

Memo



To: Chris Aspila, Manager of Planning Services, Town of Amherstburg
From: Amy Farkas, Dillon Consulting Limited
cc: Kurt Barr, Toad One Inc.
Date: June 20, 2022
Subject: 51 & 57 Sandwich Street S, Amendment to Site Specific Zoning Request
Our File: 22-3779

Dillon Consulting Limited (Dillon) has been retained by Toad One Inc. (the Applicant) to assist with the planning approvals in support of the Official Plan and Zoning By-law Amendments for the proposed development located at 51 and 57 Sandwich Street South, southeast of the intersection of Alma Street and Sandwich Street South (Subject Site). This addendum has been prepared to include a 'multiple dwelling' as a permitted use in the proposed site specific zone.

The applicant wishes to develop the site for a Dairy Queen (DQ) restaurant and drive-through on the western portion of the site, adjacent to Sandwich Street S (County Road 20). A three-storey mixed-use building is currently being proposed on the southeast quadrant of the site, with commercial uses on the ground floor, and residential units on the upper two floors.

In keeping with the policies of the General Commercial land use designation of the Town of Amherstburg Official Plan, the subject site will require an Official Plan Amendment to permit a drive-through due to its location on Sandwich Street South. The subject site will also require a site specific Zoning By-law Amendment to facilitate the proposed development. More specifically, a site specific Commercial General (CG-X) Zone is being sought for the subject site that would include the following:

- A drive-through restaurant as a permitted use;
- A reduction in the minimum interior side yard width for buildings and structures associated with a drive-through abutting a residential use;
- A reduction in the minimum rear yard depth;
- A reduction in the minimum width of a landscaped planting strip abutting a residential interior side yard;
- An outdoor patio associated with a restaurant as a permitted use on lands adjoining a residential zone; and
- All other building requirements for the commercial and mixed use building to be in accordance with the requirements of the Commercial General (CG) zone.

The development proposal as submitted will not be changing at this time, however the applicant would like to request the addition of 'multiple dwelling' to the site specific Commercial General (CG-X) Zone. This request will allow for more flexibility during the Site Plan Control (SPC) approval process as the plans for the building in the southeast quadrant of the site are in the preliminary stage of development. The applicant would like to have the option to develop a three-storey residential building should it be more appropriate from a market demand and housing needs perspective.

To determine the feasibility and appropriateness of a 'multiple dwelling' on the subject site, a comprehensive evaluation of the potential planning issues and impacts has been undertaken.

Provincial Policy Statement (PPS, 2020)

According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns while accommodating a range and mix of housing. This includes affordable housing, which sustains financial well-being over the long term, and promotes cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(f)). This proposed infill development is consistent with these policies by encouraging the use of underutilized lands, and by proposing an intensification of land uses that can exist in harmony with the surrounding land uses. It also allows for new development to take place in a designated growth area in a compact form, with an increase in density and variability of tenures that allow for the efficient use of land, infrastructure and public service facilities (PPS, 1.1.3.6).

The proposed amendment and residential use would be consistent with the PPS.

County of Essex Official Plan

The subject lands are designated Primary Settlement Area in the County of Essex Official Plan. As per Section 3.2.7, the County specifically encourages redevelopment and residential intensification within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, and efficiently use land to optimize the use of infrastructure and public facilities. In addition, the County requires 15% of all new residential development within each municipality to occur through intensification and redevelopment. Additional residential units on the subject site would be in keeping with these policies.

The proposed amendment and residential use would be in conformity with the County of Essex Official Plan.

Town of Amherstburg Official Plan

The subject lands are designated General Commercial in the Official Plan. Section 4.4.2 of the Official Plan provides general policy direction for General Commercial development, which recognizes that it should be directed to appropriate locations and provide a broad range of commercial forms and services. The General Commercial designation also includes residential uses above the first floor and states that multi-family residential development will be considered as an alternative form of land use. It is noted in the policy that residential units abutting Richmond Street or Dalhousie Street are not permitted to occupy the first floor. This restriction is not specified for Sandwich Street South.

Should the development include a three-storey multiple dwelling, the intent of the Official Plan is still being achieved with the commercial use (Dairy Queen), fronting onto the Sandwich Street South corridor. It will also bring additional residential units to the Town Core (Section 1.7.5).

The proposed amendment and residential use would be in conformity with the Town of Amherstburg Official Plan.

Town of Amherstburg Zoning By-law No. 1999-52

The subject lands are currently zoned Residential Office (RO) Zone. A Zoning By-law Amendment application has been submitted to rezone the subject site to a site specific Commercial General (CG-X) Zone. In addition to the site specific provisions that have been requested in the ZBA submission, the applicant is also requesting the addition of a 'multiple dwelling' as a permitted use. The Commercial General zone permits residential dwelling units however they are restricted to above the first floor. The applicant is requesting the addition of 'multiple dwelling' as a permitted use for the three-storey building at the rear of the site.

The proposed change is not anticipated to have an impact on the adjacent or nearby land uses. The existing zoning on the subject site, Residential Office (RO), already permits a wide range of residential uses. In addition, the removal of ground floor commercial would result in a reduction in the number of parking spaces required for the development, with more parking being available for the Dairy Queen.

The proposed development has given consideration to the potential impact of the built form in relation to the existing residential, commercial, and institutional uses, and is a complimentary and efficient use of the land. The proposed infill intensification and redevelopment will provide an increased diversity of housing types, options for affordable housing, and an opportunity for the completion of a neighbourhood-orientated site.

The proposed infill intensification and redevelopment is compatible with the surrounding area in terms of scale, massing, architectural proportions, siting, orientation, setbacks, and parking.

Conclusion

We are of the opinion that the revision to the Zoning By-law Amendment is reasonable for the subject site, and that the development can be designed to be compatible and complementary to surrounding residential and commercial uses.



Amy Farkas, MCIP, RPP
Associate