

MUNICIPALITY OF LEAMINGTON AGENDA



PUBLIC MEETING

Zoning By-law Amendment #20
38 Erie Street North
Commercial Zoning

MONDAY, APRIL 12, 2010
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS

ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting.
Pages 2-3
2. Report PLA 18/10 dated March 10, 2010 re: Zoning By-law Amendment #20 - Proposed Commercial Zone - 38 Erie Street North (Former Town Hall).
(Previously considered at the March 15, 2010 Council Meeting)
Pages 4-8

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THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
NOTICE OF PUBLIC MEETING
ZONING BY-LAW AMENDMENT
(ZBA #20 - 38 Erie Street North - Former Town Hall)

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 12th, 2010 at 7:00 pm** in the Council Chambers at the Municipal Building.

The subject property is described as Plan 175 Lots 3 & 4 PT Lots 1 & 2 and locally known as 38 Erie Street North in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map). The subject property is currently zoned Institutional Zone (I) on Map 40 in Zoning By-law #890-09.

Administration has been directed by Council to take appropriate steps to rezone the former Town Hall to Commercial Uptown Zone (C1). The subject lands are currently designated Uptown Commercial District on Schedule "A-6D" of the Leamington Official Plan (approved 2008).

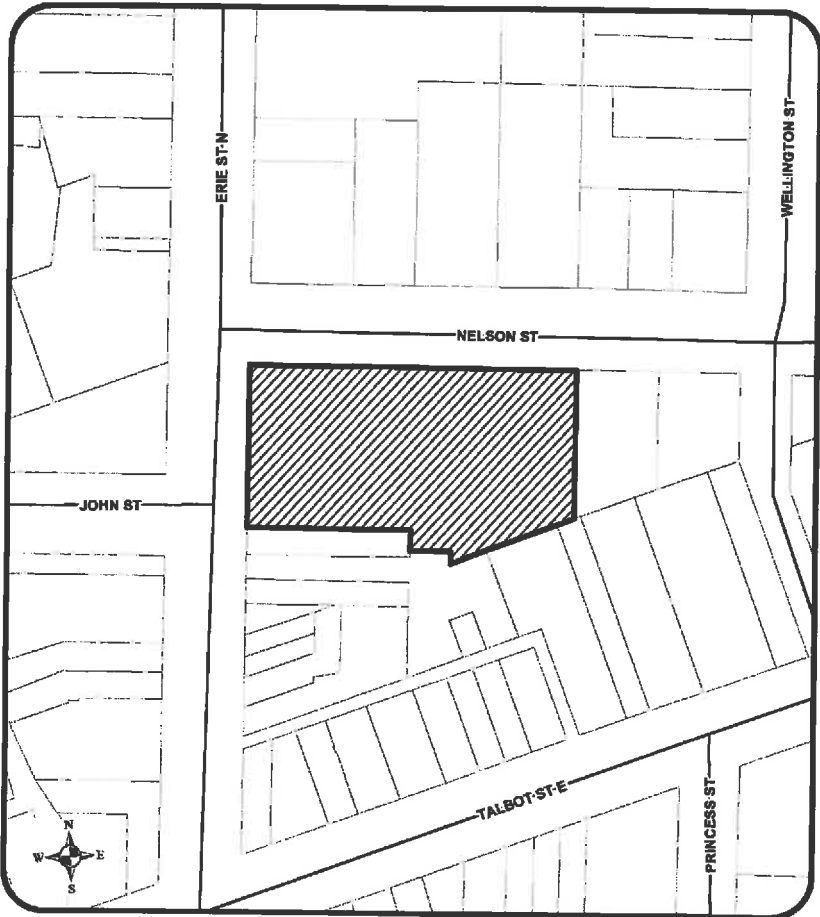
ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.


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 17th day of March 2010.

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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Provided by the: Municipality of Leamington Engineering Department - GIS Services
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 10, 2010
SUBJECT: ZONING BY-LAW AMENDMENT #20
PROPOSED COMMERCIAL ZONE
38 ERIE STREET NORTH (FORMER TOWN HALL)

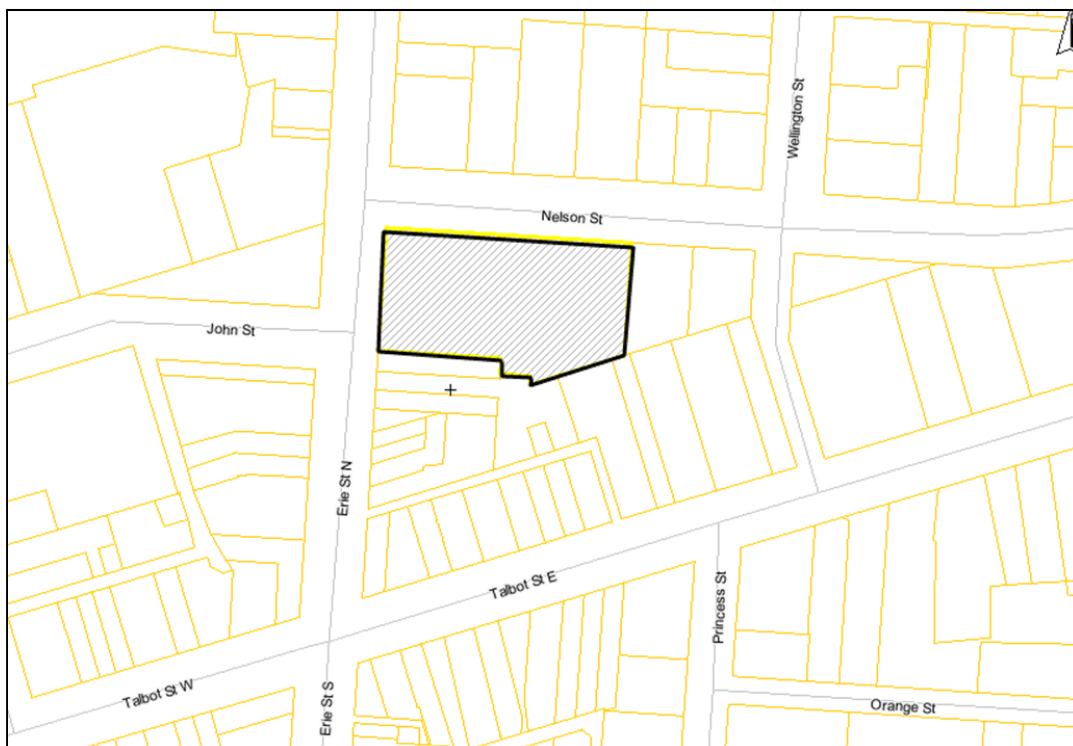
AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 38 Erie Street North.

BACKGROUND:

Administration has been directed by Council to take appropriate steps to rezone the former Town Hall from Institutional Zone (I) to Commercial Uptown Zone (C1).

The subject property is described as Plan 175 Lots 3 & 4 PT Lots 1 & 2 and locally known as 38 Erie Street North in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).



Currently, the subject property has a one storey government office which is used for the Municipality of Leamington administration and is currently for sale. Parking is located at the rear of the building with access from Nelson Street.

The property has frontage on both Erie Street North and Nelson Street 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, intensification and redevelopment is encouraged.

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.

Leamington Official Plan, 2008 (OP):

The subject property is designated Uptown Commercial District on Schedule "A-6D" on the Leamington OP (2008).

The "Uptown Commercial District" is the original commercial area of the Municipality of Leamington. It is an area whose commercial form and function are evolving as the commercial trade area expands. Characteristic of urban core areas, the "Uptown Commercial District" is to be the heart of Leamington's commercial facilities.

The extent of the "Uptown Commercial District" is consistent with the area that is currently used for commercial purposes. Commercial redevelopment within the "Uptown Commercial District" is encouraged as existing highway commercial uses relocate to more peripheral commercial districts. A full range of retail and service commercial uses, as well as recreational, cultural and entertainment uses are permitted in the "Uptown Commercial District" as more specifically detailed in the Zoning By-law.

Leamington Zoning:

The subject property is currently zoned Institutional Zone (I) on Map 40 in the Zoning By-law #890-09.

It is proposed to change the zoning for the subject property to Commercial Uptown (C1) Zone. Permitted uses in the C1 zone include the following:

- a) Retail stores;
- b) grocery stores;
- c) offices including both on-site service and off-site service;
- d) personal and other service uses;
- e) financial institutions;
- f) automotive and home supply stores;
- g) convenience stores;
- h) restaurants including fast-food, take-out and full service;
- i) places of amusement, entertainment or recreation;
- j) bakeries;
- k) assembly halls and clubs;
- l) communication facilities;

- m) clinics;
- n) post offices;
- o) schools, cultural uses, art galleries and other institutional uses;
- p) taverns;
- q) funeral homes;
- r) 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, and dwelling units above a commercial use other than an automobile use;
- s) parking lots;
- t) motels and hotels;
- u) accessory uses including outside display and sale of goods and materials but not outside storage.

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 3.6.1.2 (l) of the Official Plan sets out that 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. ***Based on the nature of the proposed use, it is the opinion of Administration that a market study is not required.***
- 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. ***Services are existing.***
- iii) no serious traffic problems will result from the proposed use. ***No traffic concerns are anticipated.***
- 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. ***The proposed use is within the existing Commercial District. No alterations to the District are being proposed.***
- v) the proposed use will not adversely affect existing adjacent uses. ***The property is currently surrounded by commercial uses.***

Due to the nature of the proposed zoning change it is Administration's position that 'additional information' is not required.

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 12, 2010 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 not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. It is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

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 38 Erie Street North to change the zoning from Institutional Zone (I) to Commercial Uptown Zone (C1) to permit commercial uses, as outlined in Report PLA 18/10;

AND that Administration is directed to schedule the required public meeting for Monday, April 12, 2010 at 7:00 pm;

AND further, if no concerns are raised at the public meeting, that the Clerk be directed to forward the amending by-law for the zoning by-law amendment approval to Council for its consideration.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

Douglas E. Morrish,
Director of Development Services

/tpa