

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Ayusha Hanif, Planner II

Date: March 29, 2021

Subject: Zoning By-law Amendment ZBA-32-2016 – Glider Systems Inc.

Recommendation

Approve Zoning By-law Amendment Application ZBA-32-2016 (By-law 33-2021, Municipality of Lakeshore By-law 2-2012, as amended), to rezone the parcel, indicated as the "Subject Property", on the Key Map, Appendix 1, located at 4183 Richardson Side Road, in the Municipality of Lakeshore, as follows:

- a) from the "Tourist/Recreational Commercial Zone Exception 5 (CT-5)" to "General Employment Zone Exception 9 (M1-9)" to bring the current uses in conformity to the Lakeshore Zoning By-law 2-2012, as amended and to allow for a new sewing area for the production of the rolling tarp system (manufacturing, light), additional truck bays (loading space), new office area, warehouses, and an eating establishment;
- b) To provide relief from Section 6.41.2(k) to permit gravel surface in the trailer parking area only; and
- c) To place a holding symbol on the property to be removed when the applicant enters into a site plan agreement with the Municipality.

Background

The applicant has applied for a rezoning of the subject lands from the current zoning of CT-5 to a site specific zoning of M1-9 to bring the current uses on the subject property in conformity with the Lakeshore Zoning By-law, as well as to allow for a new sewing area for the production of the rolling tarp system (manufacturing, light), additional truck bays (loading space), new office area, warehouses, and an eating establishment (Please see Preliminary Site Plan – Appendix B). As well as, the applicant has requested relief from Section 6.41.2(k) to permit gravel surface in the trailer parking area only. The rezoning application was submitted concurrently with an application for a site plan approval.

A new holding provision for the subject lands is also being proposed and removal will be subject to a site plan agreement approval.

Proposal

The proposed rezoning application affects a 7.06 ha (17.46 acre) parcel of land located on the west side of Richardson Side Road and just south of Highway 401. The lands are legally described as Part Lot 18, Concession 4; Parts 1 to 6 (incl.), 12R-26266.

The applicant wishes to construct the following through the site plan approval:

- A new sewing area for the production of the rolling tarp system (manufacturing, light). This will allow for an expanded and more efficient production facility;
- Ten (10) additional truck bays (loading space) to allow for the expansion of the manufacturing portion of the business;
- A proposed new office area to allow for additional permanent staff to work on site in the commercial sales portion of the business;
- Two (2) new warehouse facilities to permit the storage of the finished products on site; and
- Eating establishment use to permit the development or addition of the use to the site. It is noted that the applicant does not currently have a tenant for the eating establishment.

At the time of writing this report, the Site Plan application is in circulation to internal and external agencies.

Subject Land: (4183 Richardson Side Road)	Lot Area— 7.06 ha (17.46 acre) Existing Use — Light manufacturing building/office and warehouse storage units Proposed Use – in addition to the existing uses, a new sewing area for the production of the rolling tarp systems (manufacturing, light), 10 additional truck bays (loading space), office area, 2 new warehouse facilities for storage and an eating establishment Access — access off of Richardson Side Road Services — private water line, septic
Neighbouring Land Uses:	North: Highway 401/agricultural lands South: Agricultural lands East: Agricultural lands West: Agricultural lands
Official Plan:	Urban Fringe
Existing Zoning:	Tourist/Recreational Commercial Zone Exception 5 (CT-5)

Comments

Provincial Policy Statement

The proposed development are consistent with the policies of the 2020 Provincial Policy Statement (PPS), including the following:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1.a);
- 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 (Section 1.1.1.e);
- Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated (Section 1.1.3.2);
- Promoting opportunities for intensification and redevelopment, taking into account the availability of suitable existing and planned infrastructure and public service facilities (Section 1.1.3.3);
- Recreational, tourism and other economic opportunities should be promoted (Section 1.1.5.3);
- Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures (Section 1.2.6.1);
- Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Section 1.2.3.6);
- Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs (Sections 1.6.7.1);
- Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities (Section 1.8.6.3);
- Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness (1.7.1.a); and
- Focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future (1.8.1.c)

Correspondence from external and internal agencies

- Comments from Drainage Division dated March 2nd, 2021
 - Drainage has no concerns with this application as long as the setbacks from the municipal drain area adhered to as per the Zoning By-law.
- Comments from the Fire Department dated March 2nd 2021
 - The draft planning report notes that the “*proposed development promotes the efficient use and optimization of existing municipal water services, and related resources*” however there is no municipal water at this site. With the existing light manufacturing uses, proposed expansion, warehouses

and future restaurant on this site how is water for firefighting purposes being addressed for this proposed intensification?

- In response to the Fire Department's comments, the applicant has provided written confirmation from Chatham-Kent Public Utilities Commission that this site is serviced via the KOA Waterline and the water is supplied by the Municipality of Chatham-Kent PUC.
- Comments from Lower Thames Valley Conservation Authority dated March 10th, 2021
 - No objections. Please see Appendix C for detailed comments.
- Comments from CN Rail dated March 25, 2021
 - CN Rail does not have any comments or objections to this application

Please note that the comments received are being addressed through the site plan control application. No comments were received from internal or external agencies opposing the rezoning of the subject lands.

County of Essex Official Plan

The subject site is located within the settlement area in the County of Essex Official Plan. Accordingly, the proposed development constitutes intensification of a site within the existing built-up area of the municipality and would represent cost-effective development.

Lakeshore Official Plan

The site is designated Urban Fringe in the Municipality's Official Plan. The Urban Fringe area consists of clusters of predominantly residential and commercial uses which have developed at the periphery of the Municipality of Lakeshore adjacent to Settlement Areas outside of the Municipality. These areas generally reflect the extent of existing uses and development patterns. The applicant wishes to intensify an existing property and business located within the Urban Fringe area.

The Urban Fringe Designation in the Official Plan permits residential, commercial, recreational and open space related uses. The following criteria of the urban fringe area applies:

- I. Limited growth and development may be accommodated through appropriate infill
- II. Full municipal sanitary sewage, stormwater management and potable water services are the preferred means of servicing within the Urban Fringe Area. Development within the Urban Fringe Area will be subject to the policies of this Section and 7.3 of this Plan. More specifically, for Urban Fringe Areas serviced by full municipal services, all new development must be fully municipally serviced. For Urban Fringe Areas where full municipal services do not exist, development will only be permitted on partial services within the existing Urban Fringe Area to:
 - a. address failed individual on-site sewage and individual on-site water services within existing development;
 - b. allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and
 - c. provided site conditions are suitable for the long-term provision of such services.

Full urban services do not exist and are not planned for this area. The proposal is an intensification of existing development, and is infilling and rounding out of development in the Urban Fringe Area. Under the above noted policy of the Official Plan, development is permitted on partial (i.e. piped water) systems. It is recommended that a holding provision be placed on the property, to be removed when potable water has been confirmed by the applicant.

With the inclusion of the holding provision requiring site plan agreement approval, the development will be consistent with the general intent of the Official Plan.

Zoning By-law

The subject property is currently zoned CT-5, in the Lakeshore Zoning By-law 2-2012, as amended.

A Zoning By-law Amendment Application has been submitted to permit the following exceptions in the M1 Zone for the subject Property:

- a new sewing area for the production of the rolling tarp system (manufacturing, light), additional truck bays (loading space), new office area, warehouses, and an eating establishment;

As well as relief from Section 6.41.2(k) to permit gravel surface in the trailer parking area only. All other requirements shall be in accordance with the General Provisions of the M1 Zone. All other requirements shall be in accordance with the Parking Area and Other Parking Provisions performance standards of the zoning by-law.

Regulations of the M1 Zone:

Zone Regulations	Current	Proposed
General Employment (M1)		
<i>Permitted Uses</i>		
<i>Minimum Lot Area</i>	500 m ²	70,600 m ²
<i>Minimum Lot Frontage</i>	18.0 m	261.0 m
<i>Maximum Lot Coverage (including accessory buildings)</i>	50%	7.98%
<i>Minimum Landscaped Open Space</i>	20%	46.6%
<i>Minimum Setbacks (main buildings):</i>		
<i>Front Yard</i>	7.5 m	28.77 m
<i>Rear Yard</i>	10.0 m; or 15.0 m (where the <i>yard</i> abuts a residential, institutional or open space zone)	132.99 m

<i>Interior Side Yard</i>	4.5 m; or 15.0 m (where the <i>yard</i> abuts a residential, institutional or open space <i>zone</i>)	Meets requirements
Exterior Side Yard Maximum <i>Height</i> of <i>Buildings</i> and <i>Structures</i>	4.5 m 15.0 m	Meets requirements
Other Provisions	<i>Buffer Strip</i> : 6.0 m shall be provided abutting a residential, institutional or parks and open space <i>zone</i>	

Regulations for the Parking Area and Other Parking Provisions Zone:

- 6.41.2.k In the case of any R2, R3, HC, HE, CS, CN, CT, CA, CR, MU, M1, M2, I1 or I2 Zone, the parking area and approaches shall have a cement or asphaltic binder or any other permanent type of surfacing. In all other cases, the *parking area* and approaches shall be surfaced with concrete, asphalt, interlocking stone, crushed stone, gravel or a combination thereof, with a stable surface treated to prevent the raising of dust or loose particles.

The removal of the Holding Symbol will be subject to site plan agreement approval.

Therefore administration recommends that Council approve the zoning by-law amendment.

Conclusion

Administration recommends that Council approve ZBA-32-2016 (Bylaw 33-2021) as per the Recommendation section of the report, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex and the Lakeshore Official Plan.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments:

Appendix A – Key Plan
Appendix B – Preliminary Site Plan
Appendix C – Comments from LTVCA

Report Approval Details

Document Title:	ZBA-32-2016 - Glider Systems Inc.docx
Attachments:	- Appendix A - Key Map.jpg - Appendix B - Glider Preliminary Site Plan.jpg - Appendix C - Comments from LTVCA.pdf
Final Approval Date:	Apr 15, 2021

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

Aaron Hair

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride