

Planning Justification Report

Part Lots 17 and 18, Concession 8; Parts 3, 6, 7 and 9, RP 11R-9329

West Elgin (West Lorne), ON



March 18, 2022



Zelinka Priamo Ltd.

LAND USE PLANNERS

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INTRODUCTION AND SUMMARY

Canadian Commercial Inc. has submitted an application to The Municipality of West Elgin to amend the Municipality of West Elgin Zoning By-law No. 2015-36 for lands at the northwest corner of Graham Road and Monroe Street, to be legally known as Part Lot 18, Concession 8, Part 1 on a future reference plan (the “subject lands”). The intent of this application is to re-zone the subject lands to permit a restaurant with a drive-through facility on the subject lands. The required pre-submission consultation meeting was held on December 6th, 2021.

The purpose of the following Planning Justification Report is to evaluate the proposed Zoning By-Law Amendment within the context of existing land use policies and regulations, including:

- 2020 Provincial Policy Statement (PPS);
- County of Elgin and Municipality of West Elgin Official Plan; and,
- Municipality of West Elgin Zoning By-law No 2015-36, as amended.

This report concludes that the proposed Zoning By-Law Amendment (ZBA) is appropriate and desirable for the following reasons:

- The proposed ZBA conforms to the policies of the 2020 PPS, the County of Elgin Official Plan, and the Municipality of West Elgin Official Plan;
- The location of the subject lands, at the northerly limit of the “Downtown Core” land use designation is physically separated from the existing built form of the core by Munroe Street, is an appropriate location for a restaurant with drive-through.
- The proposed ZBA will permit an appropriate use within an existing area that is suited to support the proposed use; and,
- The proposed land use will provide opportunities for infilling and will encourage economic vitality and commercial uses in the area.

SUBJECT LANDS

The subject lands are an irregular-shaped, elongated lot which consists of a single parcel of land located at northwest corner of Graham Road and Munroe Street, abutting a former railway corridor to the north (Figures 1-2). The subject lands received provisional consent approval to be severed from the original parcel, and the severance process is currently being finalized. The resultant lot, being the subject lands, has a lot frontage of approximately 24.4m (80ft) on Graham Road, a depth of approximately 103m (338ft) along Munroe Street, and a total area of approximately 0.31 ha (0.78 ac). A road widening is required along Graham Road, denoted later in the report. The subject lands are currently vacant and are generally flat in topography (Figure 3).

Figure 1 – The Subject Lands



Figure 2 – The Subject Lands Locational Setting



Location and boundaries are approximate

Figure 3 – Subject Lands Street View (looking west from Graham Street)



The subject lands are located within the “Tier 1 Settlement Area” land use designation according to the *Elgin County Official Plan*; are located within the “Downtown Core” land use designation in the *Municipality of West Elgin Official Plan*; and, are currently zoned “Open Space (OS) Zone” in the *Municipality of West Elgin Zoning-Bylaw*.

SPATIAL ANALYSIS

Land uses surrounding the subject lands include residential and commercial uses to the south; the downtown of West Lorne to the southeast; open space to the north, including a former railway corridor; and additional residential uses further north (Figure 4).

Figure 4 – Subject Lands Surrounding and Proximate Land Uses



The majority of the subject lands interface with commercial / retail uses to the south and two residential uses to the south. The subject lands are located outside of the developed downtown commercial area and do not contribute to the existing downtown streetscape. The abutting lands to the north and west consist of open space and park-related uses. The subject lands are separated by a public road and trees from the lots to the south and not currently separated by any existing landscaping barriers from the western or northern abutting properties.

It is noted that there are a number of vacant store fronts and under-utilized properties in the downtown/immediate area. The downtown commercial area consists of buildings that are generally 2 storeys in height and have a brick building façade with similar, early 20th century architectural designs due to the era the buildings were constructed (Figures 5 and 6). However, many of these buildings have been modified, such as the Home Hardware signage visible in Figure 5.

Figure 5 – Downtown Commercial Area – Subject Lands visible in center background (south-west of subject lands looking North-West)



The subject lands are located along Graham Road which is classified as a County Collector Road and Tourism Corridor in the Elgin County Official Plan.

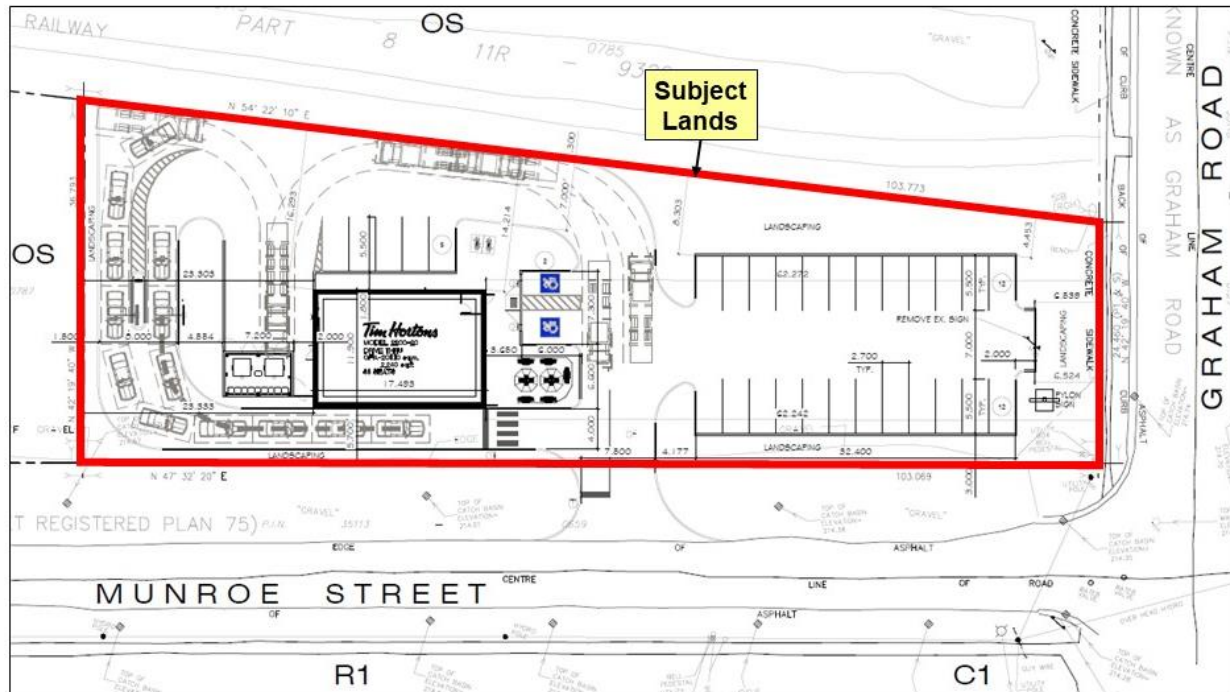
Figure 6 - Downtown Commercial Area (south-west of subject lands looking northeast)



PROPOSED DEVELOPMENT

The subject lands are proposed to be developed for a “Drive-in Restaurant” with a floor area of approximately 208 m² (2,240ft²) and capacity of approximately 38 seats (see Figure 7).

Figure 7 – Proposed Site Plan



Location and boundaries are approximate

As this type of restaurant is largely supported by drive-through traffic, a dual-lane drive-through service is provided at the west side of the site, away from Graham Road. Surface parking is provided at the east end of the site abutting the restaurant, with a total of 31 parking spaces provided, including accessible parking. Additionally, at least 13 stacking spaces are provided in the dual-lane drive-through.

A servicing area is located abutting to the west of the building, screened from view from the public realm.

Vehicular access is proposed via a full-turns access from Monroe Street approximately halfway down the length of the subject lands, as County staff have identified that access to Graham Road will be not be permitted.

The proposed building is located well back from Graham Road in order to provide proper functionality and vehicular movements for the site. Due to this building location, the building will not be within the line of sight of existing downtown buildings when entering or exiting the downtown area from Graham Road. In order to provide a positive pedestrian experience along Graham Road a street scape and pedestrian feature, more

specifically a pergola and seating area, is proposed along Graham Road to add to the continuity of the street frontage (Figures 8 - 9). Along with the pergola there are a number of pedestrian connections and paths proposed to connect the pedestrian sidewalks and paths to the subject lands. A pylon sign is also proposed to be located at the Graham Road frontage. Notably, a road widening is required (Figure 8); an encroachment agreement may be sought to ensure the proposed pedestrian features can be implemented.

Figure 8 – Concept Plan with Pedestrian Feature

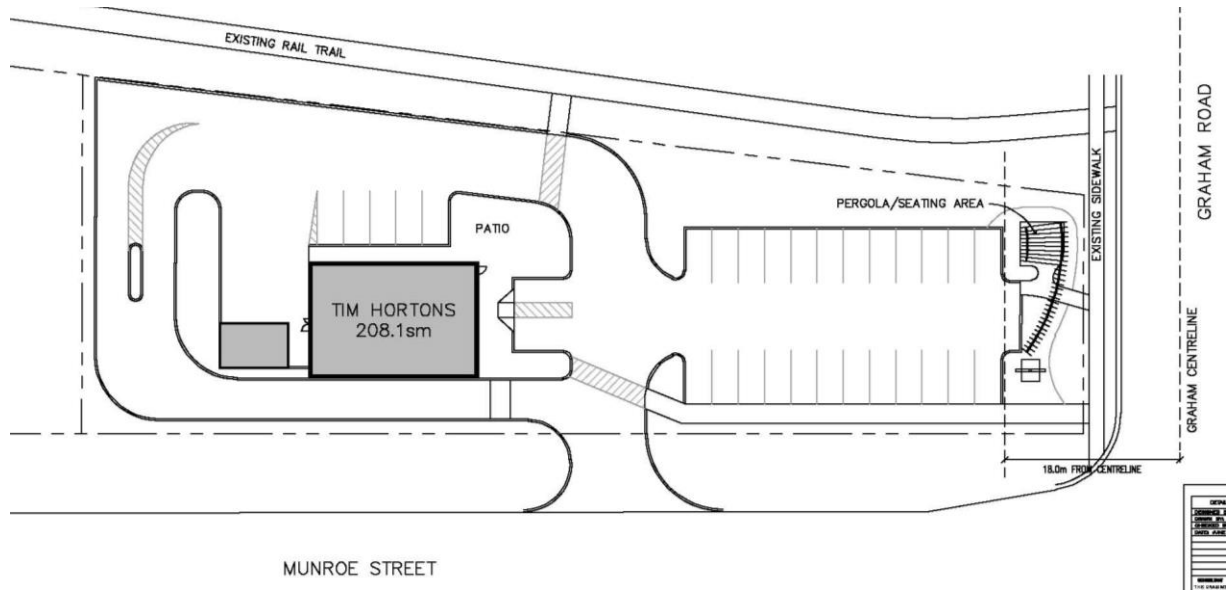


Figure 9 – Example of Proposed Pedestrian Feature



PROPOSED ZONING BY-LAW AMENDMENT

The subject lands are located within the “Open Space (OS) Zone” in the Municipality of West Elgin Zoning By-law No. 2015-36 which does not permit the proposed “Drive-In Restaurant”, and therefore a Zoning By-Law Amendment is required to permit the proposed development. More specifically, the subject lands are proposed to be re-zoned to a site-specific “Village Core (C1-()) Zone” with a special regulation to permit a “Drive-In Restaurant”. No special regulations, other than the additional permitted use, are proposed as the proposal confirms with all of the other standards of the C1 zone (see Table 1 below). However, additional special regulations may be identified through the consultation and application process.

Table 1 – Zoning Matrix

Standards	Village Core (C1) Requirements	Proposed
Permitted uses	Restaurant; Retail Store; Take-out restaurant;	Drive-in Restaurant
Max lot coverage	90%	6.60%
Min Front Yard Depth	0m	62.24m
Min Side Yard Depth	Abut Res: 4.5m; All other cases 0m	5.7m
Min Rear yard depth	Abut a Res, Institutional or OS zone: 4.5m; all other cases 3m	23.30m
Max height	12m	6.68m

A “Drive-in Restaurant” is defined under The West Elgin Zoning By-law No. 2015-36 as:

“a building, designed, used or intended for the sale of food or refreshments to the general public, and where such food or refreshment may be made available to a person while in his motor vehicle or while within the building, and where provision may be made for the consumption of such food or refreshment by the person while in his motor vehicle, or within the building, or elsewhere on a lot.”

PLANNING POLICY ANALYSIS

The following section of this Planning Justification Report provides analysis evaluating the proposed Zoning By-Law Amendment through applicable land use policies and regulations, including the following:

- 2020 Provincial Policy Statement (PPS);
- County of Elgin and Municipality of West Elgin Official Plan; and,
- Municipality of West Elgin Zoning By-law No 2015-36, as amended.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient development and the protection of resources. All planning applications, including Zoning By-law Amendment applications, are required to be consistent with these policies. The proposed development, and associated Zoning By-law Amendment, are generally consistent with the 2020 PPS as follows:

- The proposed restaurant adds to the mix of uses in the downtown area and may serve to complement the social hub of downtown West Lorne while also providing employment opportunities (Sections 1.1.1.a)-b)., 1.1.3.1, 1.1.3.6, 1.3.1., 1.7.1)
- The proposed development will contribute to a walkable neighbourhood and is planned to be fully accessible (Sections 1.1.1.f);
- The proposed development will make use of full municipal services, as further identified in the submitted Functional Servicing Report (Sections 1.1.1.e), and g)., 1.1.3.2.b) and e), 1.6.6.2)
- The proposed development will maintain an acceptable vehicular level of service on area roads (Sections 1.6.7.1 and 1.6.7.4); and,
- The proposal will provide for an appropriate mix and range of employment to meet long-term needs, and provide opportunities for a diversified economic base (Section 1.3.1 a. and 1.3.1. b.);

COUNTY OF ELGIN OFFICIAL PLAN

The County of Elgin Official Plan, approved in 2013, provides direction and a policy framework for managing growth and land use decisions in the County of Elgin over the planning period to 2031.

The subject lands are identified within the “Tier 1” Settlement Area, which includes the West Lorne settlement area according to “Schedule A – Land Use” in county Official Plan.

Tier 1 settlement areas generally have the largest populations in the County and are generally fully municipally serviced (municipal water and sewage services). Given the servicing and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

As the Elgin County Official Plan does not contain specific land use policies for directing specific land uses within Tier 1 settlement areas, the more specific policies of the Municipality of West Elgin Official Plan are more applicable for guiding detailed land use decisions. However, as the Tier 1 settlement areas are intended to permit the full range of urban land uses in settlement areas in the County, the proposed development is generally consistent with the policies of the County Plan.

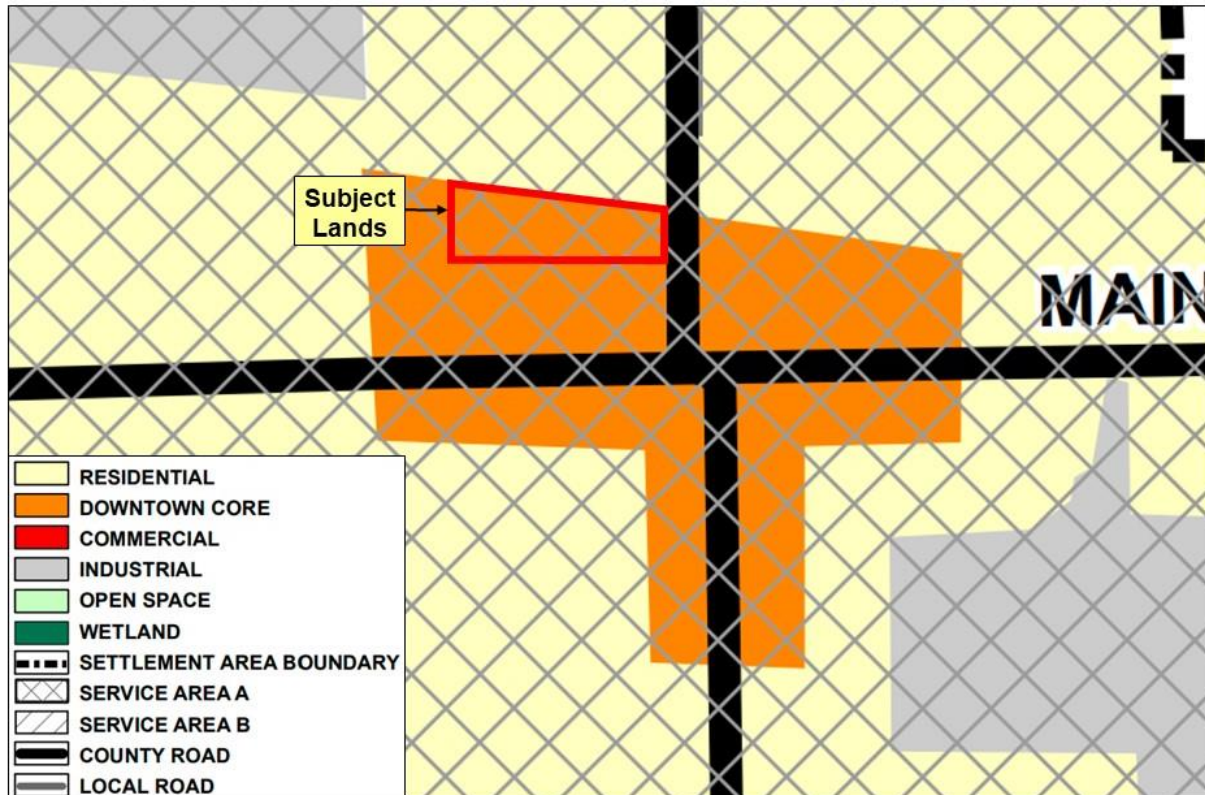
The subject lands are located along a County Road (Graham Street) which has a right-of-way (ROW) width of 35.5m. There is no proposed access to Graham Street as private driveways on County Roads are discouraged.

Municipality of West Elgin Official Plan

The Municipality of West Elgin Official Plan, adopted in 2008, provides the land use planning framework and policies for Municipality.

The subject lands are identified at the northerly limit of the “Downtown Core” land use designation according to “Schedule D – Land Use and Transportation Plan” in the West Elgin Official Plan (Figure 10).

Figure 10 – West Elgin Official Plan (Schedule ‘D’ – Land Use and Transportation Plan: West Lorne)



Downtown Core (Policy 5.3)

The “Downtown Core” land use designation in West Lorne comprises the traditional main streets of the village. The Official Plan states that commercial uses tend to dominate this area and that the downtown core of West Lorne has struggled economically in recently years, as reflected by vacant storefronts and undeveloped and underutilized properties. Opportunities are evident for infilling and commercial uses and the policies of the Official Plan aim to encourage economic and social vitality, diversity, a mix of land uses, pedestrian-friendly amenities and conveniences.

The proposed Zoning By-law amendment would permit a Drive-in Restaurant in a commercial area, in keeping with the general intent and the vision for the “Downtown Core” land use designation.

PERMITTED USES (Policy 5.3.1)

A wide range of uses are permitted in the “Downtown Core” including restaurants. As a restaurant is permitted, the proposed “Drive-in Restaurant”, which includes a drive through facility, is generally consistent with the range of uses contemplated within the “Downtown Core” land use designation and is an appropriate for the subject lands.

DEVELOPMENT AND RE-DEVELOPMENT (Policy 5.3.3)

The Official Plan provides that ‘compactness’ shall be encouraged, and that *“new buildings shall be designed in a manner to enhance and complement the core’s heritage character and compact nature through use of compatible building materials and features, and façade heights and building setbacks consistent with the historic development of the core”*.

Due to the nature of the proposed use, and the physical limitations of the subject lands, including lack of access from Graham Road, the proposed building is located back from the street. This positioning allows for the retention of sight lines to and from the downtown area from the north and south, and the proposed building will largely be out of view. The proposed pedestrian features along the Graham Road frontage will enhance the character of the area, serving as a transition into, and out of, the downtown area, noting that open space lands abut the subject lands to the north, with low density residential uses further north. Notably, the subject lands are physically separated from the existing, built-up area of the downtown by Monroe Street, and can therefore serve as a transitional development as noted above, and an appropriate location for a drive-in restaurant.

PEDESTRIAN AND COMMERCIAL FOCUS (Policy 5.3.4)

The Official Plan discourages drive-through facilities in the “Downtown Core” designation. The intent of this policy is to ensure that the traditional downtown is not adversely affected by a contemporary drive-through facility. For example, removal of an existing downtown building to implement a street-facing drive-through facility would not be appropriate. However, in the case of the subject lands and the proposed development, the drive-through facility is located well-back from the primary pedestrian interface of the downtown, and does not present to the Graham Road frontage. This location, combined with the proposed pedestrian features along Graham Road, will serve to enhance the pedestrian realm along Graham Road and provide an aesthetically pleasing view from the street. Pedestrian access to the restaurant is

proposed through multiple sidewalk links, including one from the informal trail abutting the subject lands to the north, along the former railway line.

ZONING (Policy 5.3.2)

While the Official Plan promotes zoning regulations with high lot coverage and reductions in parking, the reality of the subject lands, and the proposed development, is that a high lot coverage renders the site unusable for its proposed use. In lieu of high lot coverage and a built form that is strictly in keeping with a traditional downtown built form, the proposed development is intended to serve as a transition into and out of the downtown. Given the context of the subject lands as an undeveloped and physically separated irregular lot, this approach is appropriate for the effective development of the lands.

Given the above analysis, the proposed drive-in restaurant is generally consistent with the purpose and intent of the Official Plan and will allow for a complementary use to be located at the periphery of the “Downtown Core” land use designation. The use is unlikely to have any undue, adverse impacts on surrounding uses and will make a significant improvement to the Graham Road and Monroe Street streetscapes.

[Municipality of West Elgin Zoning By-law No. 2015-36](#)

The subject lands are zoned “Open Space (OS) Zone” in Municipality of West Elgin Zoning By-law No. 2015-36, as amended (see Figure 11)

Figure 11 – Municipality of West Elgin Zoning By-law No. 2015-36



Location and boundaries are approximate

Permitted uses in the "OS" zone include:

- Cemetery;
- Conservation area;
- Dwelling unit or single unit dwelling as an accessory use;
- Forestry use;
- Golf course;
- Private Park;
- Public fairground; and,
- Public Park.

The proposed Drive-in Restaurant is not permitted within the OS zone and therefore a Zoning By-Law Amendment is required. It is proposed that the subject lands be re-zoned to a site-specific "Village Core (C1-()) Zone" with the only special regulation being the permission of a "Drive-In Restaurant" as an additional permitted use. In order to ensure a compatible site design and layout, additional regulations may be applied through the implementing by-law to ensure the proposed Drive-in Restaurant is located at the west end of the site and not at the Graham Road frontage.

As discussed in the Official Plan analysis sections of this report, the proposed Drive-in Restaurant fulfills the planned function of the subject lands in the *Downtown Core* land use designation. Specifically, West Elgin Official Plan intends for a broad range of commercial related uses to be implemented in these areas. Therefore, the proposed additional use is appropriate.

OTHER CONSIDERATIONS

Servicing

As per the included Functional Servicing Report provided by MTE, full municipal services are available to service the proposed development. There are no anticipated capacity issues.

Traffic

While the proposed development is expected to increase traffic along Graham Street and Monroe Street, the provided Traffic Impact Assessment by Paradigm Transportation Solutions concludes that the increase in traffic will still result in a good level-of-service (LOS A/B) for area roads. Notably, the report provided specific analysis on the proposed user of the building (Tim Horton's) and relied on past studies of that specific use. No recommendations for road improvements were identified.

CONCLUSION

The proposed Zoning By-Law Amendment seeks to add a 'Drive-in Restaurant' to the list of permitted uses on the subject lands. As described in the above analysis, the proposed Zoning By-Law Amendment and associated development is generally consistent with the intent and the policies of the 2020 Provincial Policy Statement (PPS); and the general purpose and intent of the applicable County of Elgin and Municipality of West Elgin Official Plans. As such, the Zoning By-Law Amendment is appropriate for the subject lands and represents good land use planning practice.