

PLANNING JUSTIFICATION **REPORT**

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

131 & 135 Sandwich Street

Town of Amherstburg,
County of Essex

Date:

April 2022 (Revised July 2022)

Prepared for:

Daei Foods Inc.

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File 21320A

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1.0

INTRODUCTION

1.1 Overview

1.1.1 Development Proposal

MHBC has been retained by Daei Foods Inc. to assist with an application to amend the Town of Amherstburg Official Plan and Zoning By-Law in order to support a commercial development planned for lands addressed collectively as 131 and 135 Sandwich Street South, in the community of Amherstburg. The subject lands (the 'Site') are located on the east side of Sandwich Street South between Fort Street and Richmond Street. The Site measures approximately 2,065 m² in area, and has approximately 42.2 m of frontage on Sandwich Street South.

The Proposed Site Plan enclosed with this submission illustrates the intended building design and lot layout for the planned commercial development. As presented, the proposed development incorporates one multiple-unit commercial building integrating shared accesses and common parking areas. Additionally, a drive-through facility is integrated into the proposed restaurant (conceptualized as a Harvey's). In total, the development proposes 390 m² of service/retail commercial space (gross floor area).

Additional consideration of urban design opportunities have been implemented into the proposed layout to promote an attractive urban streetscape, including building positioning, contemporary building façades, landscaping enhancements and convenient pedestrian connections. The intent of these design elements is to support an active street frontage and a positive pedestrian experience along the Sandwich Street South corridor.

1.1.2 Planning Applications

As discussed in this Report, the subject lands are located in within a defined Settlement Area in the County of Essex Official Plan and are designated General Commercial pursuant to the Town of Amherstburg Official Plan. The General Commercial designation permits commercial retail uses, including eating establishments; however drive-through facilities are not permitted in this designation.

The lands are zoned Commercial General (CG) pursuant to the Town of Amherstburg Zoning By-law No. 1999-52 (Zoning By-law), which permits restaurant uses including fast food restaurants and drive-through facilities. Notwithstanding, the CG Zone does not permit drive-through restaurants as defined in the Zoning By-law. In addition, the Proposed Site Plan does not comply with certain CG Zone regulations (e.g., minimum front yard setback, minimum parking requirements).

In light of these considerations and direction provided by Town of Amherstburg staff, Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications are being advanced to permit the proposed commercial development.

1.2 Report Framework

1.2.1 General Components

This Planning Justification Report includes a detailed description of the subject lands, the existing policy framework and the rationale for the OPA/ZBA application. The Report focuses on matters relating to the nature and intent of the Official Plan Amendment and rezoning application, and includes the following primary components:

- An introduction and general overview of the subject lands, surrounding uses and existing conditions to provide an understanding of the locational context;
- A description of the overall development concept including highlights regarding land use, building form and urban design components, as well as an overview of technical studies completed in support of the development concept; and
- A review of the existing policy framework (Provincial and County) relating to the proposed development and an assessment of conformity with the Provincial Policy Statement, the County Official Plan and the Town's Official Plan and Zoning By-law.

The following represent key references for this planning analysis:

- 2020 Provincial Policy Statement (PPS);
- County of Essex Official Plan;
- Town of Amherstburg Official Plan;
- Town of Amherstburg Zoning By-law No. 1999-52;
- Downtown Amherstburg Urban Design Guidelines (Draft).

In addition to a detailed review of these documents, an assessment of the subject lands and the surrounding land uses was also conducted as part of the evaluation.

1.2.2 Complete Application

Town of Amherstburg staff advised in correspondence that the following reports and plans are required to support a complete OPA/ZBA application

- Planning Justification Report;
- Traffic Impact Assessment;
- Conceptual Landscape Plan;
- Conceptual Site Plan; and
- Preliminary Building Elevations.

The required materials has been prepared and are enclosed with the planning application submitted for this proposal.

2.0

SITE LOCATION AND SURROUNDING LAND USES

2.1 Site Description

As discussed, the subject lands are addressed as 131 and 135 Sandwich Street South, in the Town of Amherstburg (County of Essex). The Site currently comprises two parcels, generally described as Part of Lots 6, 7 and 8, Registered Plan 6. **Figure 1** of this Report illustrates the location of these lands. The Site is currently developed with a family-style restaurant and attached residence contained on 135 Sandwich Street South, while 131 Sandwich Street South is utilized for accessory parking and an accessory outbuilding is also located on that parcel. The restaurant/residence has a gross floor area (GFA) of approximately 310 m², the accessory building has a GFA of approximately 58 m².

The subject lands, which measure approximately 0.21 ha in area, are generally rectangular in shape and incorporate approximately 42 m of frontage along Sandwich Street South. These lands form part of the Town's Central Sandwich District and are identified as being within the Central Sandwich Community Improvement Planning Area under the Town's draft Downtown Amherstburg Urban Design Guidelines (October 2018) and draft Community Improvement Plan (December 2020).

At this location, Sandwich Street South (County of Essex Road 20) has two through traffic lanes and a continuous northbound left turn lane. This street is designated as an Arterial Road pursuant to Schedule D (Road Classification) of the Town of Amherstburg Official Plan. The Site has two existing full-turn street accesses.

The following images illustrate site features from the adjacent street frontages.



Figure 1
General
Location Map

 **SUBJECT LANDS**



200-540 BINGEMANS CENTRE DR.
KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121
WWW.MHBCPLAN.COM

**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
MHBC PLANNING**

DATE: February 08, 2022

SCALE 1 : 2,000



P:\21320\A\Graphics\
Figure 1 - General Location Map - Feb. 08, 2022

- **Subject Lands: View Southeast from Sandwich Street South corridor**



Source: Google Maps, February 7, 2022

- **Subject Lands: View Northeast from Sandwich Street South corridor**



Source: Google Maps, February 7, 2022

2.2 Surrounding Land Uses/Neighbourhood Compatibility

The Site fronts the east side of Sandwich Street South, generally north of the Amherstburg Central Business Area as delineated in the Town's Official Plan. Directly to the west, and across the street from these lands is an existing secondary school (General Amherst High School) and adjacent park with baseball fields. A signalized crosswalk is provided at this location connecting the school lands with the sidewalk extending along the east side of the Sandwich Street South corridor. North of the subject lands and north of Fort Street is a large format grocery store with ancillary drug store. A fast-food style restaurant with a drive through facility is also approved for this plaza. Additionally, a mix of commercial plaza uses and residential uses are located between the grocery store plaza and the subject lands including combined office/residential type uses. Further south along Sandwich Street South are a mix of

office/commercial uses, as well as a restaurant with a drive-through facility. Directly east of the subject lands is a parking lot that is accessed via a driveway directly adjacent to the north of the Site. Further east is a largely low-density residential community which incorporates a central public school, parks and institutional uses.

Table 1.0 identifies the land uses surrounding the Site.

Table 1.0 – Surrounding Land Uses

Relative Location	Existing Land Uses
TO THE NORTH:	Public parking lot, mix of commercial and residential uses including a large format grocery store and drug store
TO THE EAST:	Public parking lot, low density residential forms, institutional uses
TO THE SOUTH:	Commercial and office uses including restaurant with drive-through
TO THE WEST:	Road right-of-way, secondary school, sports fields, community park

3.0

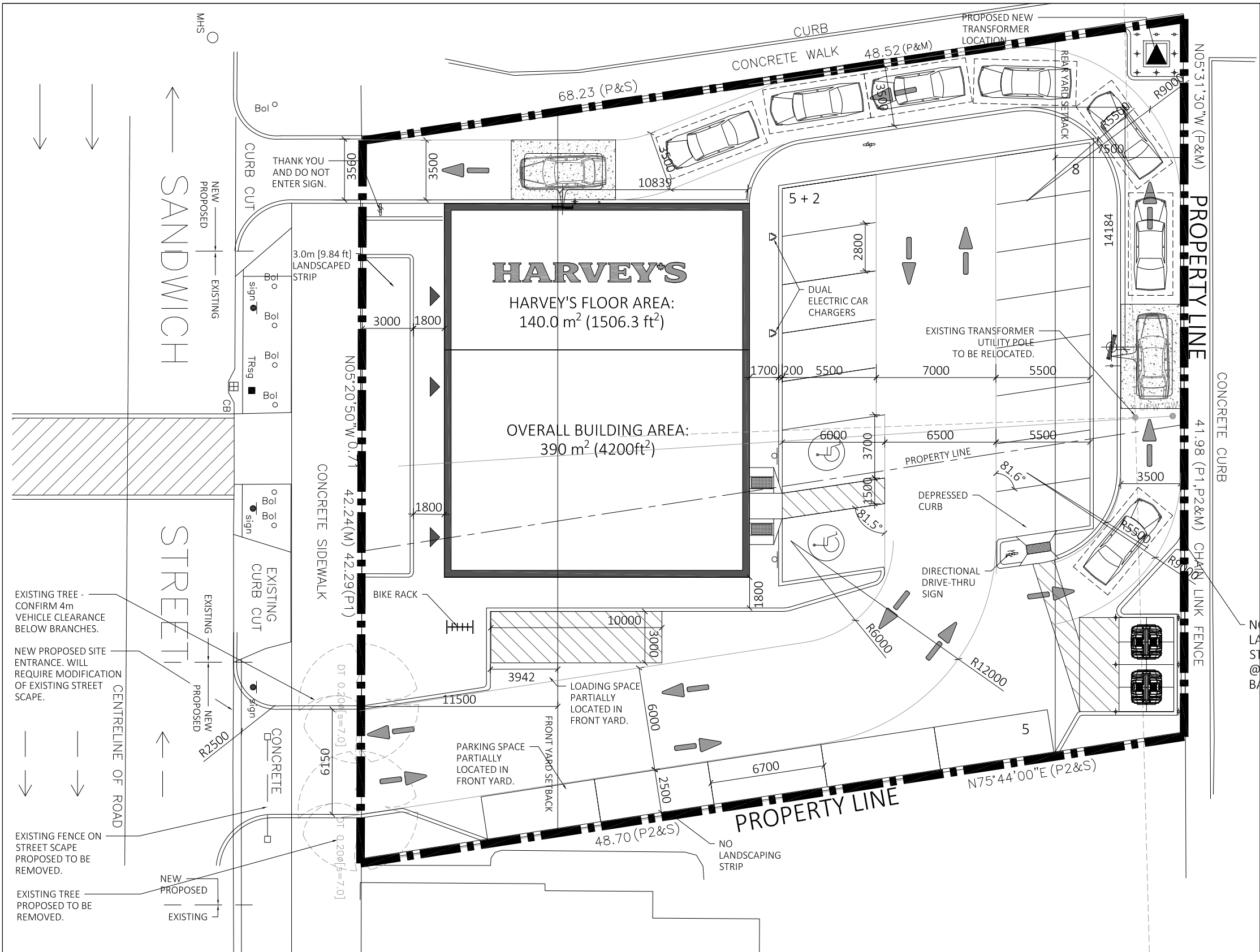
DESCRIPTION OF THE PROPOSAL

3.1 Proposed Site Plan

Figure 2 of this Report illustrates the Proposed Site Plan prepared by Nicholas Caragianis Architect Inc. (NC Architect). In our opinion, the proposed building positioning and site layout address a number of comments provided by Town staff received through the pre-application consultation stage of project planning.

The following sets out in the primary components of the Proposed Site Plan:

- A multiple-unit commercial building integrating a drive-through facility to accommodate the restaurant intended for the north commercial unit. The commercial building has a total GFA) of approximately 390 m², and the proposed restaurant, conceptualized as a Harvey's, has a GFA of approximately 140 m²;
- Two vehicular accesses from Sandwich Street South, with the southerly access accommodating all way traffic movements and the northerly access providing an exit only from the drive-through facility servicing the proposed restaurant. This mutual driveway arrangement is intended to support effective maneuverability through the Site and to limit driveway entrances to Sandwich Street South;
- A total of 20 surface parking spaces, including two accessible spaces. An additional nine queuing spaces are provided in the drive-through aisle.
- Enhanced building design, landscaping and pedestrian access, including a concrete sidewalk along the east side of Sandwich Street frontage. Pedestrian accesses to commercial units are provided via by way entrances from Sandwich Street South, and from the parking area;
- Provision of an enhanced 3.0 m wide landscape strip positioned along the front of the building; and
- Building and site design elements in keeping with the Commercial Special Policy Area of the Town of Amherstburg Official Plan and the Town's proposed draft Downtown Amherstburg Urban Design Guidelines and draft Community Improvement Plan.



NOTE:

LOT AREAS & DIMENSIONS TAKEN FROM CLIENT SUPPLIED SURVEY DATED 20-10-2021
PROVISIONAL SUMMARY ONLY - ALL PARKING REQUIREMENTS TO BE CONFIRMED WITH
FINAL OCCUPANCY IN PROPOSED BUILDING.

*NET FLOOR AREA USED FOR PARKING CALCULATIONS, AS PER CONVERSATION WITH
AMHERSTBURG PLANNER - EXTERIOR WALL AREAS NOT IN CALCULATIONS

PARKING SUMMARY

BUILDING FOOTPRINT AREA = 390 sq. m [4200 sq. ft]

	PROPOSED DRIVE-THROUGH RESTAURANT	PROPOSED RETAIL SPACE
NET FLOOR AREA* - ESTIMATE ONLY TO BE CONFIRMED	140.0 sq. m [1506.3 sq. ft]	247 sq. m [2659 sq. ft]
ZONING PARKING REQUIREMENT	SECTION 3 (23) Amherstburg Zoning: 1 / 10 sq. m	SECTION 3 (23) Amherstburg Zoning: 1 / 25 sq. m
REQUIRED PARKING SPACES PER OCCUPANCY TYPE & AREA	140.0 sq. m / 10 sq. m = 14 SPACES	247 sq. m / 15 sq. m = 10 SPACES
DRIVE-THROUGH QUEUING SPACE REQUIREMENT	6 Queuing Spaces / Drive-thru	N/A
ACCESSIBLE ZONING PARKING REQUIREMENT	1 Accessible / First 20 Spaces + 1 Accessible / 100 Spaces	
LOADING SPACE REQUIREMENT	1 Required to Serve all 3 Building Occupants.	
TOTAL REQUIRED PARKING	24 PARKING SPACES (+ 2 ACCESSIBLE) 6 QUEUING SPACES 1 LOADING SPACE	
PROVIDED NUMBER OF SPACES	20 PARKING SPACES (INCLUDING 2 ACCESSIBLE) 9 QUEUING SPACES 1 LOADING SPACE	
PARKING DEFICIENCY	4 PARKING SPACES	
ADDITIONAL PARKING AMENITIES PROVIDED	2 X DUAL EV CHARGERS 5 BICYCLE PARKING SPACES	

nicholas
caragianis
architect
inc.

PROJECT NAME:
HAR AMHRTSAND131
NCA #21055
ADDRESS:
131 & 135 SANDWICH ST. S
AMHERSTBURG, ON

PROPOSED IDEAS FOR PARKING REDUCTION - SECOND UNIT
OCCUPANCY CHANGED TO RETAIL, REDUCED BUILDING
FOOTPRINT BY APPROX. 310 SQ. FT, ADDITIONAL PARKING
ADDED AT SOUTH PERIMETER OF SITE, PARKING AREA AT
REAR ANGLED TO 81.6°

Figure 2
DSK-004-R6: PROPOSED SITE PLAN

DRAFT - FOR DISCUSSION

DATE:
2022-07-22
SCALE:
1:250
DWG.:
DSK-004-R6
1 OF 1

Appendix A to this Report includes preliminary building elevations prepared by NC Architect.

3.2 Design Considerations

In accordance with the Commercial Special Policy Areas provisions contained in the Town of Amherstburg Official Plan, in conjunction with this OPA/ZBA application, the Town will seek the advice of its Municipal Heritage Committee when evaluating the merits of this development proposals. In particular, as discussed in Section 4.3 of this Report, given that the Site is located within the Gateway to Amherstburg Special Policy Area, the Committee will evaluate this proposal in relation to matters such as roof line, height, building material and window placement (in order to maintain the historic small town appearance of this area).

The Proposed Site Plan was designed with due consideration for the urban design objectives as provided by way of Special Policy Area provisions within the Official Plan and identified through preliminary comments received by Town Planning staff. Several design components have also been integrated into the site layout in order to align with the Town's urban design objectives as contemplated for the applicable Central Sandwich District in the draft Downtown Amherstburg Urban Design Guidelines and draft Community Improvement Plan.

As set out in Section 1.8.2 of the draft Guidelines, key objectives for the Central Sandwich District are "...to promote infill development on vacant and underutilized lots, conserve and maintain heritage features of buildings, create an attractive pedestrian environment and reduce commercial vacancies." A similar objective is defined for this District in Section 1.8.2 of the draft Community Improvement Plan.

Additionally, the following design direction has been identified within the draft Guidelines relating to commercial developments in the Central Sandwich District:

- Commercial buildings should be oriented towards the street with entranceways and sidewalks to provide access for pedestrians;
- Building setbacks are expected to generally follow those of adjacent properties to promote a continuous street wall;
- Parking should be located in the rear or side yard;
- Utilize materials that contribute to the historic character typified by red brick facades with wooden window frames, and cornices;
- Avoid materials that are not compatible with the traditional commercial character such as stucco, vinyl, and tinted glass;

- Utilize colours that contribute to the historic character of the area and compliment adjacent facades;
- Locate loading and service areas away from the street frontages and visually screen such areas from public views and adjacent residential properties; and
- Locate waste storage areas inside buildings wherever possible. Where outside, ensure that waste disposal areas and containers are not visible from the street.

The following identifies several key design elements that are contemplated in the site layout to align with the urban design direction of the aforementioned policy documents.

Key design elements:

- The street wall plane proposed along Sandwich Street South incorporates a consistent design that integrates the commercial units into a cohesive 'main street' façade and helps to achieve a pedestrian-oriented streetscape;
- The drive-through component of the proposed restaurant which will occupy the northerly unit is located at the rear of the property and screened from street-view;
- An enhanced landscaping program has been developed along the Sandwich Street South frontage is to incorporate high quality features including a wide selection of trees, shrubs and plants. Landscaping features and the building positioning will help to screen rear parking and loading areas from the public street;
- An integrated walkway system is planned to provide continuous access between the planned commercial units and the public street, as well as provide connections to the surface parking area;
- The proposed building designs integrates parapet elements that increase the building height for the street-facing elevations; having regard for the proposed massing and height guidelines contemplated in the draft Urban Design Guidelines;
- Preliminary elevations designed for the proposed building include complimentary materials, such as red brick cladding and decorative lighting;
- Façade articulation is enhanced through the provision of large windows, overhead lighting and repetition of canopies above entryways intended to create a sense of rhythm. These elements are intended to promote an inviting street front façade to encourage pedestrian access to the Site; and
- Waste receptacles are at the rear of the property screened from the street view and are proposed as an earth bin waste storage system.

In light of these considerations and further commentary provided in this Report, in our opinion, the proposed building design and site layout demonstrate close alignment with the urban design objectives identified for the Gateway to Amherstburg Special Policy Area in the Town's Official Plan, and consideration for the direction provided in the Town's draft Downtown Design Guidelines and draft Community Improvement Plan.

4.0

PLANNING ANALYSIS

The proposed Concept Plan has been evaluated with regard to the policy direction and provisions of the Provincial Policy Statement, the County of Essex Official Plan and the Town of Amherstburg Official Plan. The following outlines the merits of the proposed development relative to this framework of planning policy and with consideration for comments received from Town staff in conjunction with pre-application consultation. Additionally, the analysis has consideration for the regulations of the Town of Amherstburg Zoning By-law.

4.1 Provincial Policy Statement, 2020

The current Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The PPS provides overall policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. Part IV of the PPS sets out that this policy instrument provides a vision for land use planning in Ontario that focuses growth within settlement areas, and encourages efficient development patterns to optimize the use of land, resources and public investment in infrastructure and public service facilities.

The proposed development plan summarized in Section 3.1 of this Report has been evaluated with regard to the policy direction and provisions of the Provincial Policy Statement. Based on this analysis, it is our opinion that specific policies in Section 1.0 (Building Strong Healthy Communities) and Section 2.0 (Wise Use and Management of Resources) are particularly relevant to this proposal. Commentary regarding these policies is provided in the following section of this Report.

Table 2.0 – Consistency with Provincial Policy Statement

PPS Policy	Response
1.1.1 Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;	This commercial development proposal promotes an efficient land use pattern that would support the long-term financial well-being of the Province of Ontario and the Town of Amherstburg (in the form of increased property tax

PPS Policy	Response
<p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p>	<p>assessment and the optimization of existing and planned infrastructure). Additionally, employees of this development would help support the overall viability of the Central Sandwich District. Economic benefits would also be derived from construction of the proposed multiple-unit commercial development.</p> <p>The subject lands are located within a local development area containing a variety of service/retail commercial activities, institutional uses, and established residential neighbourhoods. Implementation of this proposal would be compatible with this development context and would help diversify the range and mix of commercial activities available in this community.</p> <p>The proposed development should not result in environmental or public health and safety concerns.</p> <p>Preliminary servicing reviews have been completed by Dillon Consulting to confirm that (1) the development can proceed in a cost-effective manner and (2) the necessary servicing infrastructure would be available to meet projected needs.</p> <p>It is anticipated that public service facilities available in the vicinity of the Site would accommodate the demands of this development.</p>
<p>1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established</p>	<p>This redevelopment plan proposes additional commercial space on lands located within an identified settlement area designated for commercial purposes pursuant to the County of Essex Official Plan and the Town of Amherstburg</p>

PPS Policy	Response
<p>for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>Official Plan (as discussed in Sections 4.2 and 4.3 of this Report, respectively). In effect, this proposal would introduce additional commercial space on the Site to help meet market demands and support the overall vitality of the Town's Central Sandwich District.</p>
<p>1.1.3.1 Settlement areas shall be the focus of growth and development.</p>	<p>The Site is situated within a Primary Settlement Area pursuant to the County of Essex Official Plan and is therefore considered part of a settlement area, as defined by the PPS.</p>
<p>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; 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; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; 	<p>Implementation of this proposal would help to promote a compact land use pattern that supports the efficient use of land and services. As noted, preliminary servicing reviews have been carried out and confirm that adequate servicing capacity is available to accommodate the intended development and that storm water quality and quantity controls can be addressed during final design.</p> <p>It is anticipated that future employees and patrons of this development would support existing public service programs and facilities available in proximity to the Site.</p> <p>Where practical and appropriate, the project would incorporate sustainable development principles to help minimize environmental impacts.</p> <p>The site layout promotes active transportation through the provision of multiple pedestrian connections to the Sandwich Street South corridor. Bicycle parking will also be contemplated as part of the Site Plan Approval process for this development.</p>

PPS Policy	Response
<p>1.5.1 Healthy, active communities should be promoted by:</p> <p>a) Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.</p>	<p>The proposal incorporates walkway connections to the municipal sidewalk system to help support healthy, active communities (by promoting active transportation and social interaction).</p>
<p>1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>Preliminary servicing reviews have been carried out to confirm that the development can proceed in a cost-effective manner, and to ensure that the necessary infrastructure is available to meet projected needs. As discussed, it is anticipated that the development can be accommodated by existing public service facilities.</p>
<p>1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The close proximity of the Site to service/retail commercial uses, established residential neighbourhoods, employment opportunities, schools and community facilities would help future employees and patrons of this development minimize the length and frequency of vehicle trips.</p>
<p>1.7.1 Long-term economic prosperity should be supported by:</p> <p>d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</p>	<p>Redevelopment of these lands as proposed would help to diversify service/retail commercial uses with the Sandwich Street South corridor. It is also anticipated that the mix of commercial uses planned for the Site would contribute positively to the Central Sandwich District and support the long-term viability of this community.</p>
<p>1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <p>a) promote compact form and a structure of nodes and corridors;</p>	<p>The project supports the more intensive use of designated commercial lands situated: within an established development corridor; directly connected to the Town's arterial road system; and located in proximity to residential neighbourhoods, employment areas, educational institutions and parkland. In addition to the compact design of this</p>

PPS Policy	Response
b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;	project, the close proximity of the subject lands to this mix of land uses would also help to reduce commuting requirements and thereby decrease transportation congestion.
2.1.1 Natural features and areas shall be protected for the long-term.	The subject lands do not contain any designated natural areas.
2.4.1 Minerals and petroleum resources shall be protected for long-term use.	The subject lands do not contain any known mineral or petroleum resources.
2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.	The subject lands do not contain any known mineral aggregate resources.

In light of these considerations and our broader evaluation of this proposal relative to the policies of the PPS, it is our opinion that this proposal is consistent with this policy document.

4.2 County of Essex Official Plan

The County of Essex Official Plan (County Official Plan) was adopted by County of Essex Council on February 19, 2014 and approved by the Minister of Municipal Affairs and Housing on April 24, 2014. Section 1.1 of the County Official Plan identifies that its purpose is to establish a policy framework for managing growth, protecting resources and providing direction on land use decisions during the planning period to 2031. Generally, this Official Plan contains policies related to land use development within the County in Sections 2 and 3, with applicable provisions related to growth management set out in Sections 2.2 and 3.2 as discussed below.

Collectively, Section 2.2, Section 3.2.4 and Schedule A2 (Settlement Structure Plan) of the County Official Plan identify that Amherstburg is a defined Primary Settlement Area in the context of this Plan and that the Site is located within the limits of this Settlement Area. Sections 2.2 and 3.2.4 also direct that future growth and development is to be encouraged to locate within Primary Settlement Areas.

Section 3.2.2 of the County Official Plan identifies several goals for Settlement Areas which reflect PPS Policies referenced in this Report and, in our opinion, are satisfied by this proposal. The following goals have particular relevance to this redevelopment plan:

“a) Support and promote public and private re-investment in the *Primary Settlement Areas*.

- b) To support and promote healthy, diverse and vibrant *settlement areas* within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.
- c) To promote *development* within *Primary Settlement Areas* that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- f) To increase the opportunity for job creation within each *local municipality* by attracting and maintaining industries and businesses closer to where County residents live.”

Section 3.2.4 h) also prescribes that all types of land uses are permitted within these communities subject to site specific land use policies in local Official Plans. Further, Section 3.2.6 f) also encourages local Official Plans to provide, “... opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.”

Given the foregoing discussion and our broader review of the County Official Plan, it is our opinion that the proposal complies with the policy direction and permissions of this Official Plan. In this regard, in our opinion, the proposed commercial redevelopment plan proposes a land use that supports the broad goals and permissions set out for Primary Settlement Areas.

4.3 Town of Amherstburg Official Plan

4.3.1 Overview

The Town of Amherstburg Official Plan (Amherstburg Official Plan) was approved on July 15, 2009, with modifications, by the County of Essex and was subsequently approved by way of a settlement as set out in an Ontario Municipal Board Order, dated February 16, 2010. The Office Consolidation of this Official Plan, dated February 3, 2014, integrates several amendments following approval.

Section 1.6 of the Amherstburg Official Plan identifies the relationship with the PPS and the County Official Plan:

“The Planning Act requires that Official Plans be consistent with the Provincial Policy Statement (PPS) that came into force on March 1, 2005. In addition the new PPS directs that no amendments occur to the Settlement Boundary unless the change is supported by a comprehensive analysis of land needs undertaken by the Town. The Planning Act

also requires that the Town of Amherstburg Official Plan conform to the County of Essex Official Plan.”

Furthermore, this Section outlines several elements of the Official Plan’s purpose and policy direction, which, in our opinion, are encapsulated in the following two policies:

“(1) identify and establish policies for the desired direction and order of all future development within the Town to the year 2025;

(2) guide future economic, social, environmental, and land use changes within the municipality to the year 2025;”

4.3.2 General Commercial Policies

The Site is designated General Commercial on the Schedule B-2 (Land Use Plan) of the Amherstburg Official Plan. Section 4.4.2 of this Official Plan prescribes that a wide variety of commercial activities offering goods and services are permitted in this designation, including retail commercial establishments, eating establishments, convenience stores and places of entertainment. However, the proposed drive-through restaurant establishment is not currently permitted under the existing General Commercial policy framework. Specifically, this Section restricts drive-through restaurants to locations on Sandwich Street, north of Alma Street or south of Pike Street.

Section 4.4.2 also defines several policies addressing built form, including the following access and parking policies which, in our opinion, have relevance to this redevelopment proposal:

“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. ...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.”

“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.”

Additionally, Section 4.4.3 (2) of this Official Plan identifies that the Site is located within the Gateway to Amherstburg Commercial Special Policy Area (SPA). This SPA includes the development area along the Sandwich Street corridor between Texas Road and Fort Street. As identified in this Section, the intent of this SPA is to: "... ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg ..."

The SPA detailed in this Section provides direction on two primary matters as set out in this Section:

1. Development Regulations. The SPA allows for additional landscaping requirements to be identified as part of Site Plan Approval, with special attention to be given to lighting, fencing, and location of garbage disposal. This policy will also allow Town Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law.
2. Municipal Heritage Committee Consultation. As outlined in this Report, the SPA also directs that Town Council to seek the advice of Amherstburg's Municipal Heritage Committee when dealing with development in this area. The Committee is to provide commentary on matters such as roof line, height, building material, and window placement as a means to maintain the historic small town appearance.

In relation to Item 1 above, this SPA also provides specific direction on development regulations as prescribed in Section 4.4.3 (2)

"Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. ...Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street ..."

Sections 3.1 and 3.2 of this Report addresses the design considerations associated with this redevelopment plan, including those set out for the General Commercial designation and the above-referenced SPA. In particular, the Proposed Site Plan identifies that the building would be setback approximately 4.8 m from Sandwich Street South, a 3.0 m wide landscape strip would be established along the street corridor and off-street parking is proposed in the rear yard. In our opinion, these project components, the plans and elevations enclosed with this Report and the discussion included in the aforementioned Report Sections demonstrate that the project is designed in general alignment with Official Plan direction.

The proposed parking, loading and access arrangement has been designed to promote safe and efficient ingress/egress consistent with SPA policies. With respect to parking supply, Figure 2 and Table 3 of this Report illustrate that the proposed parking allocation (20 stalls)

does not achieve the required parking requirement (24 stalls). To address this deficiency, Daei Foods Inc. is proposing a payment in lieu of parking to the Town consistent with applicable municipal requirements. Section 4.4.2 of the Official Plan states that, "... the Town may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment ... 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." We understand that the Town is satisfied with the application of a payment in lieu of parking exemption to progress this development. Additionally, CGH Transportation Inc. (CGH) has prepared a Transportation Impact Assessment, dated March 2022 which confirms the two proposed access arrangements for the development will meet acceptable level of service standards and that no signals are warranted at either of these accesses. In light of these considerations, in our opinion this proposal aligns with the associated policies of Section 4.4.2 and the SPA.

4.3.3 Proposed Special Policy Area

As discussed, the proposed redevelopment plan requires that the Amherstburg Official Plan be amended to permit a drive-through restaurant on the northerly portion of the Site, as this Plan only permits this use within the Sandwich Street corridor, north of Alma Street or south of Pike Street. Additionally, the proposed front yard setback (4.8 m) is marginally less than the minimum setback direction set out Section 4.4.3 (2) of this Official Plan (6 m), exclusive of rounding considerations.

The following SPA has been drafted to address these identified matters noted above. In our opinion, this site-specific policy would appropriately implement the proposed development plan in the context of this Official Plan:

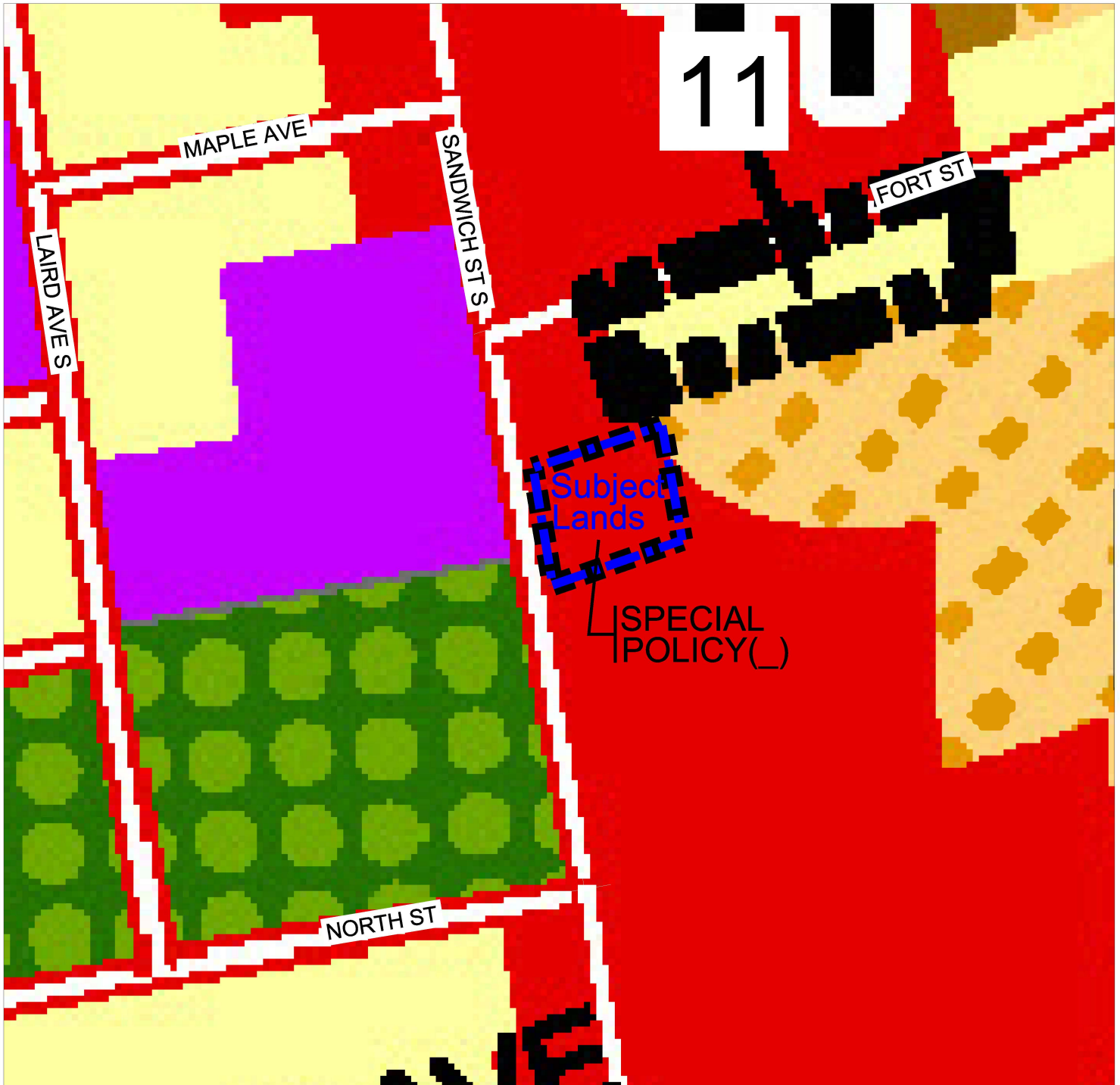
"4.4.3 () Lands known as 131 and 135 Sandwich Street South, located at the east side of Sandwich Street South and south of Fort Street, shall be developed in accordance with the General Commercial policies and Gateway to Amherstburg Special Policy Area policies with the addition of a drive-through restaurant as a permitted use. Development shall be subject to site plan control. A minimum setback of 4.8 metres shall be permitted for commercial development from the front lot line."

4.3.4 Summation

In light of the foregoing, with the benefit of the proposed SPA, it is our opinion that the proposal is consistent with the principles, planning framework and policy direction of the Official Plan. In effect, the proposed redevelopment of the Site would support commercial forms that align with the policy structure of the General Commercial designation, are compatible with the surrounding development context and are appropriate for the Site.

Moreover, the concept plan integrates elements which collectively support the urban design objectives set out in the Official Plan for the Gateway to Amherstburg Commercial SPA.

Figure 3 of this Report illustrates the location of the proposed Special Policy Area.



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- GENERAL COMMERCIAL
- INSTITUTIONAL

- OPEN SPACE
- SPECIAL POLICY

Figure 3
Proposed Special Policy Area
 Amherstburg Official Plan Schedule "B-2" Land Use

SUBJECT LANDS

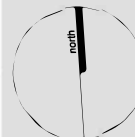


200-540 BINGEMANS CENTRE DR.
 KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121
 WWW.MHBCPLAN.COM

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DATE: Feb 08, 2022

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 Figure 3 - Proposed Official Plan Sched "B-2" - Feb 08, 2022

5.0

ZONING BY-LAW ANALYSIS

5.1 Existing Zoning

The Site is currently zoned Commercial General (CG) pursuant to Schedule A of the Town of Amherstburg Zoning By-law (Map 37).

Permitted uses in the CG Zone are defined in Section 15 (2) of the Zoning By-law and include a wide range of retail/service commercial uses (e.g., restaurants, food stores, retail stores, studios, personal service shops). Additionally, drive-through facilities are permitted in this Zone; however, in accordance with the associated definition set out in Section 2 (101), drive-through restaurants are excluded from this specific use. Section 2 (281) defines a drive-through restaurant as follows:

“(b) “DRIVE-THROUGH RESTAURANT” means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle.”

5.2 Zoning Review

Table 3.0 of this Report provides an overview of the zoning compliance for the proposed site layout relative to the relevant regulations of the existing CG Zone. Parking space calculations conceptualize the Site developing for a drive-through restaurant and a 247 m² take-out restaurant. As noted on the Proposed Site Plan, the net floor area applied to these calculations is based on direction from Town staff.

Table 3.0 – Summary of Zoning Compliance (CG Zone)

Regulation	Required	Provided	Comments
Lot Area (Min)	No minimum	2,065 m ²	Complies
Lot Frontage(Min)	No minimum	42 m	Complies
Front Yard Depth (Min)	11.5 m (as provided in Section 3(23))	~4.8 m	Relief required

Interior side Yard (min) Except where lot line abuts a zone other than a commercial or institutional zone, min shall be 7 m	No minimum	~3.5 m/~13 m	
Rear Yard (min)	7.5 m	~24 m	Complies
Height (Max)	10 m	6.1 m	Complies
Open storage	No open storage of goods, materials or waste permitted		Waste disposal to be provided via in-ground storage system
Loading Space Requirement	1 space 3.5 m x 10 m	1 space (3.0 m x 10 m)	Relief required Loading space provided is 3.0 m wide to accommodate 6.0 m wide driveway and 1.8 m walkway
Parking			
Restaurant, Drive-through: 1 per 10 m ² plus 6 queuing spaces in advance of each drive through window	14 + 6 queuing spaces	20 + 9 queuing spaces	Relief required
Restaurant, Take-out: 1 per 10 m ²	25 spaces		
Accessible Parking: 1 for first 20 spaces	1	1	Complies (based on proposed parking spaces)

5.3 Proposed Zoning

In our opinion, to accommodate this project, a Special Provision to the CG Zone is required to expressly permit the proposed drive-through restaurant and site layout.

Specifically, at a minimum, this CG Zone exception would include site-specific regulations for reductions in the front yard setback, minimum loading space width, minimum parking requirements as highlighted above. Given the structure of the Zoning By-law, it is proposed that the following subsection be added to Section 15(4):

“CG-() (131 and 135 Sandwich Street South)

Notwithstanding any other provisions of this By-law to the contrary including Section 3(23), within any area zoned CG-() on Schedule “A” hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

(i) Additional Permitted Use:

(a) Drive-Through Restaurant

(ii) Other Provisions:

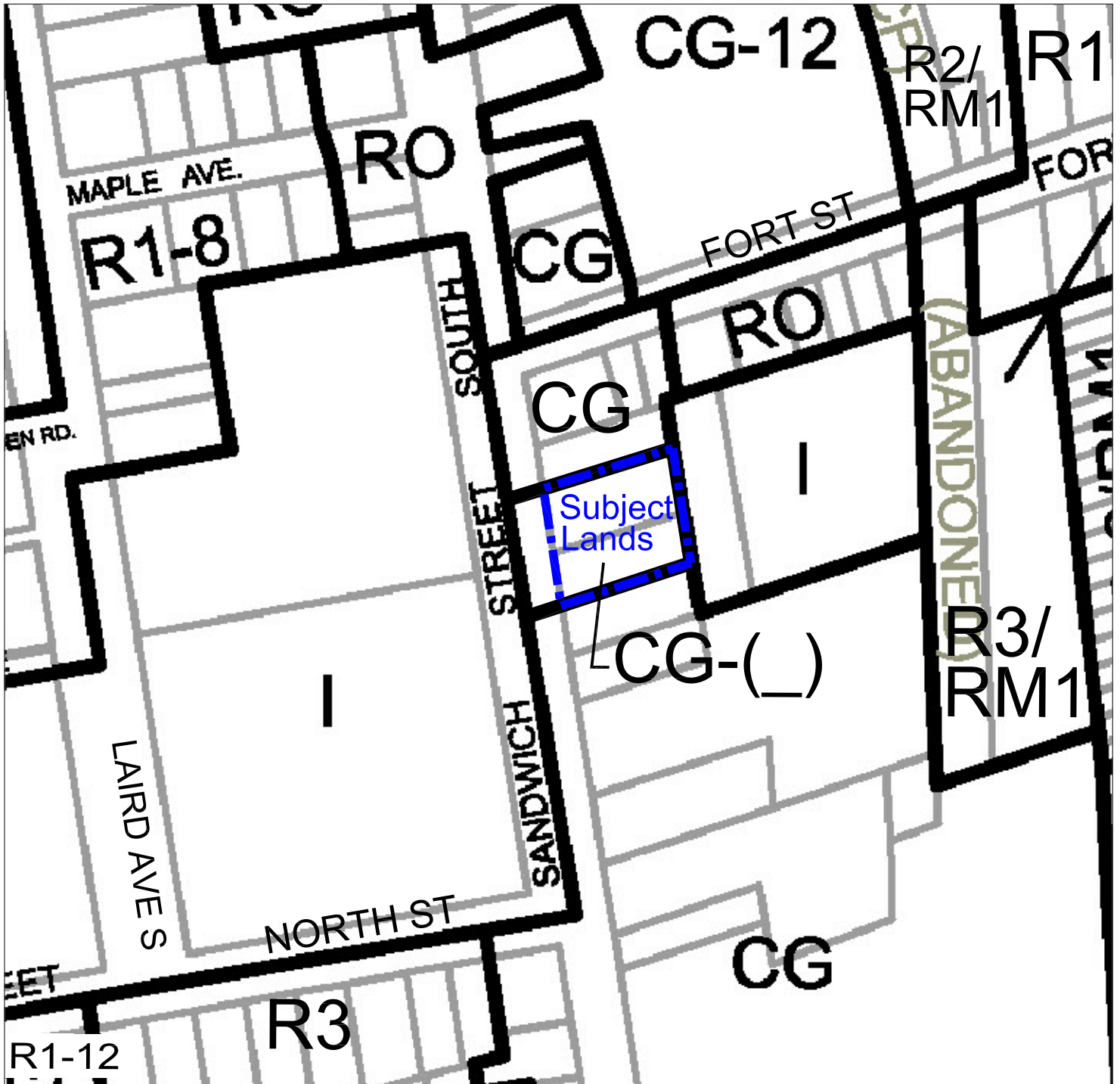
(a) Front Yard Depth (Minimum) 4.8 m

(b) Loading Space Dimensions (Minimum) 3.0 m by 10 m

(c) Notwithstanding Section 3(21)c), the minimum number of parking spaces required shall be 20.”

The proposed Special Provision would accommodate the site layout illustrated in the Proposed Site Plan. In our opinion, in the context of this development and with consideration for commentary provided in this Report, the requested exemption would help implement a commercial development appropriate for the Site without undermining the purpose of the parent CG Zone.


Figure 4 illustrates the proposed zoning of the subject lands.



LEGEND

- ZONE LIMITS
- R1 RESIDENTIAL FIRST DENSITY ZONE
- R2 RESIDENTIAL SECOND DENSITY ZONE
- R3 RESIDENTIAL THIRD DENSITY ZONE
- RM1 RESIDENTIAL MULTIPLE FIRST DENSITY ZONE
- RO RESIDENTIAL OFFICE ZONE
- CG COMMERCIAL GENERAL ZONE
- I INSTITUTIONAL ZONE

Figure 4
Proposed Zoning

 SUBJECT LANDS

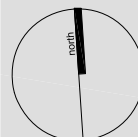


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P: 519.576.3650 F: 519.576.0121
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DATE: Feb 08, 2022

SCALE 1 : 2,000



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Figure 4 - Proposed Zoning - Feb 08, 2022

6.0

CONCLUSIONS

In conclusion, it is our opinion that the proposed Official Plan and Zoning By-law Amendments are appropriate for the Site, compatible with the existing development context and in keeping with the framework of applicable planning policy. This assessment is based, in part, on consideration of the following project merits:

1. The subject lands are situated within the Central Sandwich District planning area and are designated for service/retail commercial uses in accordance with the Town of Amherstburg Official Plan;
2. The property is well-suited for the proposed multiple-unit commercial building considering its location within an established commercial corridor and its proximity to: established residential neighbourhoods; institutional uses; retail/service commercial uses; and recreational facilities; and public transit services. In this respect, employees and patrons of this new development would have access to, and would support local businesses and public institutions;
3. The massing, orientation and articulation of the proposed commercial building is designed to be: compatible with surrounding land uses; complementary to the local development context; and supportive of the pedestrian environment along Sandwich Street South. Accordingly, in our opinion, this project should not generate significant land use conflicts with adjacent properties;
4. Redevelopment of these lands as proposed would help to diversity service/retail commercial uses with the Sandwich Street South corridor. It is also anticipated that the mix of commercial uses planned for the Site would contribute positively to the Central Sandwich District and support the long-term viability of this community.
5. The Proposed Site Plan developed in conjunction with this proposal was designed with regard for the urban design objectives provided by way of applicable Gateway to Amherstburg Special Policy Area provisions set out in the Amherstburg Official Plan. Several design components have also been integrated into the site layout in order to align with the Town's urban design objectives contemplated for the Central Sandwich District within the draft Downtown Amherstburg Urban Design Guidelines (e.g., cohesive main

street façade, enhanced landscaping elements, screened parking and drive-through facilities, integrated walkway network).

6. The positioning, design and height of the proposed commercial building helps (1) to reinforce the established street wall and (2) to achieve a pedestrian-oriented streetscape;
7. Technical assessments indicate that adequate servicing infrastructure exists along Sandwich Street to accommodate the proposed development and that appropriate Storm Water quantity and quality control can be addressed through final design;
8. The Transportation Impact Assessment confirms proposed accesses to the site will have negligible impacts to acceptable traffic standards along Sandwich Street and no signals are warranted;
9. In our opinion, the proposed development is consistent with the Provincial Policy Statement, conforms to the County of Essex Official Plan and is in keeping with the general policy direction and permissions of the Town of Amherstburg Official Plan;
10. The proposed site-specific Official Plan Amendments and Zoning By-law Amendments would appropriately implement the intended building design and site layout; and
11. The development proposed by Daei Foods Inc. represents good planning.

Given the noted considerations and the commentary presented in this Report, it is recommended that the Town of Amherstburg approve the Official Plan Amendment and Zoning By-law Amendment applications, as proposed.

Respectfully submitted,

MHBC



Scott Allen, MA, RPP
Partner



Nicolette van Oyen, BES
Planner

APPENDIX A



**Preliminary Building Elevations
131 & 135 Sandwich Street**

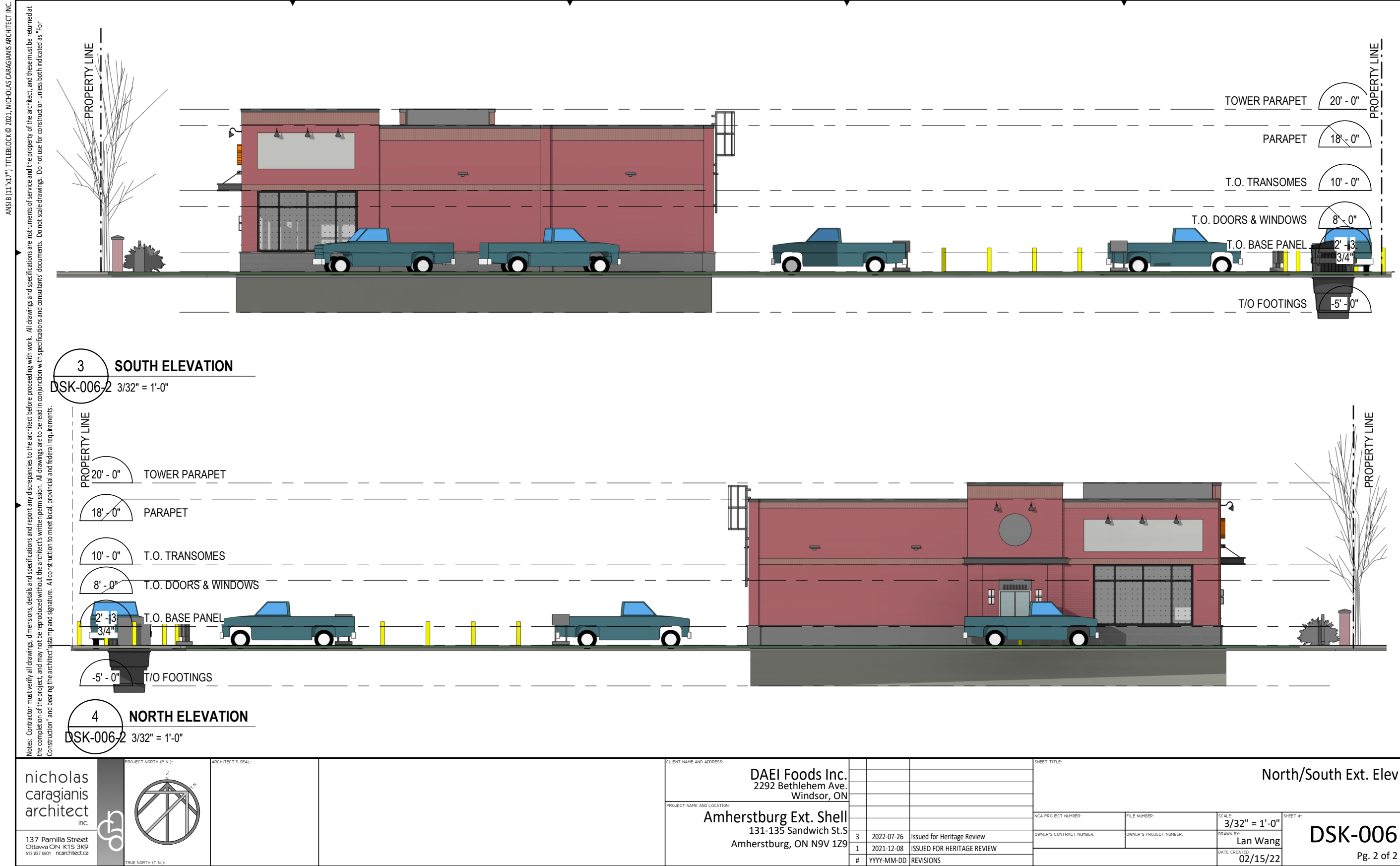


1 WEST ELEVATION - SANDWICH STREET
DSK-006 3/32" = 1'-0"



2 WEST ELEVATION
DSK-006 1/8" = 1'-0"

 <p>nicholas caragianis architect inc.</p> <p>137 Pamilla Street Ottawa ON K1S 3K9 613 937 6801 ncarchitect.ca</p>	 <p>PROJECT NORTH (P.N.):</p> <p>TRUE NORTH (T.N.):</p>	<p>ARCHITECT'S SEAL:</p>	<p>CLIENT NAME AND ADDRESS:</p> <p>DAEI Foods Inc. 2292 Bethlehem Ave. Windsor, ON</p>	<p>PROJECT NAME AND LOCATION:</p> <p>Amherstburg Ext. Shell 131-135 Sandwich St.S Amherstburg, ON N9V 1Z9</p>	<table><tr><td>3</td><td>2022-07-26</td><td>Issued for Heritage Review</td></tr><tr><td>1</td><td>2021-12-08</td><td>ISSUED FOR HERITAGE REVIEW</td></tr><tr><td>#</td><td>YYYY-MM-DD</td><td>REVISIONS</td></tr></table>	3	2022-07-26	Issued for Heritage Review	1	2021-12-08	ISSUED FOR HERITAGE REVIEW	#	YYYY-MM-DD	REVISIONS	<p>SHEET TITLE:</p> <p>West Ext. Elev</p>			
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<p>NCA PROJECT NUMBER:</p>		<p>FILE NUMBER:</p>	<p>SCALE:</p> <p>As indicated</p>	<p>SHEET #:</p> <p>DSK-006</p>														
<p>OWNER'S CONTRACT NUMBER:</p>		<p>OWNER'S PROJECT NUMBER:</p>	<p>DRAWN BY:</p> <p>Lan Wang</p>	<p>DATE CREATED:</p> <p>02/15/22</p>	<p>Pg. 1 of 2</p>													





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