



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

**MISSION STATEMENT:** *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name:</b> Janine Mastronardi	<b>Report Date:</b> December 16, 2022
<b>Author's Phone:</b> 519 736-5408 ext. 2134	<b>Date to Council:</b> January 9, 2023
<b>Author's E-mail:</b> jmastronardi@amherstburg.ca	<b>Resolution #:</b>

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

**Subject:** Statutory Public Meeting to Consider a Zoning By-law Amendment for 9540 Walker Road

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

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 9540 Walker Road (File ZBA-21-22) **BE RECEIVED and SUMMARIZED** in a future report to Council.

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

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Jove Vasovski on behalf of 1156618 Ontario Limited. The subject lands are located on the west side of Walker Road (County Road 11) between Wellington Street and Middle Sideroad and is municipally known as 9540 Walker Road (refer to Figure 1).

The purpose of the application is to amend the Commercial General zone to reduce the County Road setback, reduce the buffer strip width on the north side of the property and permit parking and a loading space in the front yard. The site has remained vacant for 16 years since the bowling alley was demolished in 2006. The applicant is proposing the construction of an 8125 sq ft, one-storey, 5 unit commercial plaza with a pharmacy as the anchor tenant with four remaining commercial units available. A site picture is attached as Figure 2.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act
4. Comments Received as of December 23<sup>rd</sup> (Appendix “C”)

(Note: an administrative discussion and analysis of the documentation provided by the applicant will be provided as part of the subsequent report to Council)

### **3. DISCUSSION:**

The Official Plan designates the lands as General Commercial. The applicable excerpts from the Official Plan are as follows:

#### **Commercial Land use Designations**

*The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas.*

#### **General Commercial**

*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.*

*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.*

Council approval of a Zoning By-law amendment would be required prior to the development proceeding as proposed.

Planning staff will be reviewing all of the comments received from this statutory public meeting and will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed.

The Town's Zoning By-law currently zones the subject lands Commercial General (CG). Within this zone category, a broad range of commercial land uses are permitted.

The Applicant is requesting that current zone provisions that apply to these lands be amended to a special provision Commercial General Zone to permit parking and a loading space in the front yard, a decrease in the buffer strip on the north side of the property from 3 m to 2.13 m, and decrease the County Road setback to from 26 m to 25.21 m implement the final approved site plan.

As part of the regulations of the Planning Act, the application has been circulated to the area residents within 120 m and various agencies. All comments received to date are attached as Appendix "C".

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

The recommendation presents little to no risk to the municipality.

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

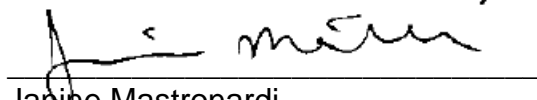
All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

#### **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.

**7. CONCLUSION:**

Following the statutory public meeting, 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.



Janine Mastronardi  
**Planner**

JM

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**  
**Phone #: 519 736-3664 ext. 2313 & 2314**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Union Gas**  
**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**  
**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**  
**Phone #: 519 253-2481**

**Name: Greater Essex County District School Board**  
**Phone #: 519-255-3200**

## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 9540 Walker Road.docx
Attachments:	<ul style="list-style-type: none"><li>- Figure 1- Aerial of Area.pdf</li><li>- Figure 2- ZBA-21-22 Site Picture.pdf</li><li>- Appendix C- Summary of Correspondence Received on ZBA-21-22.pdf</li><li>- Figure 4- 120m Circulation Area.pdf</li><li>- Figure 5- Site Plan.pdf</li><li>- Appendix F- 2023-002- ZBA- 9540 Walker Road- DRAFT.pdf</li></ul>
Final Approval Date:	Jan 6, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox