

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, Planner II

Date: February 23, 2023

Subject: Zoning By-law Amendment Application ZBA-08-2021, South Shore Leasing Inc., 0 Ellis Sideroad

Recommendation

Approve Zoning By-law Amendment Application ZBA-08-2021 (Zoning By-law 2-2012, as amended), to rezone the subject property from “Rural Commercial/Employment (CR)” to “Rural Commercial/Employment Zone Exception (CR-52)” zone (indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 23-2023 during the “Consideration of By-laws”, all as presented at the March 21, 2023 Council meeting.

Background

The subject property is a 3.66 acre rural commercial/employment lot, located on the northwest side of Ellis Sideroad and south of Talbot Road/County Road 34 (See Attachment 1). The applicant wishes to develop the site as a contractor’s yard to support their contracting business, to include the construction of a new 620 m² building. The subject property is currently zoned ‘Rural Commercial/Employment (CR)’. Since the CR zone does not permit a contractor’s yard, a site-specific Zoning By-law Amendment is required to permit the proposed use on the subject property.

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| Subject Parcel | Lot Area – 3.66 acres |
| | Current Use – vacant land |
| | Proposed Use – contractor’s yard |
| | Access – Ellis Sideroad |
| | Servicing – municipally owned and operated piped water supply and private septic system |
| Surrounding Uses | North – rural commercial/employment and residential land uses |
| | East – rural commercial/employment land uses |
| | West – vacant lands |
| | South – rural commercial/employment and residential land uses |

Official Plan

Urban Fringe

Existing Zoning

CR, rural commercial/employment

Comments

Provincial Policy Statement (PPS)

There are no issues of provincial significance raised by the application. The development is consistent with Section 1.1.3.2 of the PPS by efficiently using land, resources, and available infrastructure. It is also consistent with Section 1.3.1 a) by contributing to an appropriate mix and range of employment uses to meet long-term needs.

County of Essex Official Plan

The Zoning By-law Amendment conforms to the County of Essex Official Plan. The subject property is located within a Secondary Settlement Area where all types of land uses are permitted subject to the specific land use policies of the Lakeshore Official Plan.

Development of this vacant property for the proposed use is an infill development, which is a type of development permitted in Secondary Settlement Areas. Additionally, the County of Essex Official Plan policies allow these types of developments to proceed on partial servicing (municipal water, private septic) where that type of servicing is permitted by interim servicing policies in the Lakeshore Official Plan. New development on partial sewage services and water services is to generally be limited to dry industrial uses in portions of Secondary Settlement Areas that generally consist of employment uses – which is the case with this development proposal.

The development will assist in achieving the economic goals of the County of Essex Official Plan by attracting and maintaining a business in a settlement area where County residents live.

Lakeshore Official Plan

The subject property is designated Urban Fringe Area in the Lakeshore Official Plan. Section 3.3.5 b) states that limited growth and development may be accommodated through appropriate infill on vacant lands in the Urban Fringe Area in accordance with environmental protection and hazard land policies. It is noted that there are no natural heritage features (woodlands, wetlands, significant valley lands, etc.) on the subject property or natural and/or human made hazards associated with this infill development proposal. The development is currently proceeding through site plan control under Section 41 of the Planning Act, which has enabled administration to review detailed development plans for the site and address elements of land use compatibility with the surrounding area.

In accordance with the County of Essex Official Plan, the Lakeshore Official Plan permits infilling development on partial services in the Urban Fringe Area provided that the development is within the reserve water system capacity. Lakeshore's Engineering and Infrastructure division has not raised any concerns over the provision of municipal water for the development, and no concerns have been raised by Building Services with respect to the development proceeding on private septic system.

The Urban Fringe designation specifically permits small scale commercial and industrial uses – such as a contractor's yard – provided they are of a dry nature and do not require excessive amounts of water for their operations and are compatible with adjacent uses. This infill development will provide a use of this nature along a portion of Ellis Sideroad between County Road 34/Talbot Road to the north and Canadian National Railway lands to the south that has evolved overtime to support several similar small-scale commercial/industrial uses.

Site plan control approval will result in an agreement registered on the title of the property requiring development to proceed in accordance with plans reviewed by administration. This approval process is in its final stages with an agreement pending. According to the plans (see Attachment 2), a large setback of 29.75 metres from the east side lot line will be provided for a new building that will contain accessory office space and a shop to perform maintenance of contracting equipment/vehicles. This setback will help buffer the proposed use from neighbouring residential properties to the east.

The portion of land to be used for the outdoor storage of contracting equipment/vehicles will be granular surface with a base compacted to a required specification outlined in engineering drawings to prevent the raising of dust and loose particles. Provisions for dust control will be included in the site plan agreement. Space dedicated to outdoor storage will also be surrounded by a landscaped buffer, and the applicant is proposing to include a screening product for the portion of chain link fence that runs along the mutual lot line of neighbouring residential properties to the east.

Lakeshore Zoning By-law

The subject property is zoned CR which does not permit a contractor's yard. A site-specific Zoning By-law Amendment will include a contractor's yard as an additional permitted use on the subject property.

The applicant is a civil contracting company that performs construction work for residential, industrial and commercial projects. The subject property is proposed to be used for the storage of their construction vehicles/equipment and materials. A building will be constructed to store weather sensitive materials/tools and perform routine maintenance/repair of equipment. All garbage/refuse will be stored within the building.

It is anticipated that the applicant will be using the site to load and drop off equipment as the company completes off-site projects, and during the summer season contracting vehicles/equipment will typically remain off-site during the duration of those projects.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations for the March 21, 2023 public meeting.

At the time of writing the report, no comments were received.

Financial Impacts

There are no financial impacts resulting from the recommended zoning by-law amendment.

Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-08-2021 as per the Recommendation section of the report.

Attachments

Attachment 1 – Key Map

Attachment 2 – Site Plan

Report Approval Details

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| Document Title: | ZBA-8-2021 - Zoning By-law Amendment Report.docx |
| Attachments: | - Attachment 1 - Key Map.pdf - Attachment 2 - Site Plan.pdf |
| Final Approval Date: | Mar 14, 2023 |

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

Prepared by Ian Search

Submitted by Kristina Brcic, Aaron Hair and Tammie Ryall

Approved by Krystal Kalbol and Justin Rousseau