

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

AGENDA



PUBLIC MEETING

ZONING BY-LAW AMENDMENT 33
- 32 SENECA DRIVE
(Ontario Greenhouse
Vegetable Growers)

MONDAY, APRIL 4, 2011
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS

ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting
Pages 2-3
2. Report PLA 06/11 dated March 2, 2011 re: Zoning By-law Amendment Request Proposed Industrial Use ZBA 33 - 32 Seneca Drive (Ontario Greenhouse Vegetable Growers) (Previously considered at the March 7, 2011 Council Meeting)
Pages 4-9
3. Comments received from Essex Region Conservation Authority dated March 10, 2011
Page 10-11

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
NOTICE OF PUBLIC MEETING
ZONING BY-LAW AMENDMENT
ZBA 33 - 32 SENECA DRIVE

TAKE NOTICE that the Council of the Corporation of the Municipality of Leamington will hold a public meeting concerning a proposed zoning by-law amendment under the provisions of the Planning Act, R.S.O. 1990 on **Monday, April 4th, 2011 at 7:00 pm** in the Council Chambers at the Municipal Building.

The subject property is described as the north portion of Lot 19 on Plan 12M-188 and locally known as 32 Seneca Drive in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).

The subject property is designated Industrial on Schedule "A-6E" of the Leamington Official Plan, as approved on February 5, 2008. The subject property is currently zoned Medium and Heavy Industrial (M2) on Map 60 in Zoning By-law #890-09, as approved on January 12, 2009. It is proposed to keep the subject property in the M2 Zone and add office (as a main use) as a permitted use in a defined zone M2-4 Zone. All development will be subject to site plan control approval.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.

If a person or public body that files an appeal to a decision of the Municipality of Leamington in respect of the proposed zoning by-law amendment does not make oral submission at a public meeting or make written submissions to the Municipality before the proposed by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

ADDITIONAL INFORMATION relating to this matter is available for review at the Municipal Office for the Corporation of the Municipality of Leamington, 38 Erie Street North, during regular office hours. Please contact Tracey Pillon-Abbs, Manager of Planning Services, for further information.

DATED at the Municipality of Leamington this 9th day of March 2011.

BRIAN R. SWEET, CLERK
MUNICIPALITY OF LEAMINGTON
38 ERIE STREET NORTH
LEAMINGTON, ONTARIO N8H 2Z3
TELEPHONE: (519) 326-5761



REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: MARCH 2, 2011

SUBJECT: ZONING BY-LAW AMENDMENT NO. 33
PROPOSED INDUSTRIAL USE
32 SENECA DRIVE (ONTARIO GREENHOUSE VEGETABLE GROWERS)

AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 32 Seneca Drive.

BACKGROUND:

Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the subject lands to permit an office in an industrial zone. The Ontario Greenhouse Vegetable Growers (OGVG) intends to use the office to conduct business, hold meetings and provide for other related activities.

Property Description:

The subject property is described as the north portion of Lot 19 on Plan 12M-188 and locally known as 32 Seneca Drive in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).

Currently, the subject property is vacant and located within an Industrial Park.

The subject property was owned by the Municipality of Leamington and sold to the Ontario Greenhouse Vegetable Growers (OGVC) as per Council resolution C-25-11.

The property has frontage on Seneca Drive and is serviced by municipal water, storm and sewers.



COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

It is required that the Municipality 'be consistent' with the PPS. In reviewing the policies, the development can be supported.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the County of Essex Settlement Area on Schedule "A" in the County OP. In reviewing the policies, the development can be supported.

Leamington Official Plan, 2008 (OP):

The subject property is designated Industrial on Schedule "A-6E" the OP.

The goal of this designation is to identify and develop areas with good access and transportation links, where industrial development can take place in an orderly manner.

It is the policy of the OP that other commercial uses, adult entertainment parlours and private clubs (such as curling clubs) suitable for location in industrial areas may be permitted only upon amendment to the Zoning By-law implementing this Plan.

Leamington Zoning:

The subject property is currently zoned Medium and Heavy Industrial (M2) on Map 60 of Zoning By-law #890-09.

It is proposed to keep the subject property in the M2 Zone and add office (as a main use) as a permitted use in a defined zone M2-4 Zone.

The M2 Zone currently allows for the following permitted uses:

- a) Automotive uses consisting of automobile body shops and impound yards, tire repair shops;
- b) sales and rental facilities for building supplies, lumber, bulk goods, equipment, communication;
- c) yard and shop facilities for contractors, tradesman shops, fishing and fish processing, machinists or welders, public utilities; appliance and machinery repairs;
- d) facilities for light manufacturing including asphalt and concrete batching plants, heavy manufacturing, laboratories;
- e) truck or transport terminals, only where there is a permanent building and office provided in addition to loading, unloading, storage and parking;
- f) facilities for warehousing or storage uses;
- g) accessory uses including, offices, showrooms, merchandising centres and retail stores or wholesale outlets, cafeterias;
- h) outside storage, in accordance with 4.37 of this By-law.

Any proposed development will be subject to the M2 regulations (ie setbacks, lot coverage, parking), site plan control, purchase agreement conditions and the required building permits.

CONSULTATION:

Administration has completed their review of the proposed application as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Section 3.6.2 of the Plan permits this type of development only upon amendment to the Zoning By-law, provided that such amendments shall be approved only when it has been shown to the satisfaction of the Municipality that:

- i. the commercial use provides a service or benefit to the area, or has similar requirements or characteristics to the industries in or permitted in the area such as service stations, public garages, banks, printing, and photographic establishments and restaurants;
- ii. the site for the proposed commercial use is such that its development:
 1. will be compatible with permitted Industrial uses;
 2. is so located with respect to other commercial uses that it may make possible the development of a compact commercial concentration.

When considering application to amend the zoning by-law in the "Industrial" designation, the Municipality shall consider the following:

- i) the adequacy of the services available to the proposed site;
- ii) the adequacy of the road system to provide access to the proposed site;
- iii) the possible impact of the proposal on adjacent properties;
- iv) the need for additional Industrial land in relation to the supply/demand circumstances;

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required. However, Council may request a planning justification study to be completed by a qualified planner. At this time, the OGVG has provided two addendums to the application which include information to support the criteria above (see attached).

CONCLUSION:

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, April 4, 2011 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted in the Leamington Post. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will be presented to Council after the public meeting.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at 32 Seneca Drive to change the zoning from Medium and Heavy Industrial Zone (M2) to Medium and Heavy Industrial Defined Zone (M2- 4) to permit an office as a main use, as outlined in Report PLA 06/11;

AND that Administration is directed to schedule the required public meeting for Monday, April 4, 2011 at 7:00 pm.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

Douglas E. Morrish,
Director of Development Services

ATTACH.

/tpa



Ontario Greenhouse Vegetable Growers
245 Talbot Street West, Suite 103
Leamington, Ontario N8H 1N8
(519) 326-2604 / 1-800-265-6926
(519) 326-7842 Fax
WEB SITE – www.ontariogreenhouse.com

Addendum B
to the
By-Law Amendment Application for
Lot 19, Plan 12M-188 (North End of Lot 19)

January 28th, 2011

Town of Leamington
Municipal Building
38 Erie Street North
Leamington, ON N8H 2Z3

RE: Zoning By-Law Amendment – Lot 19, Plan 12M-188 (North End of Lot 19)

The Ontario Greenhouse Vegetable Growers (OGVG) is a not-for-profit organization representing over 220 members who grow greenhouse tomato, cucumber and sweet pepper crops in Ontario, Canada. Approximately 1625 acres of the total 1900 acres that the OGVG represents is located in the Leamington, Chatham-Kent area.

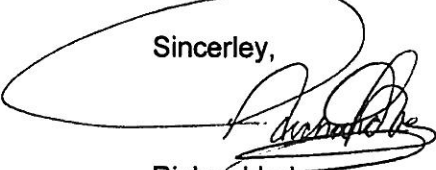
OGVG was formed in 1967. The organization lobbies and conducts research on behalf of the Ontario greenhouse growers. OGVG also promotes greenhouse vegetables through various media and tradeshow.

We are requesting a by-law amendment to the subject land in order to provide service or benefit to the greenhouse growers throughout Ontario as an *office, board room space to conduct board meetings, grower meetings and day to day office functions* of a marketing board. We do not intend to warehouse, sell, and store etc. any consumer goods at the subject land.

OGVG remains dedicated to representing growers by providing market access for producers and ensure the opportunity for economic success. We ask the Town of Leamington to undertake a review of our requested by-law amendment and encourage you approve our request in order to provide uninterrupted services and value for sustained growth to our membership and sector.

We thank you in advance for your help and support on this issue.

Sincerley,



Richard L. Lee
Operations Manager



Ontario Greenhouse Vegetable Growers
245 Talbot Street West, Suite 103
Leamington, Ontario N8H 1N8
(519) 326-2604 / 1-800-265-6926
(519) 326-7842 Fax
WEB SITE – www.ontariogreenhouse.com

Addendum to Ontario Greenhouse Application for Re-Zoning

RE: Lot 19, Plan 12M-188 (32 Seneca Road)
From: Richard Lee, Ontario Greenhouse Vegetable Growers
To: Township of Leamington
Date: February 9th, 2011

RECEIVED
FEB 10 2011

Dear Sir/Madam,

To follow you will find the additional information requested from your memorandum dated February 4th, 2011 addressing the Municipalities concerns:

Adequacy of the services available to the proposed site

The current services available to the proposed site are adequate for the purposes of our proposed Ontario Greenhouse Vegetable Growers' Board office.

Adequacy of the road system to provide access to the proposed site

The current services available to the proposed site are adequate for the purposes of our proposed Ontario Greenhouse Vegetable Growers' Board office.

The possible impact of the proposal on adjacent properties

The Ontario Greenhouse Vegetable Growers is proposing a less intensive use for the property than anticipated in the current zoning requirements. Therefore, we do not anticipate any adverse impact to adjacent properties.

The need for additional Industrial land in relation to the supply/demand circumstances

N/A

Regards,

Richard Lee
Operations/Compliance Manager



2011 Board of Directors

March 10, 2011

Town of Amherstburg

Robert Pillon
John Sutton

Mr. Brian Sweet, *Clerk*
Municipality of Leamington
38 Erie St. N.
Leamington ON N8H 2Z3

Town of Essex

Sherry Bondy
John Scott

Town of Kingsville

Gord Queen
Tamara Stomp

Town of Lakeshore

Al Fazio
Len Janisse

Town of LaSalle

Sue Desjarlais
Ray Renaud

**Municipality of
Leamington**

Rick Atkin
Larry Verbeke

Township of Pelee

Rick Masse

Town of Tecumseh

Joe Bachetti – Vice-Chair
Cheryl Hardcastle

City of Windsor

Percy Hatfield – Chair
Al Maghnieh
Hilary Payne
Ed Sleiman

**General Manager/
Secretary-Treasurer**

Richard Wyma

Dear Mr. Sweet:

RE: Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA 33) - Lot 8, Concession A; 32 Seneca Drive; ARN: 370640000001100; PIN: 751130226; Applicant: Municipality Of Leamington; Regulated Area: Bevel Line Drain.

The following is provided for your information and consideration as a result of our review of the above referenced Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA 33).

For the owner's information, we note that the extreme easterly portion of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). Prior to any construction or site alteration, or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority.

As part of the Site Plan Control process, we recommend that the applicant be required to review and reassess the stormwater management plan associated with this development, addressing both quality and quantity for the entire subject parcel. We would be pleased to assist the Municipality in the review of the stormwater report for this development.

Based on our review, we have no objections to the application.

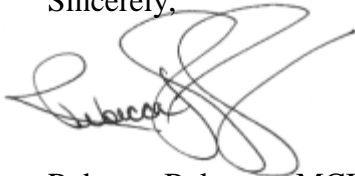
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Mr. Brian Sweet, *Clerk*
March 10, 2011
Page 2

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA office by phone at (519) 776-5209 or by fax at (519) 776-8688.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Belanger', with a large, stylized flourish extending from the end of the signature.

Rebecca Belanger, MCIP, RPP
Conservation Planner

/dl
cc: