

# THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

## AGENDA

### PUBLIC MEETING

ZONING BY-LAW AMENDMENT 32  
- 154 ERIE STREET NORTH

MONDAY, APRIL 11, 2011  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS



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#### ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting  
Pages 2-3
2. Report PLA 10/11 dated March 9, 2011 re: Zoning By-law Amendment Request Proposed Commercial Use ZBA 32 - 154 Erie Street North (Quad T Development Inc.) (Previously considered at the March 14, 2011 Council Meeting)  
Pages 4-8

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON  
**NOTICE OF PUBLIC MEETING**  
ZONING BY-LAW AMENDMENT  
**ZBA 32 - 154 ERIE STREET NORTH**

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**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 11<sup>th</sup>, 2011 at 7:00 pm** in the Council Chambers at the Municipal Building.

The subject property is described as CON NTR PT LOT 244 & PT RD ALLOWANCE BETWEEN CON 3, LOTS 6 & 244, RP 12R-20422 PARTS 2-4, RP 12R-22822 PARTS 5-7, RP 12R-20422 PART 1, RP 12R-22822 PARTS 2-4 and locally known as 154 Erie Street North in the former Town of Leamington (see key map).

The subject property is designated Highway 77 Corridor Commercial District on Schedule "A-6D" of the Leamington Official Plan, as approved on February 5, 2008. The subject property is currently zoned Commercial General Zone (C6) on Map 36 in Zoning By-law #890-09, as approved on January 12, 2009. It is proposed to change the zone to a defined Commercial General Zone (C6-13) to permit an animal hospital in addition to the C6 uses and reduce the minimum parking requirements from 125 spaces with 3 barrier free to 15 spaces with 1 barrier free. All development is subject to site plan control.

**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.

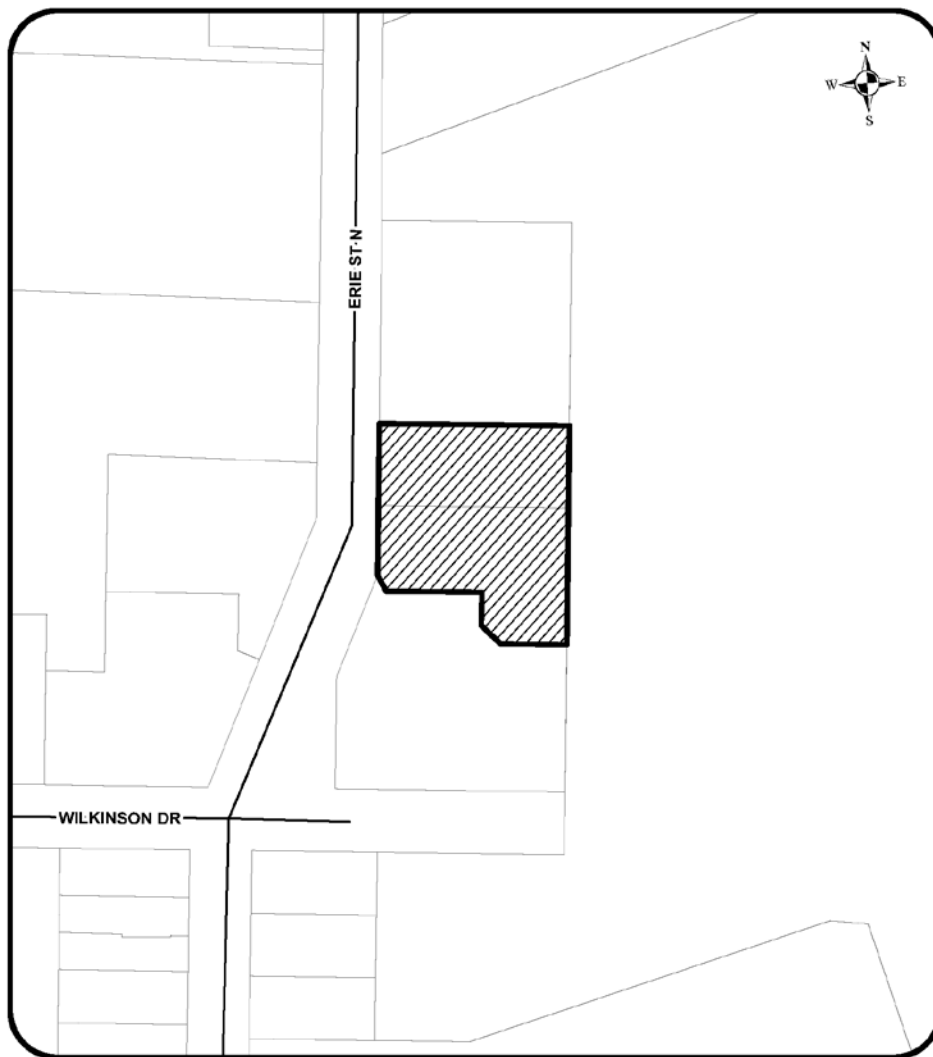
If a person or public body that files an appeal to a decision of the Municipality of Leamington in respect of the proposed zoning by-law amendment does not make oral submission at a public meeting or make written submissions to the Municipality before the proposed by-law is adopted, the Ontario Municipal 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 16<sup>th</sup> day of March 2011.

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



**Legend**

 SUBJECT PROPERTY

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**THIS IS NOT A LEGAL PLAN OF SURVEY & IS NOT TO SCALE.**

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38 Erie Street North, Leamington, Ontario N8H 2Z3  
TEL: (519) 326-5761 FAX: (519) 326-2481

## REPORT

**TO:** MAYOR AND MEMBERS OF COUNCIL

**FROM:** TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

**DATE:** MARCH 9, 2011

**SUBJECT:** ZONING BY-LAW AMENDMENT 32  
PROPOSED COMMERCIAL USE  
154 ERIE STREET NORTH (QUAD T DEVELOPMENT INC)

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### AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 154 Erie Street North.

### 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 add an animal hospital to the list of permitted uses in the Commercial Zone and decreased the required minimum parking spaces.

#### Property Description:

The subject property is described as CON NTR PT LOT 244 & PT RD ALLOWANCE BETWEEN CON 3, LOTS 6 & 244, RP 12R-20422 PARTS 2-4, RP 12R-22822 PARTS 5-7, RP 12R-20422 PART 1, RP 12R-22822 PARTS 2-4 and locally known as 154 Erie Street North in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).

The subject property is made up of 2 parcels. The owner has agreed to consolidate the parcels.

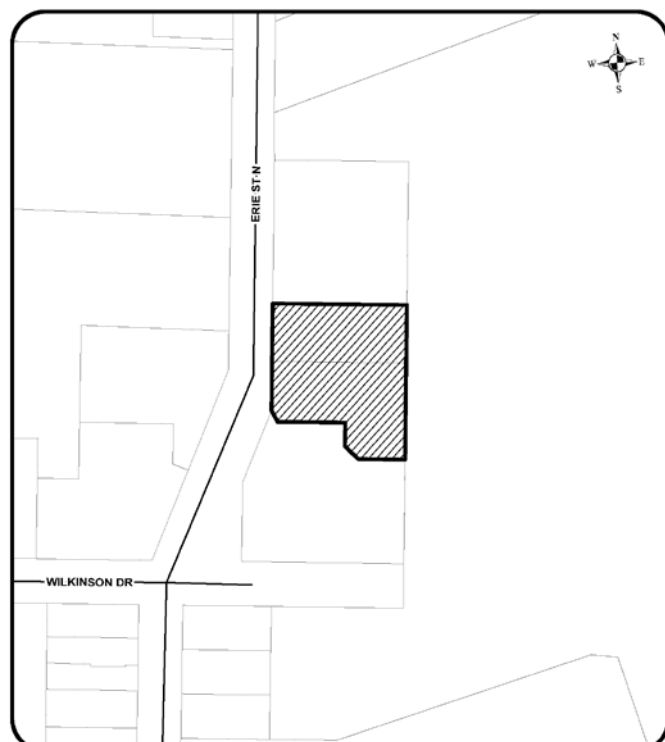
Both parcels are currently vacant. Armando's Restaurant is located to the south, the Leamington Fairgrounds to the east, Petro Canada gas bar to the north and Tim Horton's across Erie Street North to the west.

The property has frontage on Erie Street North and is serviced by municipal water and sewage.

### 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 Highway 77 Corridor Commercial District on Schedule “A-6D” the Leamington OP (2008).

The goal of this designation is to encourage the completion of the highway commercial development pattern that exists along the “Highway 77 Corridor Commercial District”.

**Leamington Zoning:**

The subject property is currently zoned Commercial General Zone (C6) on Map 36 in the Zoning By-law #890-09.

It is proposed to change the zone to a defined Commercial General Zone (C6-13) to permit an animal hospital, which is defined as the following:

***ANIMAL HOSPITAL OR ANIMAL CLINIC, shall mean a building or structure under the control and supervision of a qualified veterinarian who is a member of the Ontario Veterinarian Association, where the animals or birds are given medical treatment but have no outdoor kennels.***

In addition to the animal hospital, uses in the C6 Zone will also be permitted, which include the following:

- a) *Retail stores;*
- b) *grocery stores;*
- c) *offices including professional and medical offices, greater than 3,000 square feet;*
- d) *personal and other service uses;*
- e) *automotive and home supply stores;*
- f) *gas bars and service stations;*
- g) *convenience stores;*
- h) *restaurants including drive-through, fast-food, take-out and full service;*
- i) *places of amusement, entertainment and recreation;*
- j) *bakeries;*
- k) *assembly halls and clubs;*
- l) *communication facilities;*
- m) *clinics;*
- n) *taverns;*
- o) *taxi services, subject to providing on-site parking;*
- p) *funeral homes;*
- q) *existing residential uses, residential uses in buildings designed and constructed as single unit detached dwellings and one additional dwelling unit in any existing residential building subject to complying with the parking requirements of this By-law, and dwelling units above a commercial use other than an automobile use;*
- r) *parking lots;*
- s) *motels and hotels;*
- t) *accessory uses including outside display and sale of goods and materials but not outside storage.*

In addition, based on 20/1001.07 sq ft (unspecified use), 125 parking spaces are required in addition to 3 barrier free spaces (total of 128 parking spaces). Relief is requested to reduce the minimum requirement to 16 spaces, including barrier free (15 spaces and 1 barrier free space).

Any proposed development will be subject to the C6 regulations (ie setbacks, lot coverage, parking), site plan control, approval from the Essex Region Conservation Authority (ERCA) 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.

When considering application to amend the zoning by-law, the municipality shall be satisfied that:

- i) where deemed necessary, the applicant has prepared a market potential study to justify the proposed use. The need should be substantiated by adequate market research which will include not only the viability of the proposal but the impact it may have on the existing commercial facilities in the Municipality and in the surrounding area;*
- ii) municipal services are available to the property and have the necessary capacity to satisfy any increased demands as a result of the proposed use;*
- iii) no serious traffic problems will result from the proposed use;*
- iv) the applicant has made reasonable efforts to obtain available space in the existing "Commercial Districts", or has demonstrated why it is not feasible to locate in these areas;*
- v) the proposed use will not adversely affect existing adjacent uses;*

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 proponent has provided an addendum to the application which includes 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 11, 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 154 Erie Street North to change the zoning from Commercial General Zone (C6) to Commercial General Zone (C6-13) to permit an animal hospital and reduce the minimum parking requirements from 128 to 14, as outlined in Report PLA 10/11;

AND that Administration is directed to schedule the required public meeting for Monday, April 11, 2011 at 7:00 pm.

Respectfully submitted,

\_\_\_\_\_  
Tracey Pillon-Abbs,  
Manager of Planning Services

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Douglas E. Morrish,  
Director of Development Services

ATTACH.

/tpa

*T:\Development\Reports\2011 Reports\Planning\Planning - Word document\PLA-10-11 154 Erie St N ZBA Request.docx*

To: Municipality of Leamington

From: Barrinetti Construction

Date: March 7/2011

Re: 154 Erie St. North, Re-Zoning for Proposed Animal Hospital

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Before any permit application will be submitted the assessment roles at 154 Erie St. North will be combined into one pin. The current business location is in the core area and the buyer has out grown his premises so he has decided that the new lot will give him adequate space for his current business and will still give him additional space if he decides to expand in the future. The small lot coverage at the moment will incorporate a lot of green space to provide a pleasing visual to a somewhat dry area of Leamington. The agricultural fair grounds located to the east and north of the site also make this site very appealing. Another concern is to develop a fully accessible operation because his current location is split on two levels and the new handicap accessible legislation will come in the near future.

The property will also have to traffic related issues as it will stay closed to Erie St. N. The two vehicular access points to the property will be used from a previous easement that goes north south from the Petro Canada lot to the north and Armando's Restaurant parking lot to the south. With that being said we have also decided to place the proposed Animal Hospital almost directly in the center of the property to provide enough space between each of the establishments and to ensure we will not affect their uses in any way possible. By looking at the amount of clients the Animal Hospital takes per day and the size of staff, we feel that the parking requirements can and should be reduced to 1/400 sq ft minimum. Therefore the 6300 sq. ft. building would need sixteen total including one handicap shown on our submitted site plan.

Thank you for your time,

Barrinetti Construction LTD.