To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Zone Change
ZN 7-19-09 – Isaacs

REPORT HIGHLIGHTS

- The application for rezoning has been requested to permit a building supply store and yard, furniture and home appliance sales and service establishment, household power equipment sales and service establishment, retail liquidation outlet, service shop, and upholstery shop as additional permitted uses within the existing industrial mall on the lands.

- Planning staff are recommending approval of the application as it is consistent with the policies of the Provincial Policy Statement and the Official Plan respecting redevelopment of existing industrial buildings in established industrial areas that are located in proximity to existing residential areas.

DISCUSSION

Background

OWNER: Madlen Isaacs
1090 Augustus Drive, Burlington ON L7S 2L2

APPLICANT: Lena Isaacs
1090 Augustus Drive, Burlington ON L7S 2L2

LOCATION:

The subject lands are described as Lots 1617 & 1638, Plan 500, and Part 1 of 41R-1662 & Part 1 of 41R-1932 in Tillsonburg. The lands are located on the south side of Spruce Street, east of Vienna Road and north of Highway 3 in the Town of Tillsonburg and are municipally known as 25 Spruce Street, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “T-1” Town of Tillsonburg Industrial
Land Use Plan
TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning:

General Industrial Zone (MG)

Proposed Zoning:

Special General Industrial Zone (MG-sp)

PROPOSAL:

The purpose of the application is to rezone the subject lands to include a building supply store and yard, furniture and home appliance sales and service establishment, household power equipment sales and service establishment, a retail liquidation outlet, a service shop, and an upholstery shop as additional permitted uses within the existing industrial building on the subject lands.

The subject lands are approximately 1.2 ha (2.9 ac) in size, and contain an existing industrial mall (circ. 1980) with an approximate floor area of 2787 m² (30000 ft²). The industrial mall is divided into 11 units, ranging in size from 223 m² (2400 ft²) to 836 m² (9000 ft²). The tenant spaces in the industrial mall are currently vacant, save for Rick’s Carpet.

Surrounding land uses are predominately industrial, with residential uses fronting on Vienna Road and Young Street.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Close-up of Subject Lands (2015 Air Photo), provides an aerial view of the subject property.

Plate 3, Applicant’s Sketch, shows the dimensions and layout of the subject lands, as well as the location of the existing industrial mall.

Plate 4, Existing Industrial Mall, shows the dimensions, unit sizes and layout of the industrial mall.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 1.3 of the PPS provides that planning authorities shall promote economic development and competitiveness by:

• providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs;
• providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of
economic activities and ancillary uses, and take into account the needs of existing and future businesses;
• planning for, protecting and preserving employment areas for current and future uses;
• ensuring the necessary infrastructure is provided to support current and projected needs.

For the purposes of provincial policy, the subject lands are considered employment lands.

OFFICIAL PLAN:

The subject lands are designated ‘Industrial’ according to the Land Use Plan for the Town of Tillsonburg, as contained in the Official Plan. The policies of Section 8.3.5.2 of the Official Plan - Established Industrial Uses, are relevant to this application and apply to established industrial areas that are located in proximity to existing residential areas.

The policies of this section provide that in order to recognize the historic development on these industrial areas and their importance to employment, Town Council:
• may recognize such uses in the Zoning By-law and permit such uses to expand;
• may protect such industry from the encroachment of additional non-industrial uses which are incompatible with industrial activity and may protect such industrial areas which can provide locational opportunities for small “incubator” industries and businesses by special zoning in the Zoning By-law;
• will consider the re-use or redevelopment of existing industrial buildings or sites, through site specific zoning or a functional zoning category in the Zoning By-law, for limited service commercial uses directly supportive of and primarily serving business and industry such as automated teller machines or kiosks, education or training facilities, restaurants, office supply and equipment sales, rental and service establishments, computer, electronics or data processing services, photocopying, blueprinting and courier services;
• will consider the re-use or redevelopment of existing industrial buildings, through site specific zoning or a functional zoning category in the Zoning By-law, for limited service commercial uses serving the broader public which are complementary to the principal industrial function such as a warehouse outlet, commercial storage units, food catering services, veterinary clinics or an automobile supply store.

Section 10.3.5 of the Official Plan provides policy guidance for the recognition of non-conforming uses in the Zoning By-law. The policies provide that although it is the general intent of the plan that the long-term use of land conform with the objectives and policies of the Plan, a legally established land use may be recognized as a permitted use in the Zoning By-law provided that Town Council is of the opinion that:
• the use does not involve hazardous activities or substances;
• the use does not contribute to air, water, or land pollution problems;
• the use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, does not generate traffic that threatens the safety of the surrounding area, and does not interfere with the development of conforming uses in the surrounding area;
• the long-term continuation and any potential expansion of use will not detract from the general intent of the Official Plan;
• recognition of the use is not likely to result in proposals to amend the Plan to allow similar types of uses.
TOWN OF TILBSONBURG ZONING BY-LAW:

The subject property is zoned ‘General Industrial (MG)’ in the Town of Tillsonburg Zoning By-Law No. 3295. The applicant is requesting that the zoning be amended to allow for the following additional permitted uses on the property on a site specific basis within the General Industrial zone: (the current Zoning By-law definition is included in italics)

- building supply store and yard;
- furniture and home appliance sales and service establishment;
- household power equipment sales and service establishment;
- retail liquidation outlet;
- service shop (a building or part of a building not otherwise defined or classified herein for the servicing, repairing and renting of articles, goods or materials)
- upholstery shop.

Planning staff note that the proposed additional permitted uses, with the exception of a retail liquidation outlet, are permitted uses within the Service Commercial (SC) zone.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal.

The Tillsonburg Building Services Department indicated that there are a number of legal non-conforming uses within the existing industrial mall, including Rick’s Carpet. The Building Services Department has no concerns with the proposed zone change.

The Town of Tillsonburg Engineering Services Department, Oxford County Public Works Department, Tillsonburg District Chamber of Commerce, and Ontario Ministry of Transportation have indicated they have no comment with respect to this application.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on June 6, 2019 and June 21, 2019 in accordance with the requirements of the Planning Act. As of the writing of this report, no comments have been received from the public.

Planning Analysis

As noted, this proposed application seeks to amend the zoning of the subject property to add a number of additional permitted uses on a site specific basis within the General Industrial Zone.

Planning staff are satisfied that this application complies with the PPS policies and direction respecting the protection of employment lands and providing opportunities for a diversified economic base as the proposed uses are generally commercial and industrial in nature.

Section 8.3.5.2 of the Official Plan provides flexibility for existing established industrial uses which are located in proximity to existing residential areas that may cause nuisance effects on adjacent residential areas. These policies encourage Town Council to protect industry from the encroachment of additional non-industrial uses which are incompatible with industrial activity and
also allow Town Council to consider the redevelopment of existing industrial sites through site specific zoning for limited service commercial uses directly supportive of and primarily serving business and industry, and for limited service commercial uses serving the broader public which are complementary to the principal industrial function of the property.

Under the non-conforming uses policies of Section 10.3.5, Town Council can recognize existing legal non-conforming uses provided they satisfy the criteria respecting hazardous substances, pollution, compatibility, and that they maintain the general intent of the Official Plan and they are not likely to result in proposals to amend the Official Plan to allow similar types of uses.

Having reviewed the proposed uses with the above noted policies of the Official Plan, Planning staff are of the opinion that the proposed uses generally comply with these policies. The existing industrial mall does not readily accommodate many industrial uses that are permitted by the current zoning.

The additional permitted uses are unlikely to involve any hazardous activities or substances, contribute or cause any pollution problems, and are compatible with the surrounding industrial area and residential area. The uses are not expected to interfere with the development and continuation of surrounding conforming uses and many of these uses are permitted within Service Commercial areas. It is the opinion of Planning Staff that these uses do not detract from the general intent of the Official Plan to preserve employment areas. The noted uses will allow for additional service-commercial type development within an existing industrial mall and will recognize many uses that have historically occurred on the property.

In light of the foregoing, this Office is satisfied that the applicant’s proposal to rezone the subject lands to include a building supply store and yard, furniture and home appliance sales and service establishment, household power equipment sales and service establishment, a retail liquidation outlet, a service shop, and an upholstery shop as additional permitted uses within the existing industrial mall is consistent with the PPS and maintains the general intent and purpose of the Official Plan.

**RECOMMENDATION**

It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Madlen Isaacs, whereby the lands described as Part Lot 1617, 1638, Plan 500, Part 1 of Plan 41R-1662, & 41R-1932 in the Town of Tillsonburg, known municipally as 25 Spruce Street, are to be rezoned from ‘General Industrial Zone (MG)’ to ‘Special General Industrial Zone (MG-sp)’ to allow for the development of additional service commercial-oriented uses within an existing industrial mall.
SIGNATURES

Authored by: Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by: Gordon Hough, RPP
Director
Report Approval Details

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

David Calder - Jul 2, 2019 - 9:17 AM