The proposed amendment would allow for commercial, residential and institutional uses with the following relief from By-law 1999-52 provisions to allow for development of an 8

storey mixed-use tower and an 11 storey mixed-use tower. Parking requirements for the proposed development will need to be in conformity with the General Provisions of By-law 1999-52 once the uses are confirmed and may be subject to the Cash-In-Lieu of Parking policies of the TOP.

## **Summary of Discussion**

The purpose of this Statutory Public Meeting is to provide an opportunity for the applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the proposed Official Plan Amendment and Zoning By-law Amendment. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments is attached to this report as Appendix "I".

Following this public meeting, staff will review all of the comments submitted as part of this application, including the Applicant-led Open House and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required. Additional analysis of planning policy will be provided in the follow-up report to Council with a staff recommendation.

Should the OPA and ZBA applications be approved and the development move forward, it will be subject to the Site Plan Control process and the proponent will be required to provide material and information that Administration deem necessary for a complete Site Plan Control Application. It is noted that Infrastructure Services does not support the ZBA Application as the engineering studies such as the Traffic Impact Study, Functional Servicing Study and Stormwater Management Report are insufficient at this time as discussed in the letter included in Appendix 'L'. It is further noted that at time of the Site Plan Control Application, one or more of the engineering studies may require updating or re-doing based on the specifics of the development proposed.

### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

### **5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

### **6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

It is noted that Infrastructure Services does not support the proposed Zoning By-law Amendment Application at this time and is requesting additional material and information for the engineering studies provided in the applications.

## 7. CORPORATE STRATEGIC ALIGNMENT:

*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"> <li>✓ Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li><input type="checkbox"/> Deliver transparent and efficient financial management.</li> <li>✓ Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li>✓ Continue to deliver strong core municipal services.</li> <li>✓ Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<p><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"> <li>✓ Encourage development of commercial and industrial lands.</li> <li>✓ Continue to promote local tourism industry, especially overnight accommodation.</li> <li>✓ Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li>✓ Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue)</li> <li><input type="checkbox"/> Create public access to water and waterfront</li> <li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li> </ul>	<p><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li>✓ Define and communicate a vision for the Town's future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and "climate change ready" development.</li> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> <li>✓ Protect the Town's historic sites and heritage.</li> <li><input type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.</li> </ul>

## 8. CONCLUSION:



Based on the comments of Infrastructure Services for the Zoning By-law Amendment Application the timing of bringing a report back to Council for a decision on these applications will depend on the provision of the updated studies.

Following analysis of the requested updated studies, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



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Christopher Aspila  
**Manager of Planning Services**

## Report Approval Details

Document Title:	Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment - 130 Sandwich Street South.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix 'A' - OPA 27 Application - 130 Sandwich St_Redacted-RM.pdf</li><li>- Appendix 'B' - ZBA Application - 130 Sandwich St_Redacted-RM.pdf</li><li>- Appendix 'C' - PJR Amherst FINAL V5.pdf</li><li>- Appendix 'D' - Open House Report V2.pdf</li><li>- Appendix 'E' - Notice of Applicant Led Open House and Comments Received REDACTED.pdf</li><li>- Appendix 'G' - M24-290 GENERAL AMHERST FSR and SWM CONCEPT 07 APR 2025.pdf</li><li>- Appendix 'H' - 25029 ltr_01 Facade Assessment.pdf</li><li>- Appendix 'I' - Aerial Map-RM.pdf</li><li>- Appendix 'J' - Buffer Map-RM.pdf</li><li>- Appendix 'K' - Notice of SPM OPA ZBA 130 Sandwich St April 29 2025-RM.pdf</li><li>- Appendix 'L' - Summary of Correspondence Received on OPA27 Zba-24-24-RM.pdf</li><li>- Appendix 'M' - Design Concept.pdf</li></ul>
Final Approval Date:	Apr 16, 2025

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne

**No Signature found**

Antonietta Giofu



Tracy Prince

A handwritten signature in cursive script, reading "Valerie Critchley".

Valerie Critchley

A handwritten signature in cursive script, reading "Kevin Fox".

Kevin Fox