

# Memo



**To:** Melissa Osborne, Deputy CAO, and Director of Planning and Building Services  
Chris Aspila, Manager of Planning Services, Town of Amherstburg

**From:** Amy Farkas, Dillon Consulting Limited

**cc:** Kurt Barr, Toad One Inc.

**Date:** July 15, 2022

**Subject:** OPA-17/ZBA-11-22 - 51 & 57 Sandwich Street S, Public Meeting Summary

**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).

On June 27<sup>th</sup>, 2022, the statutory public meeting was held for the proposed OPA and ZBA applications for a Dairy Queen (DQ) restaurant and drive-through and a three-storey mixed-use building. The residents that were in attendance or submitted written comments, provided valuable feedback to project staff and Council. Following the meeting, there was also consultation with municipal staff.

## Comments Received

The following represents the comments raised and our responses:

Comments	Response
<b>Land Use:</b> <ul style="list-style-type: none"><li>Concerns that the development is not appropriate due to its location on Sandwich Street S</li></ul>	<ul style="list-style-type: none"><li>All concerns regarding the change of land use have been noted. The purpose of the Public Meeting was to get feedback to determine whether the proposed use is appropriate for the site. Consideration has been given to all of the comments and concerns provided by residents, Council, and municipal staff.</li><li>The subject site is designated General Commercial in the Official Plan, which encourages a broad range of commercial forms and services including retail establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores, and residential uses.</li></ul>

Comments	Response
<p><b>Traffic:</b></p> <ul style="list-style-type: none"> <li>Concerns about traffic problems already existing in the area and the potential for increased traffic</li> <li>Recommendation by municipal staff to add a 'Right-out' exit for the drive-through to reduce the number of vehicles exiting the site at the primary access</li> <li>Concern that the drive-through will create traffic conflict and back-ups onto Sandwich Street South</li> </ul>	<ul style="list-style-type: none"> <li>A Transportation Impact Study (TIS) and addendum was submitted as part of the OPA and ZBA application. The assessment documented existing traffic volumes and traffic projections for the driveway under existing conditions and with the proposed development, utilizing transaction data from proxy DQ sites. It also looked at on-site circulation, and intersection capacity under existing and future conditions. The TIS concluded that the study area intersections and the proposed driveway are projected to operate in an acceptable manner through to the 2028 horizon year and that no modifications to off-site infrastructure or traffic control are needed to support this development.</li> <li>This comment has been noted. A 'right-out' access has been included in the updated Conceptual Development Plan dated July 13, 2022 (see attached).</li> <li>The proposed development provides for ten (10) drive-through queuing spaces. Zoning By-law 1999-52, as amended, requires a minimum of 6 spaces. In addition, the parking lot can accommodate an additional 10 to 11 vehicles.</li> </ul>
<p><b>Lighting:</b></p> <ul style="list-style-type: none"> <li>Concern about the lighting and high overhead lighting standards</li> </ul>	<ul style="list-style-type: none"> <li>Current standards are set to ensure that lighting stays on the property. This is done using measures such as a full cut-off lighting. A Photometric Plan will be prepared for the Site Plan Control submission.</li> </ul>

Comments	Response
<p><b>Heritage:</b></p> <ul style="list-style-type: none"> <li>Concern regarding the design of the mixed use/residential building as it was not available at the time of the Public Meeting</li> <li>Concern regarding the landscaping features</li> <li>Request that the fence design be circulated to the Heritage Committee</li> </ul>	<ul style="list-style-type: none"> <li>This concern has been noted. The development proposal has been updated to confirm that the building in the rear of the property will have twelve (12) residential units and will not have a commercial use on the ground floor. Elevations will be provided to the Heritage Committee for the proposed building for their review.</li> <li>At the outset of the project, the Heritage Planner for the Municipality was consulted on the proposed development. The design of both the DQ and the residential building have taken into account the recommendations from the Heritage Planner, including façade updates on the DQ model from EIFS to Hardi Board</li> <li>The Applicant will continue to work with the Municipality and DQ throughout the site plan approval process to finalize the renderings for both the restaurant and the residential building that will complement the heritage character of the Town. This will include façade treatments, building materials, and accents.</li> <li>A Landscape Plan and Details will be provided to the Municipality as part of the Site Plan Control process.</li> </ul>
<p><b>Noise:</b></p> <ul style="list-style-type: none"> <li>Concern over noise volumes from the drive-through speaker box when customers are placing orders</li> </ul>	<ul style="list-style-type: none"> <li>The speaker box has been located at the rear of the site to reduce noise impacts for the abutting properties and will be equipped with Automatic Volume Control (AVC) which adjusts the volume based on the outdoor, ambient noises levels. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system.</li> <li>According to MOECC Environmental Noise Guidelines, the subject site is considered a Class 2 Area. The noise guideline limits for Class 2 Areas range from 45 – 50 decibels (dBAs). Based on the decibel level standards from the manufacturer (see attached), the noise emissions would be below the applicable MOECC noise criteria for both daytime and nighttime hours (without mitigation measures).</li> </ul>

Comments	Response
<ul style="list-style-type: none"> <li>Concerns over noise from the patio late into the evening</li> </ul>	<ul style="list-style-type: none"> <li>The proposed fencing and landscaping will bring additional buffering elements and further reduce any impacts to the neighbouring residential dwelling.</li> <li>The hours of operation for the DQ will be from 10am to 10pm (Noon to 10pm on Sundays). For the summer months (May through August), it will be open until 11pm on Saturdays and Sundays. It should be noted that the kitchen closes at 10pm, with few customers between 10pm and 11pm.</li> <li>Fencing (6ft) and landscaping are proposed adjacent to the abutting property to increase privacy and to mitigate potential noise from customers using the patio.</li> </ul>
<p><b>Active Transportation:</b></p> <ul style="list-style-type: none"> <li>Recommendation to include bike racks and pedestrian cross-section to encourage active transportation and reduce drive-through use (idling)</li> </ul>	<ul style="list-style-type: none"> <li>This comment has been noted. A bicycle rack for seven (7) bicycles and a pedestrian crossing have been included on the updated Conceptual Development Plan, dated July 13, 2022 (see attached).</li> </ul>
<p><b>Litter:</b></p> <ul style="list-style-type: none"> <li>Concerns regarding litter on neighbouring properties</li> </ul>	<ul style="list-style-type: none"> <li>This comment has been noted. The development will include additional waste receptacles on the sidewalk on Sandwich Street S, adjacent to the subject site.</li> </ul>
<p><b>EV Charging Stations</b></p> <ul style="list-style-type: none"> <li>Recommendation for an EV Charging Station</li> </ul>	<ul style="list-style-type: none"> <li>This comment has been noted. The development will include conduits to accommodate an EV Charging Station for the residential building.</li> </ul>

## Conclusion

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We have given careful consideration to the comments received from the public, Council, and municipal staff and have incorporated these recommendations into the revised conceptual development plan. We feel the potential impacts of the built form in relation to the existing uses along the Sandwich Street commercial corridor have been addressed and will be compatible with the surrounding land uses.

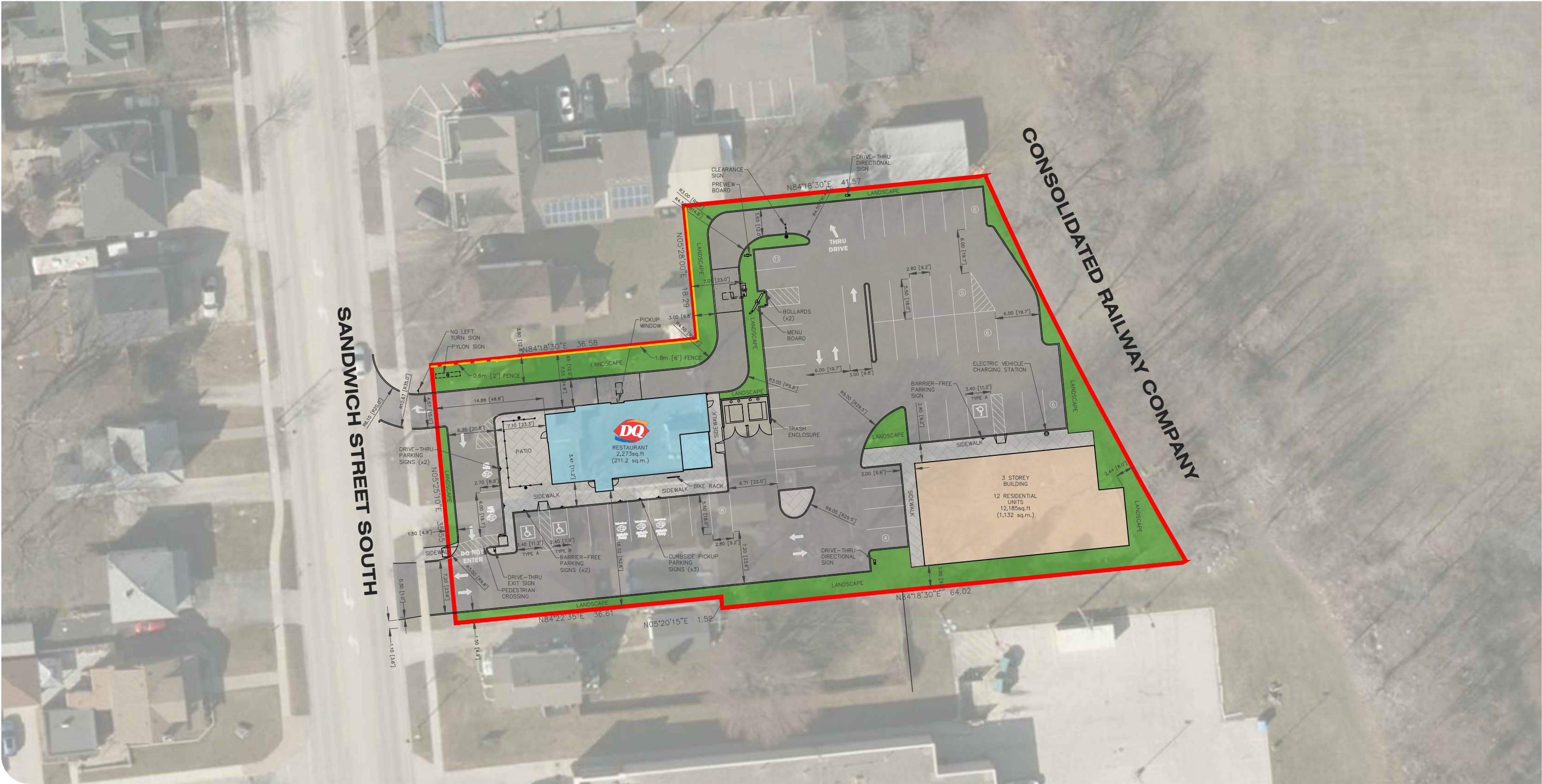
We look forward to ongoing communication with the residents, the Municipality, and the Heritage Committee as we move through the planning approval and design process.



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Amy Farkas, MCIP, RPP  
Associate





SANDWICH STREET SOUTH

CONSOLIDATED RAILWAY COMPANY

**TOAD ONE INC.**  
51 & 57 SANDWICH ST. S., AMHERSTBURG, ON

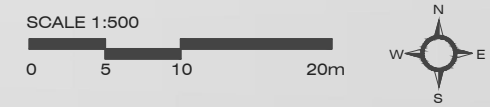
**MIXED USE DEVELOPMENT**  
CONCEPTUAL DEVELOPMENT PLAN

- SUBJECT AREA  
(± 0.42 ha / 1.04 ac)
- PROPOSED RESTAURANT  
WITH DRIVE-THRU
- PROPOSED RESIDENTIAL  
BUILDING
- PROPOSED LANDSCAPE
- PROPOSED SIDEWALK
- PROPOSED FENCE

File Location:  
c:\pw working directory\projects 2022\dillon\_34\jmm\dms13189\dq conceptual  
development plan.dwg  
July, 13, 2022 4:42 PM

MAP/DRAWING INFORMATION  
Base mapping from County of Essex Interactive Mapping.

CREATED BY: JMM  
CHECKED BY: AMF



PROJECT: 22 3779  
STATUS: TOWN COMMENTS  
DATE: 22.07.12

## Memo

### Re: Drive-Thru Sound Pressure Levels From the Menu Board or Speaker Post

The sound pressure levels from the menu board or speaker post are as follows:

1. Sound pressure level (SPL) contours (A weighted) were measured on a typical HME SPP2 speaker post. The test condition was for pink noise set to 84 dBA at 1 foot in front of the speaker. All measurements were conducted outside with the speaker post placed 8 feet from a non-absorbing building wall and at an oblique angle to the wall. These measurements should not be construed to guarantee performance with any particular speaker post in any particular environment. They are typical results obtained under the conditions described above.
2. The SPL levels are presented for different distances from the speaker post:

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

3. The above levels are based on factory recommended operating levels, which are preset for HME components and represent the optimum level for drive-thru operations in the majority of the installations.

Also, HME incorporates automatic volume control (AVC) into many of our Systems. AVC will adjust the outbound volume based on the outdoor, ambient noise level. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system. See below for example:

Distance from Outside Speaker	Decibel Level of standard system with 45 dB of outside noise <u>without</u> AVC	Decibel level of standard system with 45 dB of outside noise <u>with</u> AVC active
1 foot	84 dBA	60 dBA
2 feet	78 dBA	54 dBA
4 feet	72 dBA	48 dBA
8 feet	66 dBA	42 dBA
16 feet	60 dBA	36 dBA

If there are any further questions regarding this issue please contact HME customer service at 1-800-848-4468.

Thank you for your interest in HME's products.