

A G E N D A

**THE TWELFTH MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2022**

VIA ZOOM

10:00 A.M.

**THURSDAY
AUGUST 25, 2022**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on August 11, 2022.

HEARING OF APPLICATIONS

B08/22 - Happy Capital Inc. - 122-124 Edward Street **Pages 2-15**

Planning Report - B08/22 **Pages 16-19**

NEW BUSINESS

Next Meeting

The next meeting is scheduled to take place on September 8, 2022 at 10:00 a.m.

ADJOURNMENT

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

July 28, 2022

Secretary-Treasurer, Committee of Adjustment
Attention: Jon Hindley

Pursuant to By-Law 30-2015, a consultation meeting was held on December 16, 2021, with Planning Department Staff and the applicant.

An application for Consent regarding 122-124 Edward Street was filed on May 30, 2022, and the application fee was received on July 28, 2022.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,



Jim McCoomb, MCIP, RPP
Manager of Planning Services


THE CORPORATION OF THE CITY OF ST THOMAS

Clear Form

COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>May 30, 2022</u>	Consultation Date: <u>December 16, 2021</u>
	Date Application Deemed Complete: <u>July 28, 2022</u>	

 Application #: B08/22

APPLICATION IS HEREBY MADE TO:

 City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
 Email: jhindley@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$450 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

 1. (a) Registered Owner(s): Happy Capital Inc.

 Mailing Address: 122 Edward Street, St Thomas, ON

 Postal Code: N5P 1Z2 Telephone: _____ Fax: _____

 email: jimtharris@gmail.com

 (b) Owner's Solicitor or Authorized Agent (if any): Pillon Abbs Inc

 Mailing Address: 23669 Prince Albert Rd., Chatham, ON

 Postal Code: N7M 5J7 Telephone: 226-340-1232 Fax: _____

 email: tpillonabbs@gmail.com

(c) Please specify to whom all communications should be sent:

 Owner Solicitor Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |

Easement _____

(b) If a lot addition, identify the lands to which the parcel will be added:

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

Misteelco Inc.

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) City of St Thomas

Concession No ⁹ _____ Lot(s) ^{Pt 7} _____ Registered Plan No _____ Lot(s) _____

See attached
Abstract for
full description

Reference Plan No _____ Part(s) _____

Name of Street Edward Street Street No 122 - 124

5. Description of land to be severed: (in metric units) Part No. on sketch Parcel "B"

(a) Frontage 149.615 m (Ontario St) Depth Irregular (121.944 m / 1/4) Area 1.824 ha

(b) Existing Use Industrial Proposed Use Industrial

(c) Existing and proposed buildings and structures on the subject land:

Existing: None

Proposed: TBD

6. Description of land to be retained: (in metric units) Part No. on sketch Parcel "A"

(a) Frontage 121.846 m (Edward st) Depth Irregular (175.054 m / 1/4) Area 2.128 ha

(b) Existing Use Industrial Proposed Use Industrial

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: 1 storey brick commercial building

Proposed: no proposed buildings and structures

7. (a) Type of access to severed land:

- | | |
|--|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Regional Road |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Water Access | <input type="checkbox"/> Private Road |

(b) Type of access to retained land:

- | | |
|--|--|
| <input type="checkbox"/> Provincial Highway | <input type="checkbox"/> Regional Road |
| <input checked="" type="checkbox"/> Municipal Road maintained all year | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road maintained seasonally | <input type="checkbox"/> Right-of-Way |
| <input type="checkbox"/> Water Access | <input type="checkbox"/> Private Road |

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	_____	_____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Local Municipal Official Plan Employment Lands
- (b) Regional Policy Plan Employment Lands Zone (EL)

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or Plans? Yes No

- (c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
 - (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
 - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
 - (i) the location and nature of any easement affecting the subject land.
16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (**Appendix A**). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, Happy Capital Inc., the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)

and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Happy Capital Inc. c/o James Harris of St Thomas in the province of Ontario,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the St. Thomas on this 20 th day of April, 20 22.
City Day Month Year



Signature of Owner or Authorized Agent

4/21/2022

Date

Amy Dale

Digitally signed by Amy Dale
Date: 2022.04.21 13:18:48 -0400

Signature of Commissioner of Oaths, etc.

4/21/2022

Date

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Happy Capital Inc., am the owner of the subject lands, and I authorize Pillon Abbs Inc, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

4/20/2022
Date


Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

***Please note, Appendix B must be completed by the owner, not the authorized agent.**

I, Happy Capital Inc., am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

4/20/2022
Date


Signature of Owner

PROCEDURES FOR PROCESSING APPLICATIONS FOR CONSENT

Under the provisions of Sections 50 and 53 of The Planning Act, as amended, the approval of the Committee of Adjustment is required for land transactions covering the separation of a parcel of land from existing holdings. This approval is called a "consent". Consent is also required for leases, rights-of-way or easements if such extend beyond a period of 21 years and to mortgage or discharge a mortgage over part of a parcel of land.

As provided for by The Planning Act and Regulation 197/96 under The Act, every application for consent must be brought to the attention of certain authorities and to property owners within 60 metres of the subject land, either by personal service or by advertising in a newspaper which has general circulation in the area. In addition, other agencies will be consulted if the location of the subject lands falls within their respective field of responsibility.

It is this Committee's policy to conduct a public hearing on each application for consent. Notice of this hearing is circulated to the applicant/agent/solicitor and all other persons or agencies as required at least 10 days prior to the date of hearing.

Prior to the hearing, members of the Committee may examine the lands which are the subject of the application.

Following the hearing, the applicant/agent/solicitor is notified in writing of the decision of the Committee. In addition, any other person or agency who files a written request for the decision of the Committee or attends the hearing will be sent a copy of the decision.

Anyone objecting to the decision of the Committee or the condition(s) imposed by the Committee may appeal either the decision and/or the conditions of consent to the Local Planning Appeal Tribunal within 20 days after the giving of the notice of decision. The notice of appeal, together with written reasons supporting the appeal and the fee by cheque or money order payable to the Minister of Finance must be filed with the Secretary-Treasurer, who in turn, will forward the appeal to the Local Planning Appeal Tribunal. The Fees and Charges, found on the Local Planning Appeal Tribunal's website, outlines the costs associated with filing an LPAT appeal. All parties to the appeal will receive any further notice concerning the appeal directly from the Local Planning Appeal Tribunal.

Prior to final consent being issued, written proof must be submitted to the Secretary-Treasurer to the effect that any conditions imposed by the Committee in granting consent have been fulfilled. According to the Act, if the consent granted by the Committee is conditional, the conditions must be fulfilled within one year of the giving of the notice of decision. Failure to do so will cause the consent to lapse.

Preliminary Discussion and Pre-consultation

Prior to submission of an application, the Applicant/Agent must discuss the proposed application with the City's Planning and Building Services Department and other agencies to determine the requirements for a complete application. The City and any affected agency may also require additional background reports in support of the application in order for the application to be considered complete. The purpose of pre-consultation is to ensure that the applicant is aware of the required supporting information before an application is submitted in order to prevent delays in processing the application. In some cases it may be necessary to schedule a pre-consultation meeting with the City and affected agencies.

P O L I C I E S

The requirements to complete one application are:

One fully completed application for consent form signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for the taking of affidavits.

A letter of authorization from the applicant(s) for applications which are signed by someone other than the owner(s).

A preliminary drawing which has been prepared, dated and signed by an Ontario Land Surveyor, showing all information referred to in item 14 of the application form.

Payment of \$450. Cheques are to be made payable to the "City of St. Thomas" There is an additional fee of \$200 for deed stamping if the consent is approved and all conditions are met.

Someone must be present at the hearing to represent the application.

Decisions of the Committee are made in public.

In granting consent to an application, the Committee may impose conditions as requested by municipal or other authorities such as the following:

That payment of 5% of the value of the subject parcel be made to the local municipality for parks purposes or dedication of 5% of the subject land to the municipality for parks purposes.

That an agreement with the local municipality be entered into for installation of such municipal services as may be required, at the expense of the applicant and to standards acceptable to the municipality.

That land be deeded gratuitously to the local or Regional municipality for road widening purposes.

LAND
REGISTRY
OFFICE #11

11
35189-0045 (LT)

PAGE 1 OF 1
PREPARED FOR dallen01
ON 2020/03/06 AT 16:46:20

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 7-4 SEC YAR-9; PT LT 7 CON 9 YARMOUTH COMMENCING AT A POINT IN THE NORTHERLY LIMIT OF SAID LOT 7, DISTANT SEVENTY-FIVE AND ONE ONE-HUNDREDTHS FEET (75.01') MEASURED EASTERLY THEREON FROM A POINT IN THE NORTHWEST ANGLE OF SAID LOT 7; THENCE SOUTH 0 DEGREES 37 MINUTES, 20 SECONDS WEST, PARALLEL WITH THE WESTERLY LIMIT OF SAID LOT 7, A DISTANCE OF ONE THOUSAND, FOUR HUNDRED AND TWELVE FEET (1,412') TO A POINT WHICH IS THE PLACE OF BEGINNING OF THE FOLLOWING DESCRIPTION, THENCE SOUTH 0 DEGREES, 37 MINUTES, 20 SECONDS WEST, PARALLEL WITH THE WESTERLY LIMIT OF SAID LOT 7, A DISTANCE OF ONE THOUSAND, ONE HUNDRED FEET (1,100') TO A POINT IN ITS INTERSECTION WITH THE NORTHERLY LIMIT OF WHAT IS KNOWN AS EDWARD STREET EXTENSION; THENCE NORTH 89 DEGREES, 30 MINUTES, 20 SECONDS EAST, ALONG THE NORTHERLY LIMIT OF EDWARD STREET EXTENSION, A DISTANCE OF FOUR HUNDRED FEET (400'); THENCE NORTH 0 DEGREES, 37 MINUTES, 20 SECONDS EAST, A DISTANCE OF ONE THOUSAND, ONE HUNDRED FEET (1,100') ; THENCE SOUTH 89 DEGREES, 30 MINUTES, 20 SECONDS WEST, A DISTANCE OF FOUR HUNDRED FEET (400') TO THE PLACE OF BEGINNING. CONTAINING BY ADMEASUREMENT TEN AND TEN ONE-HUNDREDTHS (10.10) ACRES BE THE SAME MORE OR LESS. EXCEPT UNIT 1 PL D6 AS IN LT2653; ST. THOMAS

122-124 Edward Street, St. Thomas

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2005/10/24

OWNERS' NAMES
HAPPY CAPITAL INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2005/10/21 **						
LT25531	1995/08/02	TRANSFER		*** COMPLETELY DELETED ***	COMM/TEC CANADA INC.	
	REMARKS: AMENDED BY LT48261, ADDED 2006/04/04 BY LAND REGISTRAR #99					
LT49175	2004/08/19	TRANSFER		*** COMPLETELY DELETED ***	EMERSON ELECTRIC CANADA LIMITED	
	REMARKS: ADDED BY LT58325					
LT58325	2006/04/04	LR'S ORDER		LAND REGISTRAR		C
	REMARKS: ADD LT49175 & LT48261					
CT70613	2011/06/30	TRANSFER	\$425,000	EMERSON ELECTRIC CANADA LIMITED	HAPPY CAPITAL INC.	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

SKETCH

ILLUSTRATING PURPOSED SEVERANCE
FOR: 2657425 ONTARIO INC.
C/O MISTEELCO INC.

THE KING'S HIGHWAY No. 3 (NEW)
(VARIOUS WIDTHS)

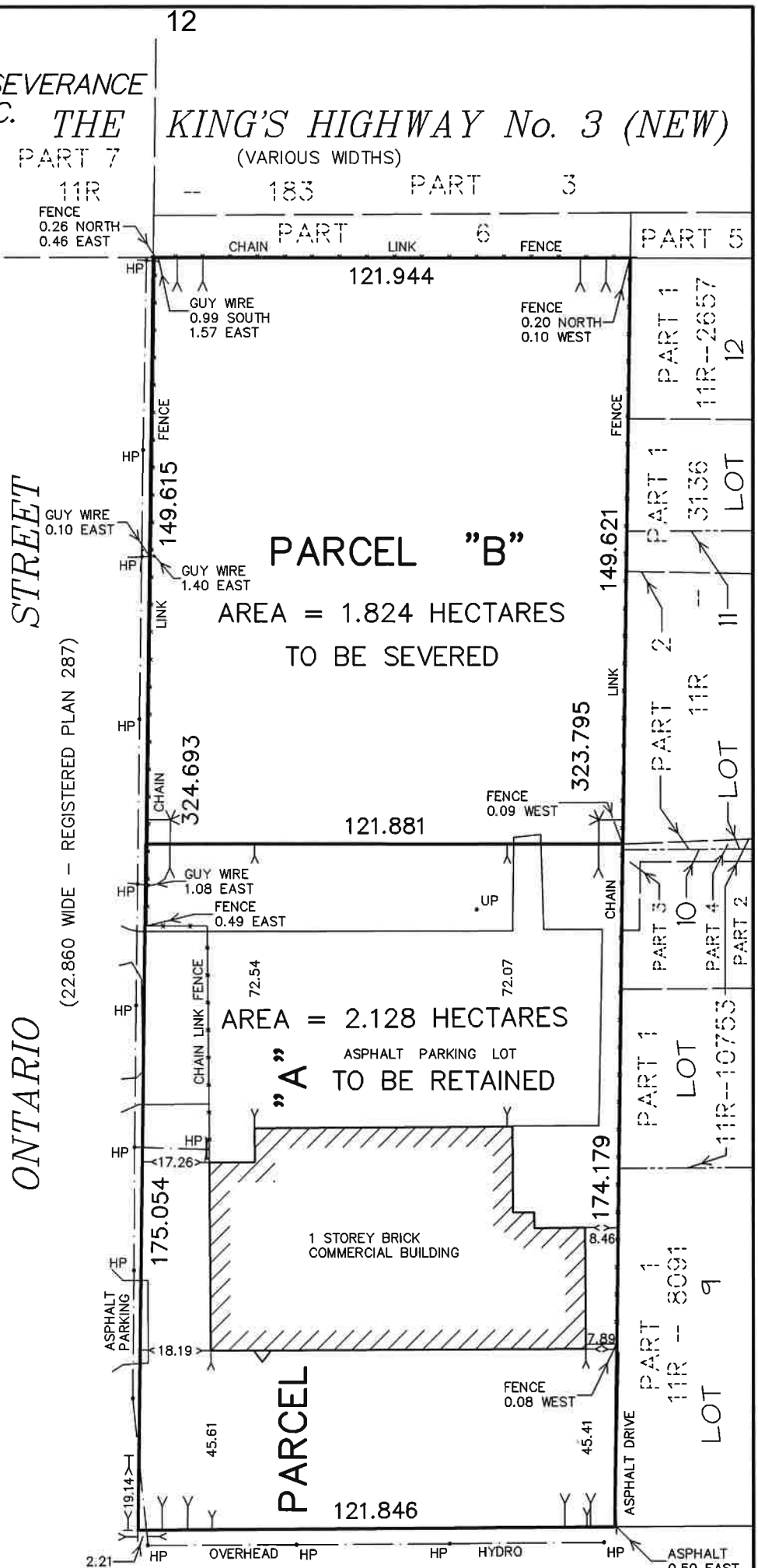


DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE - 1: 1500

METRIC

ADVANCE COPY
SUBJECT TO
CORRECTIONS AND ADDITIONS



CAUTION

EDWARD STREET
(24.384 WIDE - REGISTERED PLAN 287)

THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES

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PROPERTY DESCRIPTION:
PART OF LOT 7
CONCESSION 9
CITY OF ST. THOMA
COUNTY OF ELGIN

KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-17685SETCH

2657425 ONTARIO INC.
C/O MISTEELCO INC.

REF: DWG. WLP
FILE CKD. XXX

ONTARIO RD

EDWARD ST



Area: 4,844.73 m²
Perimeter: 305.49 m

12.73 m

67.14 m

26.46 m

17.77 m

30.17 m

94.77 m

47.88 m



Ontario Rd

Ontario Rd

Ontario Rd

Ontario Rd

14

38

38

8

15

8

8

7

Learning Curves
- Training Site (St...

C-Pool Minerals Inc
Swimming pool supply store

Oxygen Technology Inc


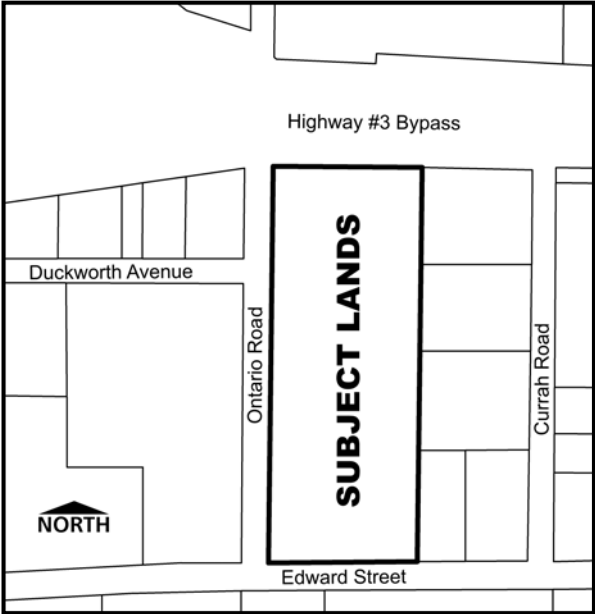
Guillevin Int
Electrical

122-124 Edward St., St Thomas

Parking Matrix

2022-07-04

Business/Tenant	EL Zone permitted	Permitted Use	Empl.	Area (m2)	Compliance	Parking Spots
C-Pool Minerals	Production	Manufacturing	1	117	20 / 100 m2 first 1000 m2 and 1 per 100 m2 remainder	23.40
C-Pool Minerals	Bulk Storage	Warehousing	0	543	1 / 200 m2 first 1000 m2 and 1 per 450 m2 remainder	2.70
Harvest Outreach	Bulk Storage	Warehousing	2	994	1 / 200 m2 first 1000 m2 and 1 per 450 m2 remainder	5.00
Jeffs Karate	Non-retail	Other	1	198	1 / 30 m2	6.60
Happy Capital	Non-Retail	Business office	3	420	3 / 100 m2	12.60
Carbon Reduction Company	Builders depot	Warehousing	1	1474	1 / 200 m2 first 1000 m2 and 1 per 450 m2 remainder	7.40
Carbon Reduction Company	Non-retail	Business Office	14	630	3 / 100 m2	18.90
Learning Curves Motorcycle School	Outdoors only	Other	0	0	1 / 30 m2	0.00
Aisles				578		
TOTAL			22	4954	Required Parking Spaces	76.60
Parking availability TOTAL				7243	Parking Area Provided (40 sq. M./spot)	181.00
					Excess parking available	104.40

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: B08-2022</p>
<p>Directed to: Members of the Committee of Adjustment</p>	<p>Applicant: Happy Capital Inc.</p> <p>Report Date: August 17, 2022 Meeting Date: August 25, 2022</p>
<p>Location: 122-124 Edward Street, City of St. Thomas</p>	
<p>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan, 2020 Aerial Photograph</p>
<p>Recommendation:</p> <p>That: Report B08-2022 be received.</p>	
<p>Background:</p> <p>Consent application B08/22 has been filed for the purpose of creating one vacant lot for future employment lands development purposes.</p> <p>Proposal:</p> <p>The applicant is proposing to sever one vacant lot with frontage of 149.6m on Ontario Road and an area of 18,239.9m², proposed to be used for future employment lands development purposes. The applicant is proposing to retain one lot with frontage of 121.8m on Edward Street and area of 21,279.9m², containing one building, proposed to continue to be used for employment lands purposes.</p>	<p>Location Plan:</p> 

Official Plan:

- The subject lands are in the Employment Lands designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas.
- Permitted uses in the Employment designation include business and economic activities which can be generally classified as manufacturing, the processing of goods and raw materials, warehousing, transportation, communications and utilities, bulk storage of goods and other activities whose operational characteristics are similar (5.10.4).
- A goal in the Employment designation is to provide and maintain a sufficient supply of land, in amount and variety of sizes, to accommodate employment growth; (5.10.2(i)). The City will maintain an adequate supply of lands designated for employment purposes to accommodate employment growth to the year 2037. Key land supply priorities include providing a variety of choice in terms of location, property size and configuration, cost, and the range of permitted uses (5.10.3.1(ii)).
- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies Edward Street as a Minor Arterial. Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Edward Street with a proposed minimum road allowance width of 26m. The right-of-way widths indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process (9.1.1.9.1). Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible (9.1.1.9.2).

Zoning By-Law:

- The subject lands are in the Employment Lands Zone (EL) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended (Section 21A).
- Permitted uses of the EL zone include an adult entertainment parlour, agriculture, animal clinic, auction sales, automotive body shop, automotive service business, automotive trade, builders depot, bulk storage, business of leasing vehicles and equipment, car rental business, construction trade, industrial repair shop, machine shop, manufacturing, non-retail service commercial uses, pharmaceutical and medical product industry, private recreation facilities, railway, self storage business, scientific and technology development, transport trucking terminal, warehousing, wholesale establishment, uses accessory to the foregoing (21A.1).
- Minimum lot area requirement - No minimum (21A.4.1.1).
- Minimum lot frontage requirement - 15m (21A.4.1.2).
- The owner or occupant of any building or structure erected within an Employment Zone and used for a purpose permitted in the zone in which such building or structure is erected, shall provide, and maintain on the lot on which such building or structure is erected, a parking lot containing the minimum number of parking spaces set forth below (21.1.6) Permitted Purpose or Use: Minimum Number of Parking Spaces:

- a) Warehousing 1 space per 200sqm of the first 1000sqm of floor area and 1 space per 450sqm of the remainder of the floor area in excess of 1000sqm.
- b) Building Supply Business & Wholesale Business 4.5 spaces per 100sqm of floor area.
- c) Automobile Service Business 4.5 spaces per 100sqm of floor area plus 5 spaces for temporary vehicle storage.
- d) Business Office 3.0 spaces per 100sqm of floor area.
- e) Manufacturing 2 spaces per 100sqm of the first 1000sqm of floor area and 1 space per 100sqm of the remainder of the floor area in excess of 1000sqm.
- f) Restaurant 20 spaces per 100sqm of floor area
- g) All Other Uses 1 space per 30sqm of floor area.

Aerial Photograph (2020):



Comments:

- The Ministry of Transportation (MTO) reviewed the subject application and confirmed that the MTO does not object to the proposed severance, however, the subject property is located adjacent to Highway 3, within MTO's Permit Control Area (PCA), and as such, MTO review and permits are required before any grading, construction or alterations to the site commence.
- Accompanying the application is a parking matrix that demonstrates that the retained lot conforms with the parking requirements of the Employment Zone (21.1.6). Based on the existing uses in the building a minimum of 77 parking spaces are required and the existing parking lot contains 122 parking spaces.
- In staff's opinion the subject consent application complies with the City of St. Thomas Official Plan, Zoning By-law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of Consent Application B08-2022 is supportable. Should the Committee approve the application planning staff recommends the following condition(s):
 - 1) the payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes;
 - 2) applicant conveys to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along Edward Street, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant; and
 - 3) that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,



Steve Craig

Senior Planning Technician