



The Corporation of the Town of LaSalle

Date:	November 21, 2017	Report No:	DS-65-2017
Directed To:	Mayor and Members of Council	Attachments:	August 2, 2017 Staff Report, and October 6, 2017 Report from Dillon Consulting
Department:	Development & Strategic Initiatives		
Prepared By:	L. Silani, M.Pl., MCIP, RPP Director of Development & Strategic Initiatives A. Burgess, MCIP, RPP Supervisor of Planning & Development Services	Policy References:	Approved Official Plan
Subject:	<u>Application:</u> Rezoning and Site Plan Control Applications <u>Our File No:</u> Z-03-2017 & SPC-02-2017 <u>Registered Owner & Applicant:</u> Tuscany Oaks Ltd. <u>Agent:</u> Dillon Consulting Limited, Karl Tanner <u>Location:</u> 0.8 hectares of land located along the west side of Malden Road, between Rosati Drive and Bouffard Road (Malden Planning District)		

RECOMMENDATION:

Based on the information provided within this report, and subject to further input from Council and the public, it is recommended that:

- Council grant approval in principle to the Applicant's rezoning and site plan control applications for the subject lands;

- a final zoning by-law amendment, together with a site plan control agreement, be prepared by Town Staff and brought back to Council for adoption and execution purposes, in accordance with direction received from Council.

REPORT:

PURPOSE AND NATURE OF THE SUBJECT APPLICATION:

An Application has been received, requesting the rezoning of approximately 0.8 hectares of property located along the west side of Malden Road, between Rosati Drive and Bouffard Road, from a Neighbourhood Commercial Holding Zone – “C1(h)” to new site-specific Neighbourhood Commercial Zone categories. A total of 22,000 square feet (2,100 square metres) of new commercial floor space is being proposed for this location. New site-specific lot and yard regulations will be established for this site as part of the new zone categories.

Figure 1 depicts the subject lands, and represents the Applicant's final site plan for this property.

A draft copy of the site-specific zoning by-law amendment that will apply to this property is attached as Figure 4.

Site Plan Control will apply to this site, and will be used to address site details such as on-site parking, fencing, landscaping, lighting, access, signage, storm water management and all other site details.

COMMENTS

Following the August 8th, 2017 Statutory Public Meeting, Council passed a resolution deferring making a decision with respect to this rezoning and site plan control application until such time that: (i) the reports, plans and documents as set out in the August 2nd, Staff Report are submitted by the Applicant; and (ii) a subsequent Staff Report is prepared and brought back to Council with Staff recommendations.

For Information Purposes, we have attached a copy of our August 2nd, 2017 Staff Report as Figure 2.

On October 6th, we received correspondence from the Applicant's Planning and Engineering Consultant, responding to the information that was requested as part of the initial Staff Report, and to respond to questions that were asked at the Public Information Meeting and the Statutory Public Meeting. This additional information (including reports, plans and drawings), as prepared by Dillon Consulting, is attached as Figure 3.

It should be noted that the Applicant has satisfied all MNRFS ESA requirements, and has complied with the County of Essex Natural Heritage requirements. ERCA and MNRFS requirements pertaining to Natural Heritage will be incorporated as part of the conditions/on-going obligations that will be included in the site plan control agreement. Conditions will also be added, based on ERCA and Town Engineering requirements, as they pertain to the new on-site storm water management facility that is being constructed at this location by the Applicant.

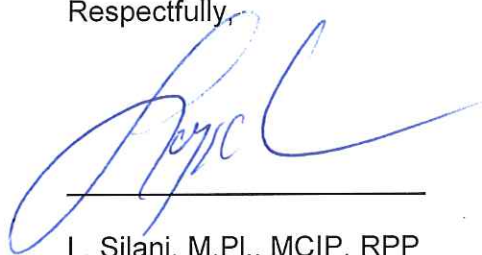
It should be noted that no site alterations/changes are being proposed by the Applicant for the abutting unopened road allowance.

Town Staff are now satisfied that based on the Applicant's revised site plan and the contents of the information that has now been submitted, that the subject rezoning application is able to conform with the applicable Official Plan policies and the corresponding provisions of the Provincial Policy Statement.

It will be necessary for the Applicant to enter into a site plan control agreement with the Town to ensure that all required services are provided by the Applicant to the satisfaction of the Town Engineer, and to ensure compliance with all of lot, yard, and setback, etc. requirements as set out in the new site-specific zoning by-law amendment that is being applied to the subject lands.

We would be pleased to answer any questions with respect to the contents of this Staff Report.

Respectfully,



L. Silani, M.Pl., MCIP, RPP
Director of Development &
Strategic Initiatives



A. Burgess, MCIP, RPP
Supervisor of Planning &
Development Services

Attachments

Reviewed by:						
CAO	Finance	Clerk	Public Works	Development & Strategic Initiatives	Culture & Recreation	Fire

FIGURE 1



TUSCANY OAKS LTD.
6385 MALDEN ROAD, LASALLE

CONCEPTUAL DEVELOPMENT PLAN
FIGURE 1.0 - PROPOSED ZONING DESIGNATIONS



NEIGHBOURHOOD
COMMERCIAL (C-9)



NEIGHBOURHOOD
COMMERCIAL (C1-10)

SOURCE: COUNTY OF ESSEX 2015 AERIAL PHOTOGRAPH (2015)

File Location: 2015/10/26/10:00 PM
October 26, 2017 10:00 PM

MAP DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.E. PRIOR TO CONSTRUCTION.
CREATED BY: HW/KOT
DESIGNED BY: HW/KOT

SCALE: 1:750 (1" X 17')



PROJECT: 16-1100
STATUS: DRAFT
DATE: 10/27/2017



The Corporation of the Town of LaSalle

Date:	August 2, 2017	Report No:	DS-43-2017
Directed To:	Mayor and Members of Council	Attachments:	Figures 1 to 4, and correspondence dated March 28, 2017, July 20 th and July 31 st 2017
Department:	Development & Strategic Initiatives		
Prepared By:	L. Silani, M.Pl., MCIP, RPP Director of Development & Strategic Initiatives A. Burgess, MCIP, RPP Supervisor of Planning & Development Services	Policy References:	Approved Official Plan
Subject:	<u>Application:</u> Rezoning and Site Plan Control Applications <u>Our File No.:</u> Z-03-2017 & SPC-02-2017 <u>Registered Owner & Applicant:</u> Tuscany Oaks Ltd. <u>Agent:</u> Dillon Consulting Limited, Karl Tanner <u>Location:</u> 0.8 hectares of land located along the west side of Malden Road, between Rosati Drive and Bouffard Road (Malden Planning District)		

RECOMMENDATION:

Based on the information provided within this Staff Report, and subject to further input from Council and the public, it is recommended that Council defer making a decision with respect to this rezoning application until such time that:

- the additional information, as identified in this Staff Report is submitted by the Applicant; and

- a subsequent Staff Report is prepared and brought back to Council with Staff recommendations.

REPORT:

PURPOSE AND NATURE OF THE SUBJECT APPLICATION:

An Application has been received, requesting the rezoning of approximately 0.8 hectares of property located along the west side of Malden Road, between Rosati Drive and Bouffard Road (see Figure 1), from a Neighbourhood Commercial Holding Zone – "C1(h)" to a site-specific Neighbourhood Commercial (C1-9) Zone – "C1-9". This new zone category will add Commercial Storage, Studio Space, Automobile Repair Garage, and Builders or Contractors Establishments to the list of permitted uses at this location. A total of 22,000 square feet (2,100 square metres) of new commercial floor space is being proposed for this location. New site-specific lot and yard regulations will be established for this site as part of the new "C1-9" Zone.

Figure 2 depicts the existing zoning on the subject lands and on surrounding properties.

Preliminary site plan and site servicing plan drawings have been prepared by the Applicant's Engineering/Planning Consultants (dated May 26, 2017 and July 12, 2017), and are attached as Figures 3 and 4.

Site Plan Control will apply to this site, and will be used to address site details such as on-site parking, fencing, landscaping, lighting, access, signage, storm water management and all other site details.

OFFICIAL PLAN AND PROVINCIAL POLICY STATEMENT CONSIDERATIONS

The Planning Act requires that all zoning by-laws and all zoning by-law amendments adopted by Council conform with the land use designations and policies contained within the municipal approved Official Plan documents (both the lower-tier and upper-tier plans) that are in effect at the time that an application is received.

The Planning Act also requires that all Planning Authorities make decisions that are consistent with the 2014 Cabinet Approved Provincial Policy Statement.

In this particular instance, the subject property is designated "Commercial District" in the Town of LaSalle's approved Official Plan.

This property is also situated within the "Settlement Area" designation as defined on Schedule "A1" in the 2014 approved upper-tier (County of Essex) Official Plan document.

Subsection 3.5.1 of the LaSalle Official Plan contains a set of goals for lands designated "Commercial District", including the following:

"To ensure that suitable uses are available within the designated commercial districts to accommodate a full range of commercial goods and services to meet the needs of the surrounding neighbourhoods, the community at large, and the travelling public."

"To recognize that commercial areas are dynamic in nature, and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences, and retail trends change over time, and to provide a corresponding policy environment which will permit these changes to occur in a manner which is beneficial to Town of LaSalle ratepayers."

A broad range of commercial uses are permitted within the "Commercial District" land use designation, including: all types of retail, office and service commercial uses; places of entertainment; assembly halls; eating establishments; recreational commercial uses; clinics; funeral homes; financial service establishments; automobile sales and service establishments; gas bars; service stations and other similar business establishments that serve the needs of Town residents and the travelling public.

Subsection 3.5.2 of the Town's Official Plan states that:

"All new uses locating within this designation will be required to conform to high performance standards relating to parking, lighting, landscaping, buffering and control over outside storage as set out in the implementing zoning by-law and site plan control agreements"

"Commercial developments and redevelopments will be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990"

Sections 6 and 7 of the LaSalle Official Plan articulate a number of site plan control, transportation, storm drainage, and amendment procedure policies that apply to all new commercial development rezoning and site plan control applications in the Town --- including the following:

"Expansions to existing and the establishment of new commercial developments shall be subject to site plan control."

"The Town's objectives in using site plan control are:

- a) to ensure a high standard of site design for new development;*
- b) to ensure safety and efficiency of vehicular and pedestrian access;*
- c) to minimize incompatibilities between new and existing developments;*
- d) to control the location of driveways, parking, loading and garbage collection facilities;*
- e) to secure easements or grading and alterations necessary to provide for public utilities and site drainage;*

- f) *to ensure that the development proposed is built and maintained as approved by Council."*

"As a condition of approval of plans, Council may require the Owner to provide at no expense to the municipality a dedication of land of up to 5.2 metres in width abutting Malden Road, for future road widening purposes."

"Council will encourage the development of pedestrian routes to link all major open space areas, commercial districts, and schools and other public institutions located within the Town. This pedestrian network will be integrated with and designed to function as part of the Town's overall transportation network, providing a safe and convenient alternative to automobile forms of transportation."

"Sidewalks on one or both sides of the street, or at other required locations, will be required to be constructed to serve new development and to provide pedestrian access to schools, parks and commercial districts town-wide."

"All new development shall be provided with adequate storm drainage facilities connected to storm sewers, drains and watercourses, and will have to comply with all storm water management requirements for both quantity and quality."

"All proposed amendments to the implementing zoning by-law shall be processed in accordance with the provisions of Sections 34 of the Planning Act, R.S.O. 1990, and due regard shall be given to the following matters:

- a) the physical suitability of the land to be used for the proposed use;*
- b) the adequacy of all required services;*
- c) the adequacy of the road system to accommodate the proposed traffic volume increases;*
- d) the compatibility of the proposed use with existing and potential future uses in the surrounding area; and*
- e) the need for the additional land to accommodate the proposed use/facilities."*

The approved County of Essex Official Plan includes a number of Schedules that identify the various elements that collectively comprise the *"County of Essex's Natural Heritage System"*.

Lands designated "Natural Environment" on the County of Essex Official Plan Schedules are situated adjacent to the site that is affected by this Planning Act application --- meaning that there are known and identified significant natural heritage features on adjacent lands.

Subsection 3.4 of the County Official Plan includes policies, which state that:

"Development and site alteration shall not be permitted on adjacent lands to the natural heritage feature and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be not negative impacts on the nature features or on their ecological function."

The 2014 Provincial Policy Statement includes a number of provincial policies which re-enforce the "Natural Environment" policies contained in the upper-tier (County of Essex) Official Plan, including the following "Natural Heritage" policies:

"Development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements."

"Development and site alteration shall not be permitted on adjacent lands to the natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be not negative impacts on the natural features or on their ecological functions."

AGENCY COMMENTS:

The subject application was circulated to the Essex Region Conservation Authority (ERCA), the County of Essex, the local school boards, and to a number of utility companies.

The County of Essex has submitted correspondence dated July 20, 2017 (copy attached), advising the Applicant as to the County's setback requirements from the centerline of Malden Road (County Road 3).

It should be noted that this section of Malden Road is a County Road, under the jurisdiction of the County for both Corridor Control (access and setback) and Operational/Maintenance purposes. The County has approval authority with respect to all new commercial entrances/exits onto this County Road.

The County has also requested the opportunity to be involved in the Site Plan Approval process – to ensure that their interests are met regarding access, structure setback, drainage and signage.

The Applicant has submitted correspondence from the MNRF, dated March 28, 2017, wherein they provide their ESA comments and recommendations regarding the subject commercial development application (see attached letter).

In the attached correspondence, MNRF states that they have determined that the activities associated with the project, as currently proposed, will likely not contravene Sections 9 and/10 of the Endangered Species Act, provided the recommendations as set out in their March 28, 2017 letter are implemented --- including:

- the creation and maintenance of a 10 metre wide Buffer and Restoration Area at the northwestern edges of the property, around the proposed drainage pond;
- this Restoration Area will include the creation of rock and brush pile features that Eastern Foxsnake may utilize as habitat; and
- Dense Blazing Star will be planted in the Restoration Area.

On July 31st we received correspondence from ERCA Staff stating that the Applicant is required to prepare and submit an Environmental Impact Assessment (EIA) for this development application, in keeping with the above noted policy requirements of the County Official Plan --- in order to meet the applicable PPS provisions.

To date, we have not received comments from any other circulated agency.

PUBLIC COMMENTS RECEIVED TO DATE:

The Planning Advisory Committee held an Information Meeting on July 13, 2017, in the Council Chambers at the Town Hall:

- (i) to provide an opportunity for residents living in the surrounding neighbourhood to obtain additional information;
- (ii) to provide a forum for questions to be asked of the Applicant; and
- (iii) to receive public comments at the "front-end" of the planning review and approval process.

Representatives of the Applicant, together with the Applicant's Consultant, were in attendance and provided an explanation of their rezoning request --- utilizing the conceptual site plan as shown on Figure 3.

The following is a brief summary of the public comments/questions that were received at this Public Information Session:

- concerned that the new commercial plaza will be located too close to an existing residence;
- concerned about the increased traffic volumes going to/from this site, and the corresponding road safety issues should this new commercial development be approved;
- has a traffic impact study been completed to evaluate the adequacy of Malden Road at this location to handle additional turning movements and traffic volumes?

PRELIMINARY COMMENTS

Town Planning and Engineering Staff believe there is merit in the Applicant's proposed new development for the subject lands.

However, in order to properly address the concerns that were expressed by residents who attended the information session, and to ensure conformity with both the local and the upper-tier Official Plan

documents, the following information is needed from the Applicant before a final review of the subject rezoning and site plan control applications can be completed:

- The preparation and submission of a traffic impact study, based on the Applicant's revised conceptual site plan (Figure 4), prepared to satisfaction of the Town Engineer and the County Engineer;
- The preparation and submission of a EIA, from the Applicant's Natural Heritage Consultant, to demonstrate how they have satisfied the County of Essex Natural Heritage Policy requirements, all to the satisfaction of the ERCA Staff;
- A written response from the Applicant's Planning Consultant identifying how their final site plan for the subject property: i) conforms to the applicable Official Plan policies as set out in this Staff Report; (ii) addresses the concerns raised by residents who spoke at the July 13th Public Information Session; and (iii) ensures that on-site pedestrian/ vehicular circulation, parking, and emergency vehicle access are properly designed for the various proposed land uses and corresponding buildings.

Once we receive this additional information, we will in turn review same and prepare a subsequent Staff Report with recommendations for Council.

We would be pleased to answer any questions with respect to the contents of this Staff Report.

Respectfully,





L. Silani, M.Pl., MCIP, RPP
Director of Development &
Strategic Initiatives



A. Burgess, MCIP, RPP
Supervisor of Planning &
Development Services

Attachments

Reviewed by:						
CAO	Finance	Clerk	Public Works	Development & Strategic Initiatives	Culture & Recreation	Fire
						



Legend:



Subject Lands

Title:

FIGURE 1 - KEY PLAN



Scale: 1:2000

File No: Z-11/17 & SPC-02/17

Prepared For: Planning Dept.

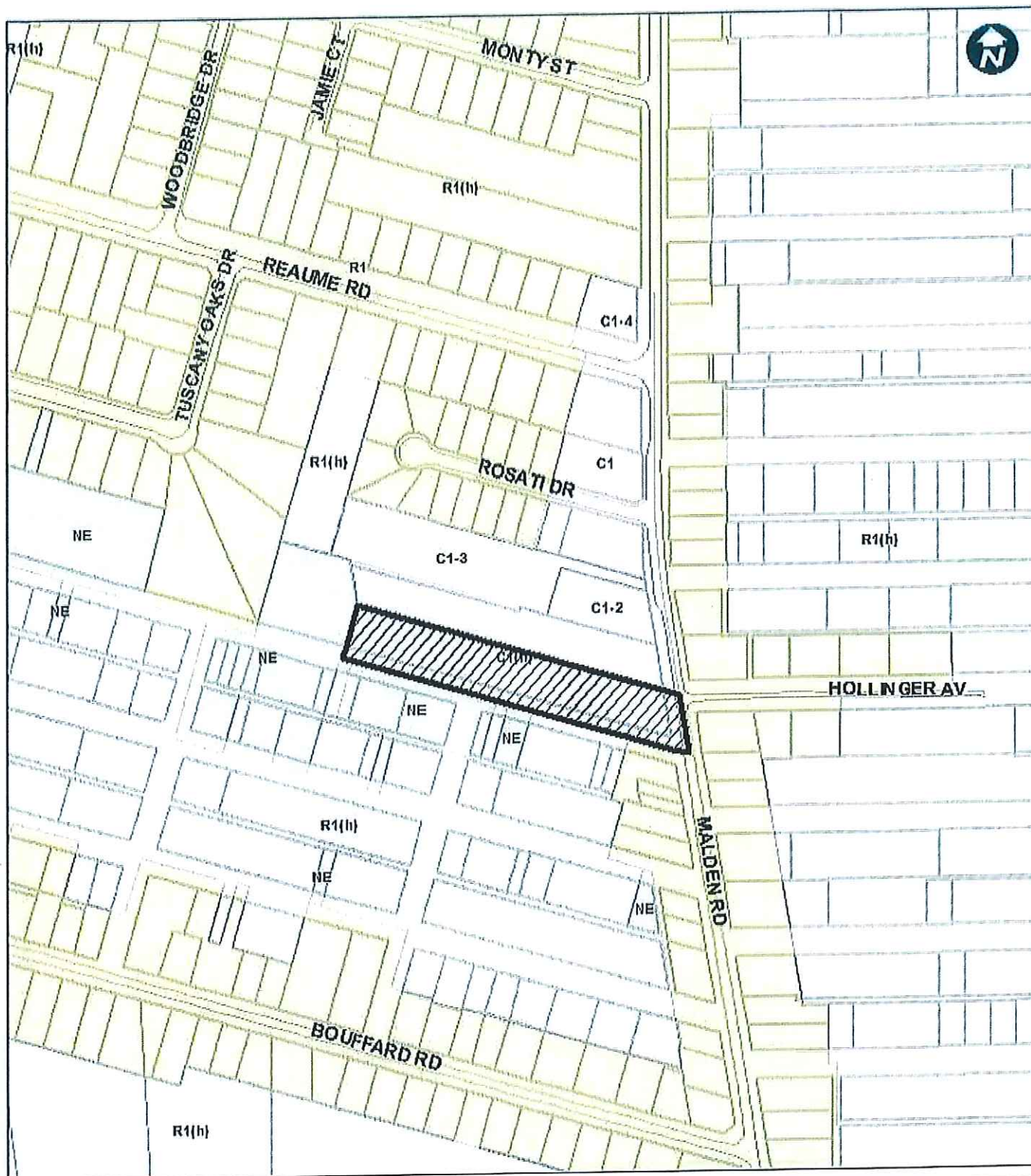
Applicant: Tuscany Oaks Ltd

Prepared By: Finance Department
GIS Services

Date: January 7, 2015

Notes:

This document is not a Legal Plan of Survey.



Legend:



Subject Lands

Title:

FIGURE 2 - ZONING



Scale: 1:2000

File No: Z-11-17 & SPC-02-17

Prepared For: Planning Dept.

Applicant: Tuscan Oaks Ltd

Prepared By: DSJ

Date: July 31, 2017

Notes: This document is not a Legal Plan of Survey.

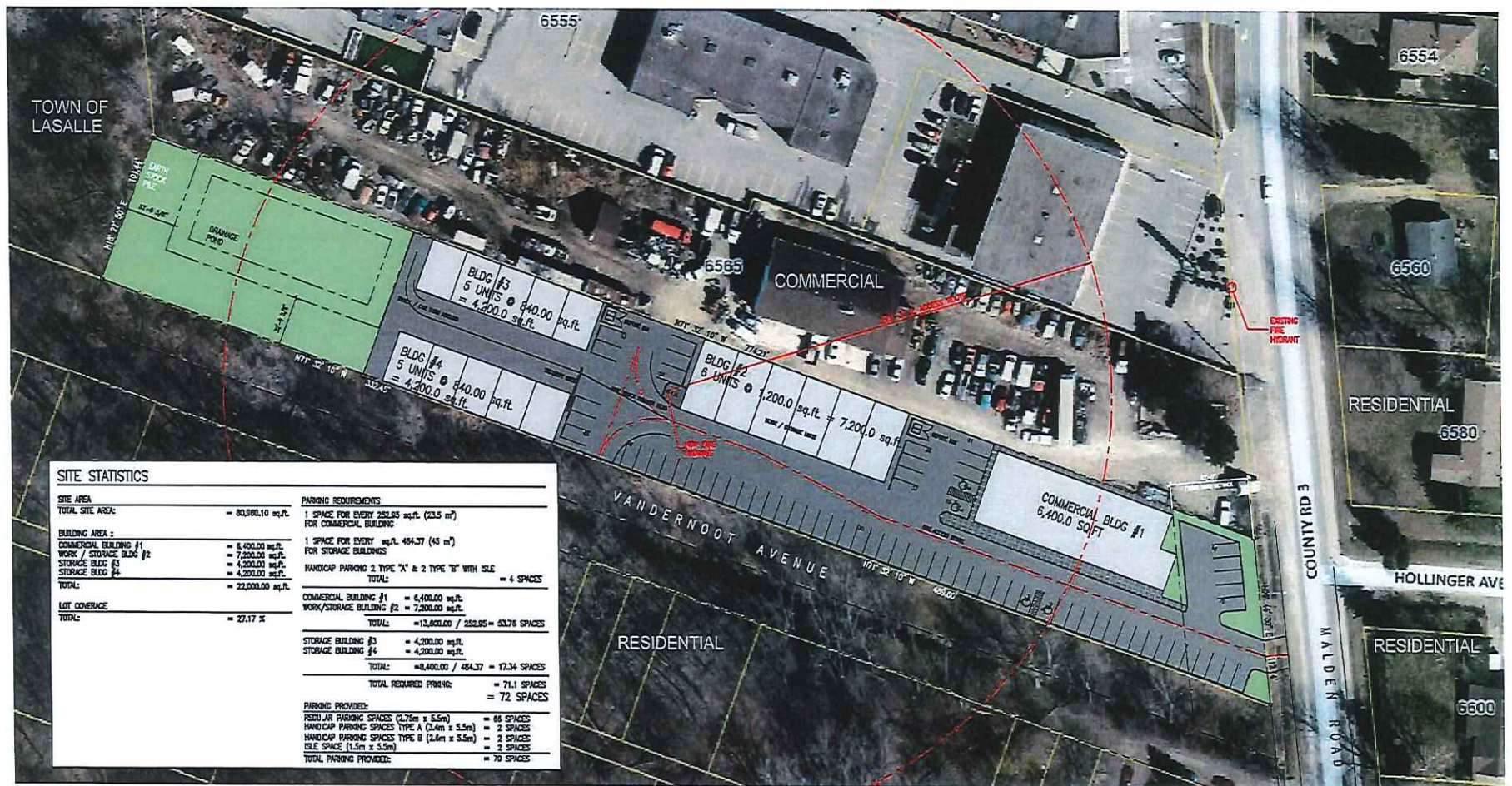
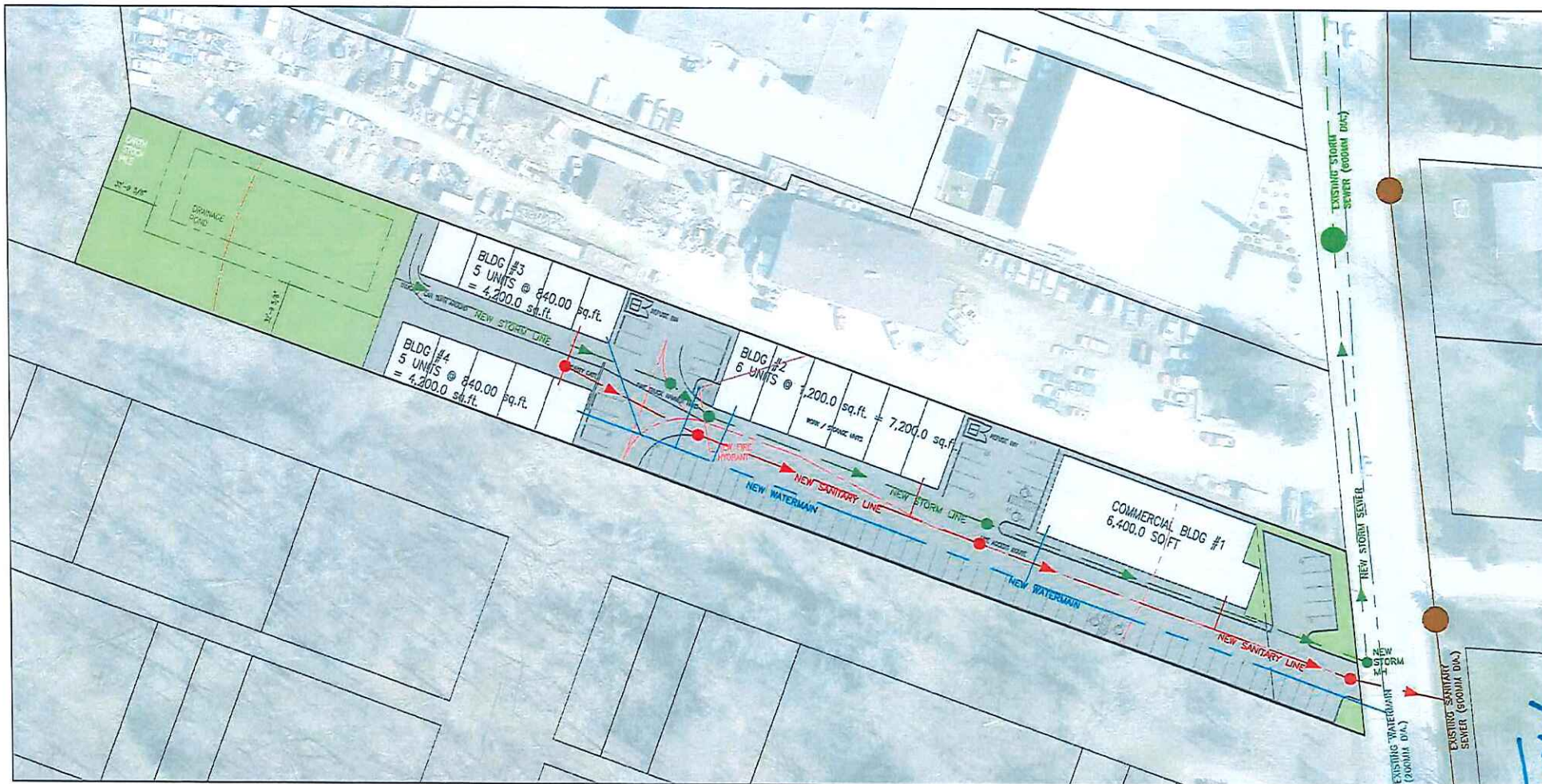


Figure 3

Site Plan

Proposed Commercial and Storage Development

ISSUED FOR REZONING Issued - 5/26/17



6585 MALDEN ROAD, LASALLE,
ON

PROPOSED SITE SERVICING

- | | |
|-----------------------------|--------------------------------|
| --- EXISTING STORM SEWER | --- NEW STORM LINE/STORM SEWER |
| --- EXISTING SANITARY SEWER | --- NEW SANITARY LINE |
| --- EXISTING WATERMAIN | --- NEW WATERMAIN |



0 10 20 30m

NOT TO SCALE



File Location:
c:\projects\working\residential\23477\17-2352 site servicing.dwg
July, 12, 2017 4:00 PM

PROJECT #: 172352 STATUS: DRAFT DATE: 07/12/17

Figure 4



July 31, 2017

Mr. Ryan Tufts, Planning Technician and Secretary-Treasurer Committee
of Adjustment
Town of LaSalle
5950 Malden Road
LaSalle ON N9H 1S4

regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Ryan Tufts:

RE: Zoning By-Law Amendment Z-11-17
MALDEN RD (6585 Malden Rd)
ARN 373405000006680; PIN: 705340806
Applicant: TUSCANY OAKS LTD

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment Z-11-17. We understand that the purpose of this Zoning By-law Amendment is to rezone this site from a Neighbourhood Commercial Holding Zone - C1(h) to a site-specific Neighbourhood Commercial (C1-9) to allow a new zone category for the following additional uses: commercial storage, studio space, automobile repair garage, and builders and contractors establishments.

NATURAL HAZARD POLICIES OF THE PPS, 2014

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATER RESOURCES MANAGEMENT

We have concerns regarding the potential impact of the quality and quantity of runoff in the downstream watercourses due to future development in this area. We would therefore ask to be circulated any Site Plan Control application. We will reserve to comment further on water resources management concerns until this development can proceed to the Site Plan Control stage.

Mr. Ryan Tufts
July 31, 2017

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland, and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). This property contains portions of the Candidate Natural Heritage Site - 'TC6'.

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.1.8 of the PPS 2014 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions." The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact. We strongly recommended that prior to initiating an EIA that the applicant contacts our office to determine the scale and scope of the analysis.

FINAL RECOMMENDATION

It is therefore recommended that the Application be deferred until such time as an Environmental Impact Assessment has been completed. We would encourage the applicant to contact our office at their soonest convenience to discuss the Terms Of Reference for the Environmental Impact Assessment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Tim Byrne,
Director, Watershed Management Services
/cor





Office of the Manager, Planning Services

William J. King, AMCT, MCIP, RPP
Manager, Planning Services

July 20, 2017

Ms. Brenda Andreas
Town of LaSalle
5950 Malden Road
LaSalle, Ontario
N9H 1S4

Dear Ms. Andreas:

RE: Z-11-17, West Side of County Road No. 3, North Side of Vandernoot Avenue

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 3. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road 3. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

The County of Essex is requesting the opportunity to be involved in the Site Plan Control process with this property to insure that our interests are met regarding access, structure setback, drainage and signage.

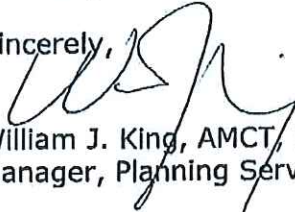
Click here to enter text.

Page 2 of 2

Click here to enter a date.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Sincerely,



William J. King, AMCT, MCIP, RPP
Manager, Planning Services

Ministry of Natural
Resources and Forestry
615 John Street North
Aylmer ON N5H 2S8
Tel: 519-773-9241
Fax: 519-773-9014

Ministère des Richesses
naturelles et des Forêts
615, rue John Nord
Aylmer ON N5H 2S8
Tél: 519-773-9241
Télé: 519-773-9014



March 28, 2017

AYL-L-030-17

Peter Valente
Tuscany Oaks Ltd. c/o Valente Development Corporation
1985 Dougall Avenue
Windsor, ON N9E 1S1

Dear Mr. Valente:

RE: Development of Storage Garage Condominiums and the *Endangered Species Act, 2007*

The Ministry of Natural Resources and Forestry (MNRF) has reviewed the information that was provided on the proposed development of storage garage condominiums project to assess the potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) The project is located at 6585 Malden Road Part of Lot 35 Concession 1 in the Town of LaSalle, Ontario.
- b) The proposed project involves the development of storage garage condominiums and will entail clearing some natural vegetation.
- c) The proposed project will begin as soon as appropriate approvals are in place and be completed by late summer and/or fall 2017.
- d) MNRF has reviewed species at risk (SAR) occurrence information on file and determined that there are known occurrences of SAR in the general area of the project, including:
 - a. Eastern Foxsnake - Carolinian population (endangered) – The entire project area falls within regulated habitat for the species. (<https://www.ontario.ca/page/eastern-foxsnake>)
 - b. Eastern Flowering Dogwood – (endangered) – (<https://www.ontario.ca/page/eastern-flowering-dogwood>)
 - c. Kentucky Coffee-tree – (threatened) – (<https://www.ontario.ca/page/kentucky-coffee-tree-species-risk>)
 - d. Dense Blazing Star - (threatened) – (<https://www.ontario.ca/page/dense-blazing-star>)

- e. Butternut (endangered) – (<https://www.ontario.ca/page/butternut-species-risk>)

Based on a review of the Memo from Dillon Consulting dated September 8, 2016 (*Stage 1: Species at Risk Information Request for the Proposed 6585 Malden Road Property Development located in the Town of LaSalle*) and Email from Allen Benson of Dillon Consulting dated March 1, 2017, MNRF has determined that the activities associated with the project, as currently proposed, **will likely not contravene** section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for [Species] **provided the following recommendations are implemented:**

1. Final development design for the property shall adhere to Figure 2 Conceptual Development Plan as included in the letter. This includes:
 - a. A 10 metre buffer and Restoration Area at the northwestern edges of the property around the proposed drainage pond;
 - b. This Restoration Area will include creation of rock and brush pile features that Eastern Foxsnake may utilize as habitat; and
 - c. Dense Blazing Star will be planted in the Restoration Area.
2. A copy of this letter shall be available at the work site at all times when conducting activities described in this letter;
3. All construction machinery and equipment that is left idle for one (1) hour or longer, or is parked overnight, at the work site shall be visually surveyed for the presence of snake species before (re)ignition. This visual examination shall include all lower components of the machinery, including operational extensions and running gear;
4. All on-site personnel must be made aware of the potential presence of SAR on site, especially Eastern Foxsnake, and the protection afforded under the ESA 2007, prior to conducting any work on the site.
5. Any SAR individual that is incidentally encountered on the Property must be allowed to leave on its own accord. Activities within 30 m shall cease until the individual disperses. Construction machinery/equipment must maintain a minimum operation distance of 30 m from the individual until it disperses the Property on its own accord.
6. Should on-site personnel be unable to allow an incidentally encountered SAR individual to disperse from the active construction area its own ability, a qualified biologist must be contacted immediately to safely relocate the individual to suitable habitat outside of the development footprint.
7. Any SAR individual that is observed within the Property will be reported to the MNRF Aylmer District staff within 48 hours of the observation or the next working day, whichever comes first.

8. If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container that is maintained at an appropriate temperature and MNRF must be contacted immediately for additional guidance.
9. During the active season for snake species (March to November), individuals may find and occupy materials and equipment stored on site; therefore, a clean, debris-free work site will be maintained (e.g. storage of flat materials like plywood and rubber mats in open areas should be avoided).

If these recommendations are implemented, the activity will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the ESA 2007.

Failure to comply with all the above recommendations may leave you at risk of being in contravention of the ESA 2007. Should the project parameters change and/or if you are unable to comply with any of the above recommendations, please notify the MNRF Aylmer District office immediately to obtain guidance on whether additional actions will need to be taken to remain in compliance with the ESA 2007.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The ESA 2007 applies to endangered and threatened species listed on the Species at Risk in Ontario (SARO) List (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>). The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. As a result, species designations may change, which could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change if a species-specific habitat regulation comes into effect.

Additionally, please note that the province has not been surveyed comprehensively for the presence or absence of SAR, and MNRF data relies on observers to report sightings of SAR. As such, the absence of an element occurrence does not indicate the absence of species and/or habitat and there is potential for new observations to be documented in the general area of the Property.

For these reasons, this Letter to Proponent (AYL-L-030-17) is only valid until September 30, 2018.

Should you be unable to proceed with this project until after the above noted date, you should contact the MNRF and seek guidance on remaining compliant with the ESA 2007.

Please be advised that it is your responsibility to be aware of and comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

If you have any concerns or questions regarding this letter, please contact me at 519-773-4732 or by email at ESA.Aylmer@ontario.ca.

Sincerely,



Cam McCauley
Management Biologist, Aylmer District
Ministry of Natural Resources and Forestry

cc. Allen Benson, Dillon Consulting



File No.: 16-4100

October 6, 2017

Corporation of the Town of LaSalle
5950 Malden Road
LaSalle, ON
N9H 1S4

Attention: Mr. Larry Silani
Director of Planning

**Professional Planning Opinion and Additional Information
In Support of the Proposed Zoning By-law Amendment and Site Plan Control Approval
6585 Malden Road, LaSalle ON.**

Dear Sir

On behalf of our client, Tuscany Oaks Ltd. ("the owner"), I am writing to you today with a professional planning opinion in support of our client's request to add additional and complimentary commercial land uses to the existing broad range of commercial uses permitted at 6585 Malden Road ("the subject lands"). To arrive at this position, I have undertaken the following:

- Reviewed the minutes of the August 8, 2017 Council Meeting (refer to **Appendix A**);
- Reviewed the Town's Staff Report dated August 2, 2017 (refer to **Appendix B**);
- Reviewed the Town's Official Plan policies;
- Visited the property on several occasions; and
- Consulted with the review agencies and other professionals requested to prepare supplementary and supporting documentation associated with this development (refer to **Appendix C - Function Servicing** and **Stormwater Management Report**, **Appendix D - Traffic Opinion** and **Appendix E - Natural Heritage Opinion**.)

Based on those discussions and the information provided by others, my professional planning opinion is that the proposed Zoning By-law Amendment (ZBA) represents "Good Planning" and should be approved by Council for the following reasons, they are:

...continued

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

Dillon Consulting
Limited

Conformity with the Provincial Policy Statement (PPS) (2014)

The PPS is a collection of policy statements related to the development and redevelopment of lands within the province. Those broad policies provide direction to all municipalities and private land owners regarding what type of development will occur, where it will occur, and the goals and objectives that will be taken into account prior to the development or redevelopment taking place. All approvals and development must be "consistent with" the PPS.

Based on my review of the PPS, it is my professional planning opinion that the proposal is "consistent with" the PPS for the following reasons:

- The owner is redeveloping an underutilized site within an urban area;
- The owner is proposing to develop the site to provide expanded commercial services within the community adding to the economic viability of the Municipality;
- The owner is utilizing existing municipal services; and
- The owner is developing the site in such a way as to protect and enhance the natural environment to the south.

County of Essex Official Plan


It is my professional planning opinion that the proposal is in conformity with the County Official policies based on my review of the proposal and the relevant policies for the following reasons:

- The proposed uses are within the Town of LaSalle's "Urban Area" which is defined as part of the "Settlement Area" in the County of Essex Official Plan mapping; and
- The County provides direction to the Town identifying that the "Settlement Area" is the appropriate location for the proposed uses.

Town of LaSalle Official Plan

It is my professional planning opinion that the proposal is in conformity with the Town of LaSalle Official Plan policies based on my review of the proposal and the relevant policies for the following reasons:

...continued

- 
- The Subject Lands are designation as a “Commercial District” in the Official Plan providing for the development of a range of commercial uses meeting the needs of the surrounding neighbourhood, the larger community and the travelling public. The proposed uses are in conformity with Section 3.5.1 of the Official Plan, specifically the goals that commercial areas need to be dynamic and flexible to meet the needs of the changing public and rate payers of the Town;
 - The development of the Subject Lands for the proposed commercial use must be consistent with Section 3.5.2 which requires that developments be approved through the Site Plan Control Amendment (SPCA) process, adhering to high performance standards as they relate to the development of the site. The Town and other approval agencies, through consultation with the owner, requires the implementation of a number of key design requirements related but not limited to; lighting, landscaping, fencing, buffering and building massing and siting, to ensure that the development is consistent with the requirements of the Town and other agency needs. In keeping with this policy, the owner is preparing and will submit a final site plan for approval following the Zoning By-law Amendment;
 - As a continuation of the aforementioned section of the Official Plan, the owner must also conform to the policies of Section 6 and 7 which relates to items required for SPCA including items such as: pedestrian and vehicular access, buffering of adjacent land uses, site servicing, confirmation of adequacy of the road network and existing municipal services, and compatibility with the existing Candidate Natural Heritage Area (CNHS) to the south, and approvals related to the Endangered Species Act (ESA). Those items have been adequately addressed in the supporting studies (refer to **Appendix C- Function Servicing and Stormwater Management Report**, **Appendix D – Traffic Opinion** and **Appendix E – Natural Heritage Opinion**).

Town of LaSalle Zoning By-law

It is my professional planning opinion that the addition of the proposed uses is in keeping with the intent of the Town’s Zoning By-law. The creation of a site specific zoning category for this site is appropriate to add these generic uses to the list of permitted land uses. The creation of a C1-9 zone allows for the addition of the

...continued

proposed uses while maintaining the current zoning regulations found in the C1 zoning category.

Confirmation of adherence to the regulations will be completed with the Site Plan Control Amendment and agreement.

Other Agencies Comments and Requests

As part of the approval process other agencies have the ability to comment on items that are important to their various mandates. From time to time those individual agency requests can be in conflict. However, in this case the owners have proposed a development that meets the requirements of the municipality and the other approval agencies. For purposes of this recommended approval we have addressed the following requests:

- **Ministry of Natural Resources and Forestry (MNRF)** – The owners have agreed to meet the requirements of the MNRF by implementing an area for the enhancement and establishment of habitat for Dense Blazing Star (a protected plant species) and the Eastern Fox Snake both of which are known to exist in the immediate area (within 1.5 km of the Subject lands)(refer to ***Appendix E – Natural Heritage Opinion***);
- **Essex Region Conservation Authority (ERCA)** – The owners have discussed and confirmed with ERCA that the previous study on the Subject Lands (completed over approximately the past 11 years) is sufficient for their needs and no additional investigation and reporting is required. The owners have agreed to install appropriate fencing along the perimeter as requested by ERCA. The fencing will form part of the SPCA. The request for the preparation of an additional Environmental Impact Assessment (EIA) is no longer required; and
- **County of Essex (Roads)** – The owners have modified the site plan to meet the requirements of the County of Essex to allow for safe access/egress to the property and the appropriate setback of any buildings from the centerline of the original right-of-way.

Public Comments

The Planning Act requires that the applicant and the Town take into consideration the input from residents and rate payers. The Town held a Public Information Centre on July 13, 2017, to solicit input into the process. I attended that meeting and we agreed to incorporate and/or provide a response of how we have addressed those questions in the final site plan. Our analysis and comments are as follows:

- *Siting of the commercial development too close to the existing residential use to the south (6605 Malden Road)* – The proposed commercial development at the closest point is 22m from the residential property to the south. This is an appropriate distance between uses given the intention to maintain the existing vegetation on the unimproved right-of-way and buffering between the uses (fencing, landscaping and appropriate setbacks) are proposed in the site plan. In addition, at the meeting there was some confusion regarding the commercial development encroaching into the existing unimproved right-of-way. That is not the case, as the development is completely contained within the existing commercial property and there is no application to close the existing right-of-way. It is common practice for municipalities to extend zoning categories to the center of the adjacent right-of-ways and therefore it may have appeared that the proposed commercial use was being proposed closer to the existing dwelling; and
- *Concerns about increased traffic and road safety on Malden Road* – The owners have completed a traffic analysis (refer to **Appendix D – Traffic Opinion**) which shows that the trip generation to and from this site is extremely low. The trip generation is in keeping industry standards and the TAC Guidelines. Therefore, there is no discernable impact on the existing road network. Prior to development of the Subject Site, the owner will be required to obtain a permit from the County of Essex to construct the driveway in strict conformance to the County requirements.

Conclusions

Based on my review of the above noted information and discussions with the Town and other approval agencies, it is my professional planning opinion that the proposed development at 6585 Malden Road is consistent with the PPS, is in conformity with the

...continued

Corporation of the Town of LaSalle

Page 6

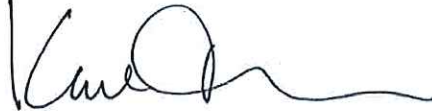
October 6, 2017

County of Essex and Town of LaSalle Official Plans and represents "good planning." It would be my recommendation that Council approve the Zoning By-law Amendment as proposed.

Should you have any questions, please feel free to contact the undersigned at your convenience.

Sincerely,

DILLON CONSULTING LIMITED



Karl Tanner, MCIP RPP

Project Planner

KDT:dt

cc: Mr. A. Burgess – Town of LaSalle
Mr. P. Marra – Town of LaSalle
Mr. P. Valente – Tuscany Oaks Ltd.
Mr. J. Rauti – Tuscany Oaks Ltd.
Mr. A. Benson – Dillon Consulting Limited
Mr. K. Edmunds – Dillon Consulting Limited
Mr. I. Wilson – Dillon Consulting Limited

Appendix A

***Council Meeting Minutes
August 8, 2017***



THE CORPORATION OF THE TOWN OF LASALLE

Minutes of the Regular Meeting of the Town of LaSalle Council held on

August 8, 2017

7:00 p.m.

Council Chambers, LaSalle Civic Centre, 5950 Malden Road

Members of Council Present: Mayor Ken Antaya, Deputy Mayor Marc Bondy, Councillor Michael Akpata, Councillor Terry Burns, Councillor Sue Desjarlais, Councillor Crystal Meloche, Councillor Jeff Renaud

Administration Present: K. Miller, Chief Administrative Officer, L. Silani, Director of Development & Strategic Initiatives, P. Marra, Director of Public Works, D. Sutton, Fire Chief, J. Columbus, Director of Culture and Recreation, John Leontowicz, Police Chief, A. Armstrong, Deputy Clerk, D. Hadre, Corporate Communications & Promotions Officer, N. DiGesù, IT Supervisor, L. Jean, Administrative Assistant to the Clerk, C. Riley, Town Solicitor

Additional Administration Present: D. Langlois, Manager of Finance/Deputy Treasurer, R. Hyra, Human Resources Officer, A. Burgess, Supervisor Planning & Development, J. Turnbull, Supervisor of Programming.

A. OPENING BUSINESS

1. Call to Order and Moment of Silent Reflection
2. Disclosures of Pecuniary Interest and the General Nature Thereof
None.
3. Adoption of Minutes
289/17
Moved by: Councillor Desjarlais
Seconded by: Councillor Meloche
That the minutes of the regular meeting of Council held July 25, 2017 BE ADOPTED as presented.
Carried.
4. Approval of Payment of Accounts
290/17
Moved by: Councillor Burns
Seconded by: Deputy Mayor Bondy
That the Accounts Payable report dated August 8, 2017 BE APPROVED for payment.
Carried.

5. Mayors Comments

Mayor Antaya offers congratulations to the Leamington Raceway. This attraction brings awareness to the Township of Leamington and to neighbouring municipalities. He wishes them continued success.

B. PRESENTATIONS

C. DELEGATIONS

D. PUBLIC MEETINGS AND/OR HEARINGS

1. REZONING AND SITE PLAN CONTROL APPLICATIONS

Karl Tanner, Dillon Consulting Limited (Agent) appears before Council in support of the application of Tuscany Oaks Ltd. (Registered Owner and Applicant) to rezone approximately 0.8 hectares of land located along the west side of Malden Road, between Rosati Drive and Bouffard Road (Malden Planning District) to rezone this site from a Neighbourhood Commercial Holding Zone - "C1(h)" to a site-specific Neighbourhood Commercial (C1-9") Zone, to allow for the addition of Commercial Storage, Studio Space, Automobile Repair Garage and Builders or Contractors Establishments to the list of permitted usage at this location, and confirms that additional information will be submitted by the Applicant including a completed traffic impact study, an environmental impact assessment and correspondence detailing how this final site plan identifies with the official plan.

Pearl Girard, resident, appears before Council regarding the road allowance and expresses concerns regarding digging with heavy equipment in the area and inquires of possible road closure and loss of access to the neighbourhood.

291/17

Moved by: Deputy Mayor Bondy

Seconded by: Councillor Desjarlais

That the report of the Director of Development & Strategic Initiatives and the Supervisor of Planning and Development Services dated August 2, 2017 (DS-43-2017) regarding the application of Tuscany Oaks Ltd. (Registered Owner and Applicant) and Dillon Consulting Limited, Karl Tanner (Agent) to rezone approximately 0.8 hectares of land located along the west side of Malden Road, between Rosati Drive and Bouffard Road (Malden Planning District) to rezone this site from a Neighbourhood Commercial Holding Zone - "C1(h)" to a site-specific Neighbourhood Commercial (C1-9") Zone, to allow for the addition of Commercial Storage, Studio Space, Automobile Repair Garage and Builders or Contractors Establishments to the list of permitted usage at this location BE DEFERRED until such time that additional information is submitted by the Applicant and a subsequent staff report is prepared and brought back to Council.

Carried.

E. REPORTS / CORRESPONDENCE FOR COUNCIL ACTION

1. CULTURE & RECREATION/PARKS ADVISORY COMMITTEE MEETING MINUTES - JULY 25, 2017

292/17

Moved by: Councillor Meloche

Seconded by: Councillor Desjarlais

That the recommendations contained in the minutes of the Culture and Recreation/Parks Advisory Committee Meeting dated July 25, 2017 BE APPROVED.

Carried.

2. REQUEST FOR SUPPORT FROM THE TOWNSHIP OF THE ARCHIPELAGO -
RECONSIDER PROPOSED CHANGES UNDER BILL 68 - OUT OF COURT
PAYMENTS

293/17

Moved by: Councillor Burns

Seconded by: Deputy Mayor Bondy

That correspondence received from the Township of Archipelago dated July 26, 2017 requesting support of a resolution enacted by the Municipality of Killarney regarding the proposed changes under Bill 68 pertaining to out of court payments BE SUPPORTED through the following resolution:

WHEREAS Council for the Town of LaSalle has received a request for support regarding the proposed changes of the Municipal Act under Bill 68 regarding tax registration procedures which would end payment out of court for municipalities and see out of court payments revert back to the Crown;

NOW THEREFORE BE IT RESOLVED that Council for the Town of LaSalle supports the Municipality of Killarney in their request to the Minister of Municipal Affairs to reconsider the proposed changes under Bill 68 pertaining to out of court payments;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Premier of Ontario, Minister of Municipal Affairs and local MPP's.

Carried.

3. REQUEST FOR SUPPORT FROM THE COUNTY OF ESSEX - ONTARIO
NUCLEAR RESPONSE PLAN

294/17

Moved by: Councillor Burns

Seconded by: Deputy Mayor Bondy

That correspondence received from the County of Essex dated July 27, 2017 requesting support of resolution enacted by the Windsor Essex Environment Committee regarding the Ontario Nuclear Emergency Response Plan BE SUPPORTED through the following resolution:

WHEREAS Council for the Town of LaSalle has received correspondence from the County of Essex requesting support of a resolution proposed in the Windsor Essex County Environment Committee Report No. 96 regarding proposed changes to the Provincial Nuclear Emergency Response Plan;

THEREFORE BE IT RESOLVED THAT the Town of LaSalle supports the County of Essex in their request for proposed changes to the Provincial Nuclear Emergency Response Plan;

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to the Premier of Ontario, Minister of Community Safety and Correctional Services, Minister of Health and Long Term Care, Members of Provincial Parliament, Liza Gretzky, Percy Hatfield and Taras Natyshak.

Carried.

4. REQUEST FOR SUPPORT FROM THE COUNTY OF ESSEX - PROPOSED AMENDMENTS TO THE HIGHWAY TRAFFIC ACT UNDER BILL 94

295/17

Moved by: Deputy Mayor Bondy

Seconded by: Councillor Meloche

That correspondence received from the County of Essex dated July 27, 2017 requesting support of a resolution enacted by Essex County Council regarding the proposed amendments by Bill 94 to the Highway Traffic Act and a pilot project relating to the school bus camera initiative BE SUPPORTED through the following resolution:

THAT the Town of LaSalle support the amendments proposed by Bill 94 to the Highway Traffic Act and further support a pilot project relating to the school bus camera initiative; and

FURTHER THAT a letter of support be forwarded to the Premier of Ontario, local MPP offices and the Minister of Transportation.

Carried.

5. AMENDED SITE PLAN CONTROL APPROVAL AT 5821 MALDEN ROAD (MALDEN SQUARE PLAZA)

Andrew Corbret, part owner, appears before Council in support of the Site Plan Control amendment on Malden Square Plaza located at 5821 Malden Road to allow for the construction of a new outdoor patio and a modified fire route.

296/17

Moved by: Deputy Mayor Bondy

Seconded by: Councillor Akpata

That the report of the Supervisor of Planning & Development Services dated August 2, 2017 (DS-44-17) regarding a site plan control amendment for Malden Square Plaza located at 5821 Malden Road BE RECEIVED; and that the amended site plan control to allow construction of a new outdoor patio and a modified fire route at a new restaurant located in the Malden Square Plaza at 5821 Malden Road BE APPROVED.

Carried.

6. TRANSIT STOP CAPITAL EXPENDITURES

297/17

Moved by: Councillor Desjarlais

Seconded by: Deputy Mayor Bondy

That the report of the Director of Public Works dated August 1, 2017 (PW-24-2017) regarding transit stop capital expenditures BE RECEIVED; and that Phase 1 and Phase 2 for the transit stop pad construction and connections costing approximately \$140,000.00 BE APPROVED; and that four bus shelters costing approximately \$ 24,000.00 to be installed during the initial transit implementation stage BE APPROVED; and that future bus shelters be deployed based on future demand of service and ridership numbers and be installed in the future years.

Carried.

7. CORRESPONDENCE FROM THE TOWN OF AMHERSTBURG REGARDING
POLICING

298/17

Moved by: Deputy Mayor Bondy
Seconded by: Councillor Desjarlais

That correspondence received from the Town of Amherstburg dated
July 10, 2017 requesting a proposal for contract policing by LaSalle Police
Service BE RECEIVED.

Councillor Burns voting nay on the matter.

Carried.

8. ROUNDABOUT TREATMENTS

299/17

Moved by: Deputy Mayor Bondy
Seconded by: Councillor Burns

That the report of the Director of Public Works dated August 3, 2017
(PW-26-2017) regarding Town roundabouts BE DEFERRED; and that
administration BE REQUESTED to report back to Council once the tender for the
centerpiece at Todd Lane and Malden has closed and quotes have been
submitted.

Carried.

9. TRANSIT BENCHES

300/17

Moved by: Councillor Burns
Seconded by: Councillor Renaud

That the report of the Chief Administrative Officer dated August 3, 2017
(CAO-18-17) regarding entering into discussions with Creative Outdoor
Advertising (COA) for the installation of benches at transit bus stops BE
APPROVED.

Carried.

10. TRANSIT STOP CONTRACT AWARD

301/17

Moved by: Deputy Mayor Bondy
Seconded by: Councillor Renaud

That the report of the of the Director of Public Works dated August 3, 2017 (PW-
27-17) regarding Contract A, B and C for the construction of bus stop pads BE
APPROVED; and that the contract BE AWARDED to Nasci Construction Service
Ltd. at an all in cost of \$143,082.00 plus HST.

Carried.

F. INFORMATION ITEMS TO BE RECEIVED

1. SUMMARY OF REPORTS TO COUNCIL

302/17

Moved by: Councillor Burns
Seconded by: Councillor Meloche

That the report of the Chief Administrative Officer dated August 8, 2017 being a
summary of reports to Council BE RECEIVED.

Carried.

2. UPDATE ON SUMMER PROGRAMMING (HALF WAY POINT)

303/17

Moved by: Deputy Mayor Bondy

Seconded by: Councillor Burns

That the report of the Director of Culture and Recreation dated August 2, 2017 (C&R 09-17) regarding an update of the 2017 summer programming BE RECEIVED.

Carried.

G. BY-LAWS

304/17

Moved by: Councillor Burns

Seconded by: Councillor Akpata

That the following By-laws BE GIVEN first reading:

8041 - A Bylaw to authorize the execution of the waste collection agreement with Windsor Disposal Services Inc. and the Corporation of the Town of LaSalle.

8042 - A Bylaw to authorize the sale of Lot 105 and part of Block "A" (closed by R1262860), Registered Plan 661 to Allan Bellemore.

Carried.

305/17

Moved by: Councillor Renaud

Seconded by: Deputy Mayor Bondy

That by-law numbers 8041 and 8042 BE GIVEN second reading.

Carried.

306/17

Moved by: Councillor Meloche

Seconded by: Councillor Desjarlais

That by-law number 8041 and 8042 BE GIVEN third reading and finally passed.

Carried.

H. COUNCIL QUESTIONS

Councillor Burns requests a breakdown of revenue and expenses of the summer programming at the Vollmer Complex for the end of the 2017 season.

I. STATEMENTS BY COUNCIL MEMBERS

J. REPORTS FROM COMMITTEES

None.

K. NOTICES OF MOTION

None.

L. MOTION TO MOVE INTO CLOSED SESSION

M. CONFIRMATORY BY-LAW

307/17

Moved by: Councillor Desjarlais

Seconded by: Councillor Meloche

That Confirmatory Bylaw #8043 BE GIVEN first reading:

Carried.

308/17

Moved by: Deputy Mayor Bondy

Seconded by: Councillor Burns

That Confirmatory Bylaw #8043 BE GIVEN second reading.

Carried.

309/17

Moved by: Councillor Renaud

Seconded by: Councillor Akpata

That Confirmatory Bylaw #8043 BE GIVEN third reading and finally passed.

Carried.

N. SCHEDULE OF MEETINGS

Committee of Adjustment - August 16, 2017 @ 5:30 pm

Regular Meeting of Council - August 22, 2017 @ 7:00 pm

Accessibility Advisory Committee Meeting - September 7, 2017 @ 4:00 pm

Regular Meeting of Council - September 12, 2017 @ 7:00 pm

O. ADJOURNMENT

Meeting adjourned at the call of the Chair 7:50 pm

Mayor: Ken Antaya

Deputy Clerk: Agatha Armstrong

Appendix B

Town Staff Report

Dated August 2, 2017

File Copy



The Corporation of the Town of LaSalle

Date:	August 2, 2017	Report No:	DS-43-2017
Directed To:	Mayor and Members of Council	Attachments:	Figures 1 to 4, and correspondence dated March 28, 2017, July 20 th and July 31 st 2017
Department:	Development & Strategic Initiatives		
Prepared By:	L. Silani, M.Pl., MCIP, RPP Director of Development & Strategic Initiatives A. Burgess, MCIP, RPP Supervisor of Planning & Development Services	Policy References:	Approved Official Plan
Subject:	<u>Application:</u> Rezoning and Site Plan Control Applications <u>Our File No.:</u> Z-03-2017 & SPC-02-2017 <u>Registered Owner & Applicant:</u> Tuscany Oaks Ltd. <u>Agent:</u> Dillon Consulting Limited, Karl Tanner <u>Location:</u> 0.8 hectares of land located along the west side of Malden Road, between Rosati Drive and Bouffard Road (Malden Planning District)		

RECOMMENDATION:

Based on the information provided within this Staff Report, and subject to further input from Council and the public, it is recommended that Council defer making a decision with respect to this rezoning application until such time that:

- the additional information, as identified in this Staff Report is submitted by the Applicant; and

- a subsequent Staff Report is prepared and brought back to Council with Staff recommendations.

REPORT:

PURPOSE AND NATURE OF THE SUBJECT APPLICATION:

An Application has been received, requesting the rezoning of approximately 0.8 hectares of property located along the west side of Malden Road, between Rosati Drive and Bouffard Road (see Figure 1), from a Neighbourhood Commercial Holding Zone – "C1(h)" to a site-specific Neighbourhood Commercial (C1-9) Zone – "C1-9". This new zone category will add Commercial Storage, Studio Space, Automobile Repair Garage, and Builders or Contractors Establishments to the list of permitted uses at this location. A total of 22,000 square feet (2,100 square metres) of new commercial floor space is being proposed for this location. New site-specific lot and yard regulations will be established for this site as part of the new "C1-9" Zone.

Figure 2 depicts the existing zoning on the subject lands and on surrounding properties.

Preliminary site plan and site servicing plan drawings have been prepared by the Applicant's Engineering/Planning Consultants (dated May 26, 2017 and July 12, 2017), and are attached as Figures 3 and 4.

Site Plan Control will apply to this site, and will be used to address site details such as on-site parking, fencing, landscaping, lighting, access, signage, storm water management and all other site details.

OFFICIAL PLAN AND PROVINCIAL POLICY STATEMENT CONSIDERATIONS

The Planning Act requires that all zoning by-laws and all zoning by-law amendments adopted by Council conform with the land use designations and policies contained within the municipal approved Official Plan documents (both the lower-tier and upper-tier plans) that are in effect at the time that an application is received.

The Planning Act also requires that all Planning Authorities make decisions that are consistent with the 2014 Cabinet Approved Provincial Policy Statement.

In this particular instance, the subject property is designated "Commercial District" in the Town of LaSalle's approved Official Plan.

This property is also situated within the "Settlement Area" designation as defined on Schedule "A1" in the 2014 approved upper-tier (County of Essex) Official Plan document.

Subsection 3.5.1 of the LaSalle Official Plan contains a set of goals for lands designated "Commercial District", including the following:

"To ensure that suitable uses are available within the designated commercial districts to accommodate a full range of commercial goods and services to meet the needs of the surrounding neighbourhoods, the community at large, and the travelling public."

"To recognize that commercial areas are dynamic in nature, and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences, and retail trends change over time, and to provide a corresponding policy environment which will permit these changes to occur in a manner which is beneficial to Town of LaSalle ratepayers."

A broad range of commercial uses are permitted within the "Commercial District" land use designation, including: all types of retail, office and service commercial uses; places of entertainment; assembly halls; eating establishments; recreational commercial uses; clinics; funeral homes; financial service establishments; automobile sales and service establishments; gas bars; service stations and other similar business establishments that serve the needs of Town residents and the travelling public.

Subsection 3.5.2 of the Town's Official Plan states that:

"All new uses locating within this designation will be required to conform to high performance standards relating to parking, lighting, landscaping, buffering and control over outside storage as set out in the implementing zoning by-law and site plan control agreements"

"Commercial developments and redevelopments will be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990"

Sections 6 and 7 of the LaSalle Official Plan articulate a number of site plan control, transportation, storm drainage, and amendment procedure policies that apply to all new commercial development rezoning and site plan control applications in the Town --- including the following:

"Expansions to existing and the establishment of new commercial developments shall be subject to site plan control."

"The Town's objectives in using site plan control are:

- a) to ensure a high standard of site design for new development;*
- b) to ensure safety and efficiency of vehicular and pedestrian access;*
- c) to minimize incompatibilities between new and existing developments;*
- d) to control the location of driveways, parking, loading and garbage collection facilities;*
- e) to secure easements or grading and alterations necessary to provide for public utilities and site drainage;*

- f) *to ensure that the development proposed is built and maintained as approved by Council."*

"As a condition of approval of plans, Council may require the Owner to provide at no expense to the municipality a dedication of land of up to 5.2 metres in width abutting Malden Road, for future road widening purposes."

"Council will encourage the development of pedestrian routes to link all major open space areas, commercial districts, and schools and other public institutions located within the Town. This pedestrian network will be integrated with and designed to function as part of the Town's overall transportation network, providing a safe and convenient alternative to automobile forms of transportation."

"Sidewalks on one or both sides of the street, or at other required locations, will be required to be constructed to serve new development and to provide pedestrian access to schools, parks and commercial districts town-wide."

"All new development shall be provided with adequate storm drainage facilities connected to storm sewers, drains and watercourses, and will have to comply with all storm water management requirements for both quantity and quality."

"All proposed amendments to the implementing zoning by-law shall be processed in accordance with the provisions of Sections 34 of the Planning Act, R.S.O. 1990, and due regard shall be given to the following matters:

- a) the physical suitability of the land to be used for the proposed use;*
- b) the adequacy of all required services;*
- c) the adequacy of the road system to accommodate the proposed traffic volume increases;*
- d) the compatibility of the proposed use with existing and potential future uses in the surrounding area; and*
- e) the need for the additional land to accommodate the proposed use/facilities."*

The approved County of Essex Official Plan includes a number of Schedules that identify the various elements that collectively comprise the "County of Essex's Natural Heritage System".

Lands designated "Natural Environment" on the County of Essex Official Plan Schedules are situated adjacent to the site that is affected by this Planning Act application --- meaning that there are known and identified significant natural heritage features on adjacent lands.

Subsection 3.4 of the County Official Plan includes policies, which state that:

"Development and site alteration shall not be permitted on adjacent lands to the natural heritage feature and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be not negative impacts on the nature features or on their ecological function."

The 2014 Provincial Policy Statement includes a number of provincial policies which re-enforce the "Natural Environment" policies contained in the upper-tier (County of Essex) Official Plan, including the following "Natural Heritage" policies:

"Development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements."

"Development and site alteration shall not be permitted on adjacent lands to the natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be not negative impacts on the natural features or on their ecological functions."

AGENCY COMMENTS:

The subject application was circulated to the Essex Region Conservation Authority (ERCA), the County of Essex, the local school boards, and to a number of utility companies.

The County of Essex has submitted correspondence dated July 20, 2017 (copy attached), advising the Applicant as to the County's setback requirements from the centerline of Malden Road (County Road 3).

It should be noted that this section of Malden Road is a County Road, under the jurisdiction of the County for both Corridor Control (access and setback) and Operational/Maintenance purposes. The County has approval authority with respect to all new commercial entrances/exits onto this County Road.

The County has also requested the opportunity to be involved in the Site Plan Approval process – to ensure that their interests are met regarding access, structure setback, drainage and signage.

The Applicant has submitted correspondence from the MNRF, dated March 28, 2017, wherein they provide their ESA comments and recommendations regarding the subject commercial development application (see attached letter).

In the attached correspondence, MNRF states that they have determined that the activities associated with the project, as currently proposed, will likely not contravene Sections 9 and/10 of the Endangered Species Act, provided the recommendations as set out in their March 28, 2017 letter are implemented — including:

- the creation and maintenance of a 10 metre wide Buffer and Restoration Area at the northwestern edges of the property, around the proposed drainage pond;
- this Restoration Area will include the creation of rock and brush pile features that Eastern Foxsnake may utilize as habitat; and
- Dense Blazing Star will be planted in the Restoration Area.

On July 31st we received correspondence from ERCA Staff stating that the Applicant is required to prepare and submit an Environmental Impact Assessment (EIA) for this development application, in keeping with the above noted policy requirements of the County Official Plan --- in order to meet the applicable PPS provisions.

To date, we have not received comments from any other circulated agency.

PUBLIC COMMENTS RECEIVED TO DATE:

The Planning Advisory Committee held an Information Meeting on July 13, 2017, in the Council Chambers at the Town Hall:

- (i) to provide an opportunity for residents living in the surrounding neighbourhood to obtain additional information;
- (ii) to provide a forum for questions to be asked of the Applicant; and
- (iii) to receive public comments at the "front-end" of the planning review and approval process.

Representatives of the Applicant, together with the Applicant's Consultant, were in attendance and provided an explanation of their rezoning request --- utilizing the conceptual site plan as shown on Figure 3.

The following is a brief summary of the public comments/questions that were received at this Public Information Session:

- concerned that the new commercial plaza will be located too close to an existing residence;
- concerned about the increased traffic volumes going to/from this site, and the corresponding road safety issues should this new commercial development be approved;
- has a traffic impact study been completed to evaluate the adequacy of Maiden Road at this location to handle additional turning movements and traffic volumes?

PRELIMINARY COMMENTS

Town Planning and Engineering Staff believe there is merit in the Applicant's proposed new development for the subject lands.

However, in order to properly address the concerns that were expressed by residents who attended the information session, and to ensure conformity with both the local and the upper-tier Official Plan

documents, the following information is needed from the Applicant before a final review of the subject rezoning and site plan control applications can be completed:

- The preparation and submission of a traffic impact study, based on the Applicant's revised conceptual site plan (Figure 4), prepared to satisfaction of the Town Engineer and the County Engineer;
- The preparation and submission of a EIA, from the Applicant's Natural Heritage Consultant, to demonstrate how they have satisfied the County of Essex Natural Heritage Policy requirements, all to the satisfaction of the ERCA Staff;
- A written response from the Applicant's Planning Consultant identifying how their final site plan for the subject property: i) conforms to the applicable Official Plan policies as set out in this Staff Report; (ii) addresses the concerns raised by residents who spoke at the July 13th Public Information Session; and (iii) ensures that on-site pedestrian/ vehicular circulation, parking, and emergency vehicle access are properly designed for the various proposed land uses and corresponding buildings.

Once we receive this additional information, we will in turn review same and prepare a subsequent Staff Report with recommendations for Council.

We would be pleased to answer any questions with respect to the contents of this Staff Report.

Respectfully,





L. Silani, M.Pl., MCIP, RPP
Director of Development &
Strategic Initiatives



A. Burgess, MCIP, RPP
Supervisor of Planning &
Development Services

Attachments

Reviewed by:						
CAO	Finance	Clerk	Public Works	Development & Strategic Initiatives	Culture & Recreation	Fire
						



Legend:



Subject Lands

Title:

FIGURE 1 - KEY PLAN



Scale: 1:2000

File No: Z-11/17 & SPC-02/17

Prepared For: Planning Dept.

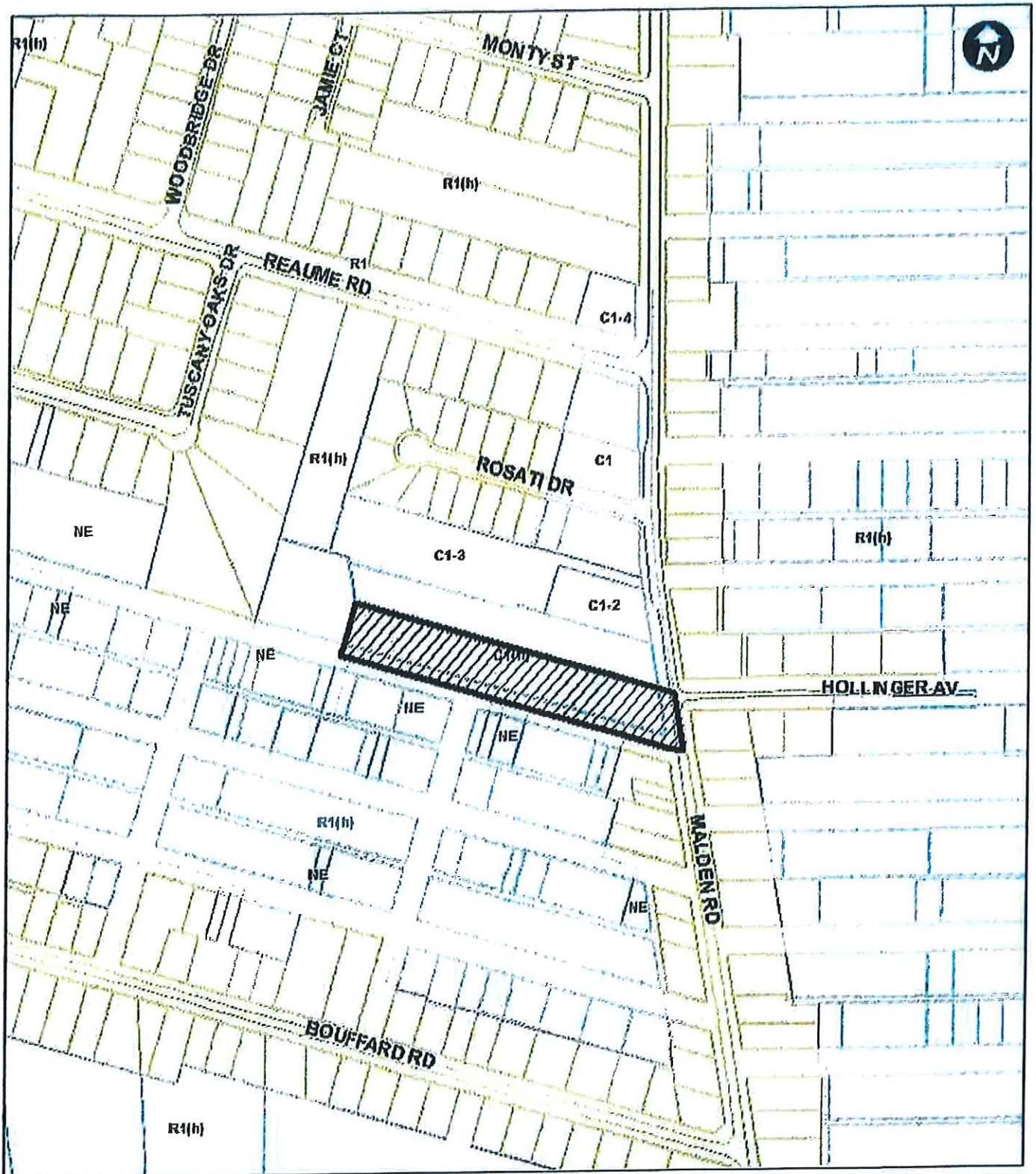
Applicant: Tuscany Oaks Ltd

Prepared By: Finance Department
GIS Services

Date: January 7, 2015

Notes:

This document is not a Legal Plan of Survey.



Legend:



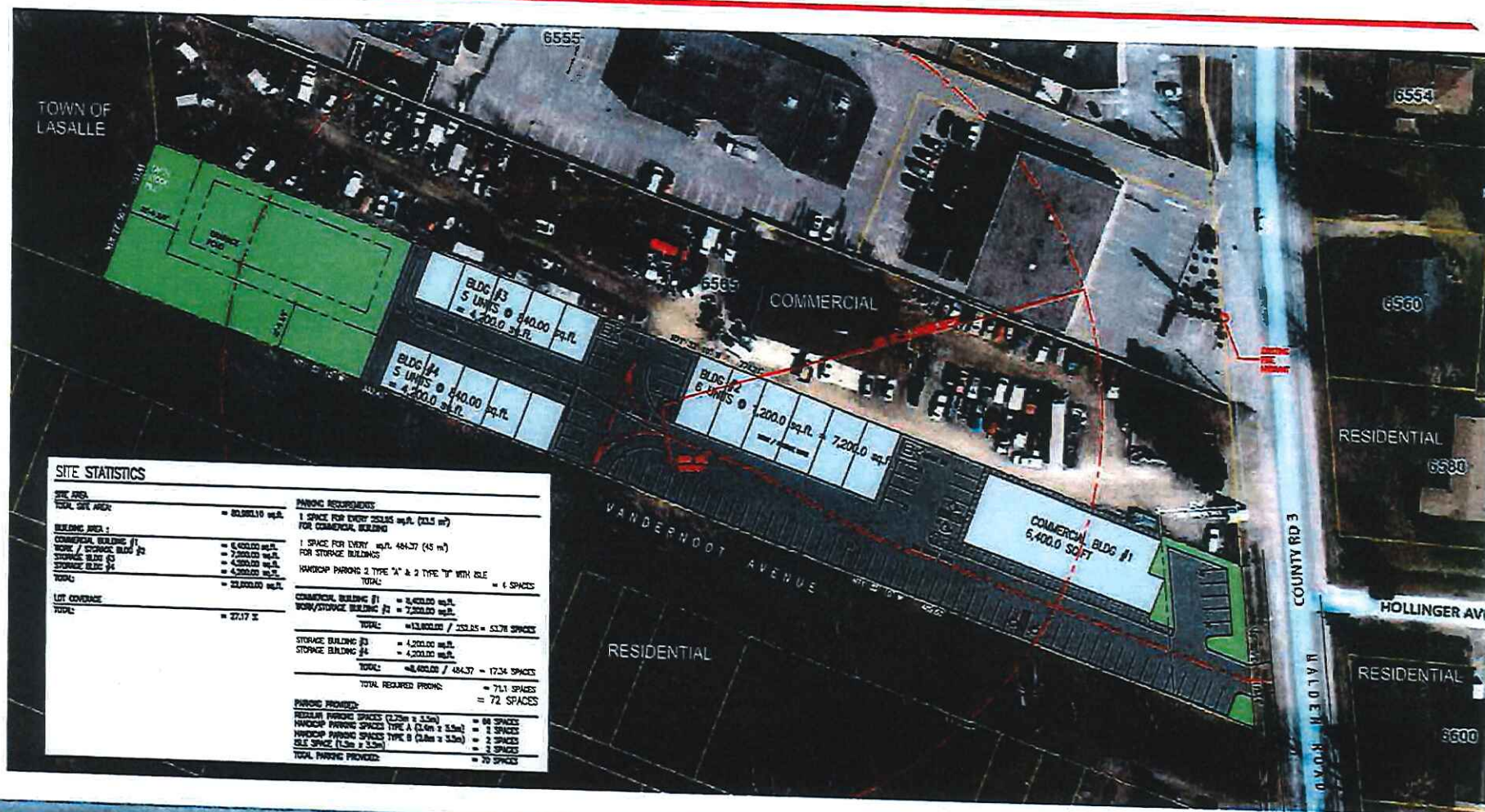
Subject Lands

Title:

FIGURE 2 - ZONING



Scale:	1:2000	File No:	2-11-17 & SPC-02-17
Prepared For:	Planning Dept.	Applicant:	Tuscany Oaks Ltd
Prepared By:	DSI	Date:	July 31, 2017
Notes:	This document is not a Legal Plan of Survey.		



Plane 3

Site Plan

Proposed Commercial and Storage Development

ISSUED FOR REZONING Issued - 5/26/17



July 31, 2017

Mr. Ryan Tufts, Planning Technician and Secretary-Treasurer Committee
of Adjustment
Town of LaSalle
5950 Malden Road
LaSalle ON N9H 1S4

regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Ryan Tufts:

RE: Zoning By-Law Amendment Z-11-17
MALDEN RD (6585 Malden Rd)
ARN 373405000006680; PIN: 705340806
Applicant: TUSCANY OAKS LTD

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment Z-11-17. We understand that the purpose of this Zoning By-law Amendment is to rezone this site from a Neighbourhood Commercial Holding Zone - C1(h) to a site-specific Neighbourhood Commercial (C1-9) to allow a new zone category for the following additional uses: commercial storage, studio space, automobile repair garage, and builders and contractors establishments.

NATURAL HAZARD POLICIES OF THE PPS, 2014

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATER RESOURCES MANAGEMENT

We have concerns regarding the potential impact of the quality and quantity of runoff in the downstream watercourses due to future development in this area. We would therefore ask to be circulated any Site Plan Control application. We will reserve to comment further on water resources management concerns until this development can proceed to the Site Plan Control stage.

Mr. Ryan Tufts
July 31, 2017

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland, and significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). This property contains portions of the Candidate Natural Heritage Site - 'TC6'.

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.1.8 of the PPS 2014 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions." The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact. We strongly recommended that prior to initiating an EIA that the applicant contacts our office to determine the scale and scope of the analysis.

FINAL RECOMMENDATION

It is therefore recommended that the Application be deferred until such time as an Environmental Impact Assessment has been completed. We would encourage the applicant to contact our office at their soonest convenience to discuss the Terms Of Reference for the Environmental Impact Assessment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Tim Byrne,
Director, Watershed Management Services
/cor





Office of the Manager, Planning Services

William J. King, AMCT, MCIP, RPP
Manager, Planning Services

July 20, 2017

Ms. Brenda Andreas
Town of LaSalle
5950 Malden Road
LaSalle, Ontario
N9H 1S4

Dear Ms. Andreas:

RE: Z-11-17, West Side of County Road No. 3, North Side of Vandernoot Avenue

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 3. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road 3. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

The County of Essex is requesting the opportunity to be involved in the Site Plan Control process with this property to insure that our interests are met regarding access, structure setback, drainage and signage.

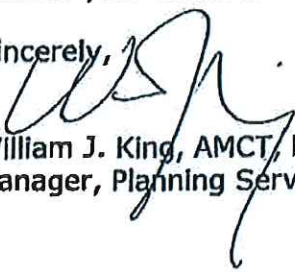
Click here to enter text.

Page 2 of 2

Click here to enter a date.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Sincerely,



William J. King, AMCT, MCIP, RPP
Manager, Planning Services

Ministry of Natural
Resources and Forestry
615 John Street North
Aylmer ON N5H 2S8
Tel: 519-773-9241
Fax: 519-773-9014

Ministère des Richesses
naturelles et des Forêts
615, rue John Nord
Aylmer ON N5H 2S8
Tél: 519-773-9241
Télé: 519-773-9014



March 28, 2017

AYL-L-030-17

Peter Valente
Tuscany Oaks Ltd. c/o Valente Development Corporation
1985 Dougall Avenue
Windsor, ON N9E 1S1

Dear Mr. Valente:

RE: Development of Storage Garage Condominiums and the Endangered Species Act, 2007

The Ministry of Natural Resources and Forestry (MNRF) has reviewed the information that was provided on the proposed development of storage garage condominiums project to assess the potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) The project is located at 6585 Malden Road Part of Lot 35 Concession 1 in the Town of LaSalle, Ontario.
- b) The proposed project involves the development of storage garage condominiums and will entail clearing some natural vegetation.
- c) The proposed project will begin as soon as appropriate approvals are in place and be completed by late summer and/or fall 2017.
- d) MNRF has reviewed species at risk (SAR) occurrence information on file and determined that there are known occurrences of SAR in the general area of the project, including:
 - a. Eastern Foxsnake - Carolinian population (endangered) – The entire project area falls within regulated habitat for the species. (<https://www.ontario.ca/page/eastern-foxsnake>)
 - b. Eastern Flowering Dogwood – (endangered) – (<https://www.ontario.ca/page/eastern-flowering-dogwood>)
 - c. Kentucky Coffee-tree – (threatened) – (<https://www.ontario.ca/page/kentucky-coffee-tree-species-risk>)
 - d. Dense Blazing Star - (threatened) – (<https://www.ontario.ca/page/dense-blazing-star>)

- e. Butternut (endangered) – (<https://www.ontario.ca/page/butternut-species-risk>)

Based on a review of the Memo from Dillon Consulting dated September 8, 2016 (*Stage 1: Species at Risk Information Request for the Proposed 6585 Malden Road Property Development located in the Town of LaSalle*) and Email from Allen Benson of Dillon Consulting dated March 1, 2017, MNRF has determined that the activities associated with the project, as currently proposed, **will likely not contravene** section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for [Species] **provided the following recommendations are implemented:**

1. Final development design for the property shall adhere to Figure 2 Conceptual Development Plan as included in the letter. This includes:
 - a. A 10 metre buffer and Restoration Area at the northwestern edges of the property around the proposed drainage pond;
 - b. This Restoration Area will include creation of rock and brush pile features that Eastern Foxsnake may utilize as habitat; and
 - c. Dense Blazing Star will be planted in the Restoration Area.
2. A copy of this letter shall be available at the work site at all times when conducting activities described in this letter;
3. All construction machinery and equipment that is left idle for one (1) hour or longer, or is parked overnight, at the work site shall be visually surveyed for the presence of snake species before (re)ignition. This visual examination shall include all lower components of the machinery, including operational extensions and running gear;
4. All on-site personnel must be made aware of the potential presence of SAR on site, especially Eastern Foxsnake, and the protection afforded under the ESA 2007, prior to conducting any work on the site.
5. Any SAR individual that is incidentally encountered on the Property must be allowed to leave on its own accord. Activities within 30 m shall cease until the individual disperses. Construction machinery/equipment must maintain a minimum operation distance of 30 m from the individual until it disperses the Property on its own accord.
6. Should on-site personnel be unable to allow an incidentally encountered SAR individual to disperse from the active construction area its own ability, a qualified biologist must be contacted immediately to safely relocate the individual to suitable habitat outside of the development footprint.
7. Any SAR individual that is observed within the Property will be reported to the MNRF Aylmer District staff within 48 hours of the observation or the next working day, whichever comes first.

8. If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container that is maintained at an appropriate temperature and MNRF must be contacted immediately for additional guidance.
9. During the active season for snake species (March to November), individuals may find and occupy materials and equipment stored on site; therefore, a clean, debris-free work site will be maintained (e.g. storage of flat materials like plywood and rubber mats in open areas should be avoided).

If these recommendations are implemented, the activity will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the ESA 2007.

Failure to comply with all the above recommendations may leave you at risk of being in contravention of the ESA 2007. Should the project parameters change and/or if you are unable to comply with any of the above recommendations, please notify the MNRF Aylmer District office immediately to obtain guidance on whether additional actions will need to be taken to remain in compliance with the ESA 2007.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The ESA 2007 applies to endangered and threatened species listed on the Species at Risk in Ontario (SARO) List (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>). The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. As a result, species designations may change, which could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change if a species-specific habitat regulation comes into effect.

Additionally, please note that the province has not been surveyed comprehensively for the presence or absence of SAR, and MNRF data relies on observers to report sightings of SAR. As such, the absence of an element occurrence does not indicate the absence of species and/or habitat and there is potential for new observations to be documented in the general area of the Property.

For these reasons, this Letter to Proponent (AYL-L-030-17) is only valid until September 30, 2018.

Should you be unable to proceed with this project until after the above noted date, you should contact the MNRF and seek guidance on remaining compliant with the ESA 2007.

Please be advised that it is your responsibility to be aware of and comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

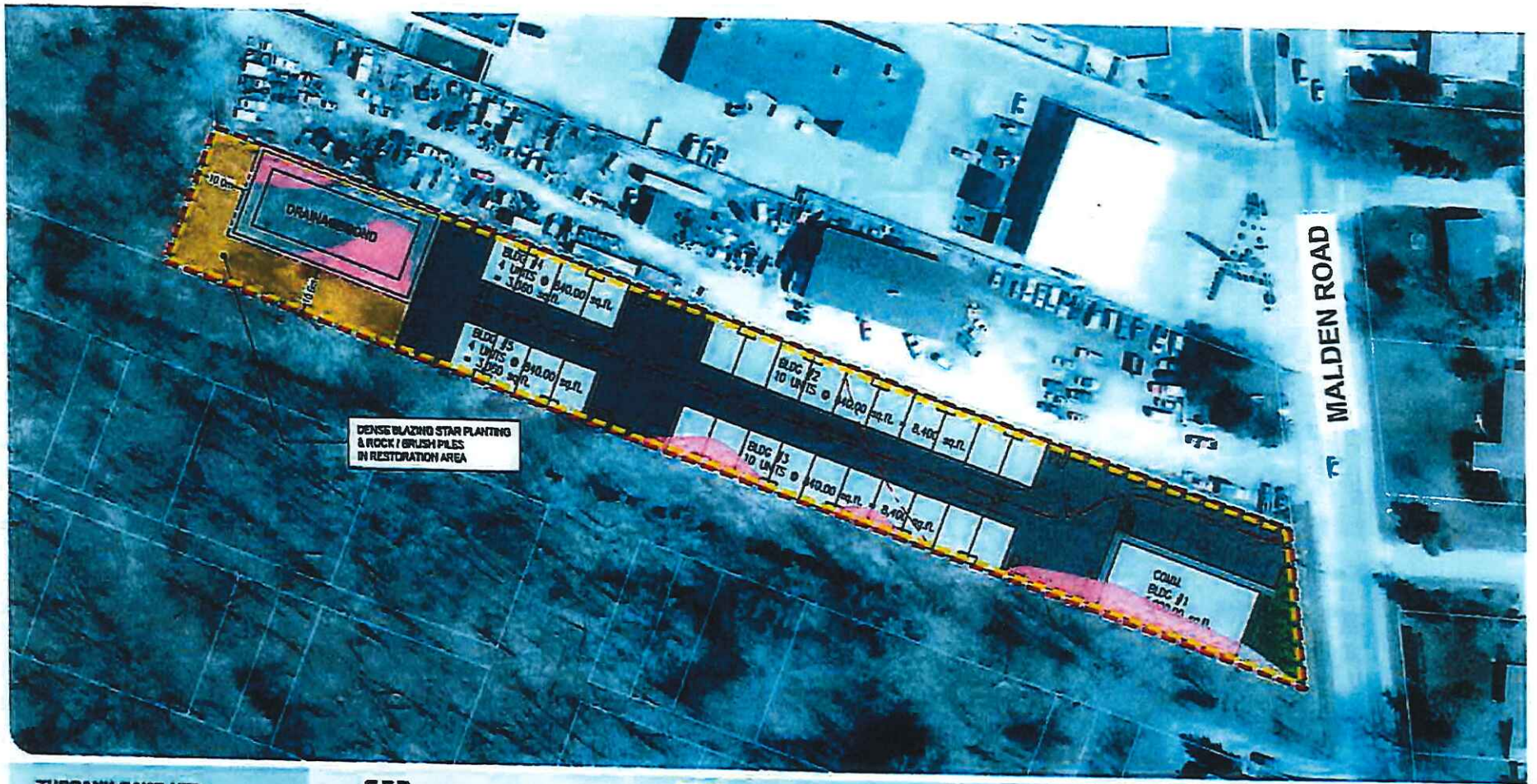
If you have any concerns or questions regarding this letter, please contact me at 519-773-4732 or by email at ESA.Aylmer@ontario.ca.

Sincerely,



Cam McCauley
Management Biologist, Aylmer District
Ministry of Natural Resources and Forestry

cc. Allen Benson, Dillon Consulting



TUSCANY OAKS LTD.
6565 MALDEN ROAD, LASALLE



PROPERTY BOUNDARY = 0.75ha (1.86ac)



AREA OF DISTURBANCE = 0.75ha (1.86ac)



APPROXIMATE LOCATIONS OF VEGETATION REMOVAL



RESTORATION AREA

SPECIES AT RISK
INFORMATION REQUEST
FIGURE 2.0 - CONCEPTUAL DEVELOPMENT PLAN

SOURCE: CONCEPTUAL SITE PLAN BY OTHERS, 2013; COUNTY OF ESSON 2010 AERIAL PHOTOGRAPH (2013)

File 2.0000
- 10/10/2013 10:00 AM
Map by: 10/10/2013

ADDITIONAL INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND LOCATIONS INFORMATION SHOULD BE
VERIFIED BY AN O.G.S. PRIOR TO CONSTRUCTION.
CREATED BY: HRP
CHECKED BY: HRP
DESIGNED BY: HRP

SCALE: 1:750



PROJECT: 10-100
STAGE: 1000
DATE: 10/10/2013

Appendix C

Functional Servicing and Stormwater Management Report

Functional Servicing and Stormwater Management Report are under Separate Cover

Appendix D

Traffic Opinion

October 5, 2017



Sent via Electronic Mail

The Corporation of the Town of LaSalle
5950 Malden Road
LaSalle, ON N9H 1S4

Attention: Mr. Peter Marra, P.Eng.
Director of Public Works

RE: 6585 Malden Road Rezoning and Site Plan Control – Traffic Impact Review

Dear Mr. Marra:

Tuscany Oaks Ltd. is proposing to rezone 0.8 hectares of land at 6585 Malden Road in LaSalle from a Neighbourhood Commercial Holding Zone ("C1(h)") to a site-specific Neighbourhood Commercial Zone ("C1-9"): As part of this application, 22,000 square feet of new commercial floor space is being proposed. That space is proposed to consist of 6,400 square feet of office space and 15,600 square feet of storage space (i.e., self-storage units). It is understood that the Town of LaSalle has requested a Traffic Impact Study as part of the application. This letter documents the review of the anticipated traffic impacts associated with the development proposal.

Proposed Site Context

The site at 6585 Malden Road is on the west side of Malden Road, approximately opposite Hollinger Avenue. A single unsignalized driveway is proposed for the site. No exclusive turning lanes (e.g., northbound left turn lane or southbound right turn lane) on Malden Road are proposed to service the site.

Existing Traffic Along Malden Road Near the Proposed Site

Traffic volumes along Malden Road south of Reaume Road are around 550 northbound and 390 southbound in the weekday AM peak hour. Weekday PM peak hour traffic count data was not readily available.

Trip Generation, Distribution, Assignment

Using the trip rates published by the Institute of Transportation Engineers in their document *Trip Generation Manual, 9th Edition*, a total of 12 vehicle trips (10 inbound and 2 outbound) are expected to be generated during the weekday AM peak hour by the site. For reference, the weekday PM peak hour would generate 14 vehicle trips (4 inbound and 10 outbound). These vehicle trip estimates are based on the ITE

235 Yorkland Blvd.
Suite 800
Toronto, Ontario
Canada
M2J 4Y8
Telephone
416.229.4646
Fax
416.229.4692

...cont'd

Dillon Consulting
Limited

Town of LaSalle, Mr. Peter Marra, P.Eng.

Page 2

October 5, 2017

rates for office space (Land Use Code 710 – General Office Building) and self-storage facilities (Land Use Code 151 – Mini-Warehouse).

Assuming a 50/50 split of traffic (from the north and south), the weekday AM peak hour volumes at the site driveway would consist of 5 southbound right turns, 5 northbound left turns, 1 eastbound left turn and 1 eastbound right turn. These volumes represent an insignificant amount of traffic when compared with the existing volume on Malden Road. *(The site traffic represents approximately 1.3% of current AM peak hour traffic on Malden Road.)*

Neither the 5 southbound right turn or the 5 northbound left turns will trigger any warrants for additional infrastructure (e.g., southbound right turn lane, northbound left turn lane) on Malden Road at the site driveway. Further, once these volumes are distributed on to the surrounding road network, their impact would be negligible at adjacent intersections.

Summary

The proposed 22,000 square foot development at 6585 Malden Road is anticipated to generate 12 vehicle trips during the weekday AM peak hour and 14 vehicle trips during the weekday PM peak hour. Once split out by direction (inbound vs. outbound) and origin/destination (north/south on Malden Road), these additional vehicle trips are expected to have a negligible impact on the operation of the proposed site driveway and adjacent intersections.

* * *

Should you have any further questions, please do not hesitate to contact me at (416) 229-4647, Extension 2376, or at mwalters@dillon.ca.

Yours sincerely,

DILLON CONSULTING LIMITED



Mike Walters, P.Eng.
Transportation Engineer

MDW:mrh
Project No. 16-4100-2100

Appendix E

Natural Heritage Opinion



MEMO

TO: Town of LaSalle
FROM: Christina Carter, Dillon Consulting Limited
cc: Allen Benson, Dillon Consulting Limited
DATE: October 5, 2017
SUBJECT: Technical Memo for the Proposed 6585 Malden Road Property Development located in the Town of LaSalle
OUR FILE: File # 16-4100

Dillon Consulting Limited (Dillon) was retained by Tuscany Oaks Limited to conduct environmental consulting services for a proposed development of storage garage condominiums located at 6585 Malden Road in the Town of LaSalle, Ontario (Figure 1). **The property is located on the west side of Malden Road north of Bouffard Road, and south of Rosati Drive and is legally described as 'Part of Lots 35 Concession 1 in the Town of LaSalle'.** The purpose of this Technical Memo is to provide confirmation that the recommended mitigation measures, agreed to by both Essex Region Conservation Authority (ERCA) and Dillon, meet the requirements for the proposed development.

An Environmental Impact Statement (EIS) (2005) was completed for the surrounding development by Gerry Waldron, Consulting Ecologist. On September 8, 2016, Dillon sent a Species at Risk (SAR) information request for the proposed development to the Ministry of Natural Resources & Forestry (MNRF), with a response Letter to Proponent (LOA) (AYL-L-030-17) received on March 28, 2017. On August 25, 2017, a response letter for an Environment Impact Assessment (EIA) Review (EIA-21-17) was received from ERCA. In addition, correspondence from ERCA on September 22, 2017 recommends that a permanent fence be installed around the site in order to protect the adjacent Candidate Natural Heritage Site (CNHS) and its ecological functions from negative impacts. Given the SAR mitigation measures outlined in the LOA surrounding the proposed drainage pond illustrated on **Figure 1** in addition to the permanent fence, Dillon agrees with ERCA that this will provide an appropriate level of mitigation for the adjacent natural heritage feature(s). The general purpose of the fencing is to eliminate encroachment into the natural areas and deter illegal dumping; therefore, the proposed chain link fence should not have any access gates and should be installed at a sufficient height. The location of where the permanent fence will be installed is shown on **Figure 1**.

Please do not hesitate to call 416-229-4647 ext. 2439 if you have any questions.

Yours sincerely,

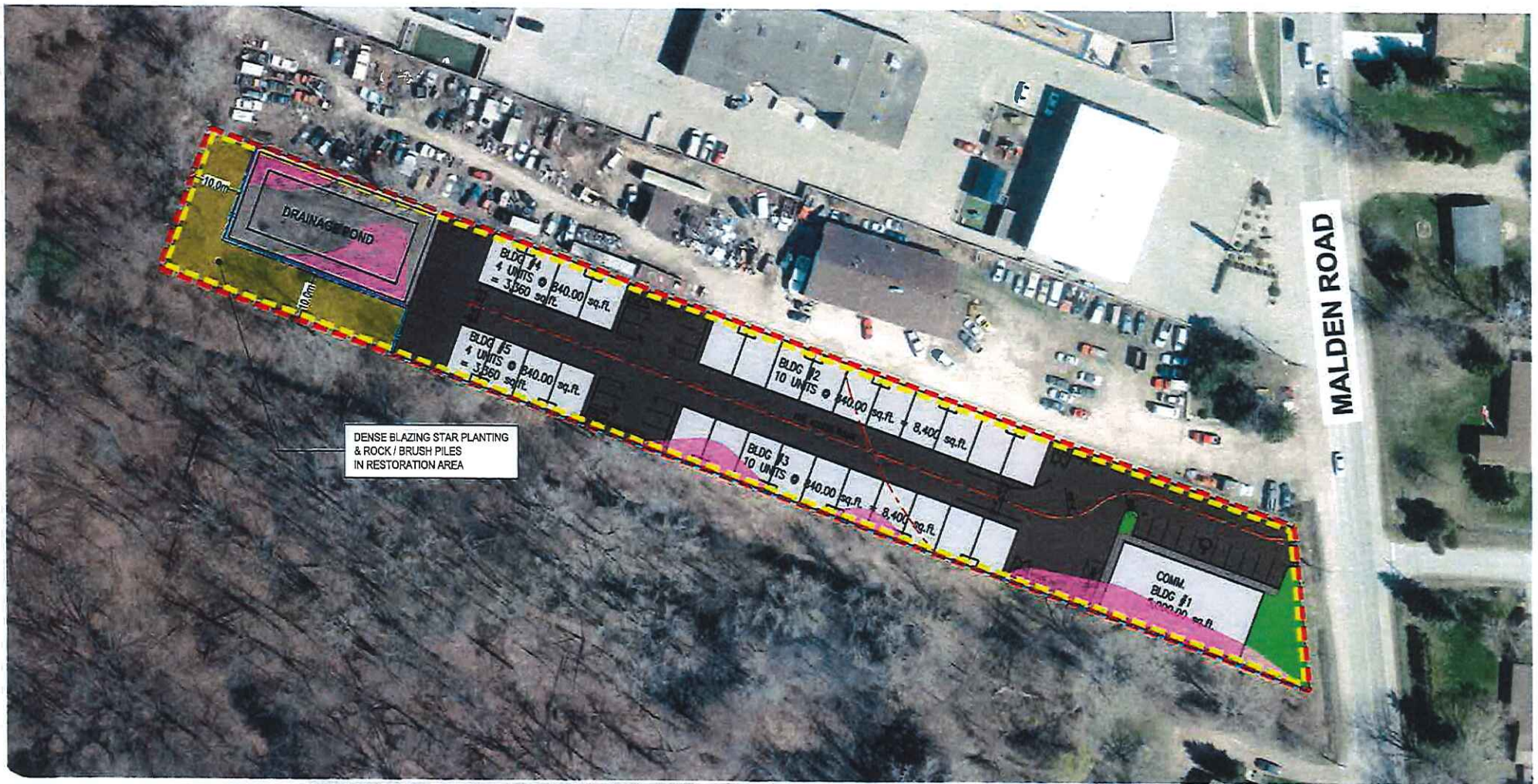
Dillon Consulting Limited

Christina Carter, M.E.S., EP
Biologist

Encl. Figure 1: Project Location

DILLON CONSULTING LIMITED

www.dillon.ca



TUSCANY OAKS LTD.
6585 MALDEN ROAD, LASALLE

FIGURE 1.0 - PROJECT LOCATION



PROPERTY BOUNDARY = ± 0.75ha (1.88ac)



AREA OF DISTURBANCE = ± 0.75ha (1.88ac)



APPROXIMATE LOCATION(S) OF VEGETATION REMOVAL



RESTORATION AREA

SOURCE: CONCEPTUAL SITE PLAN (BY OTHERS, 2013), COUNTY OF ESSEX 2015 AERIAL PHOTOGRAPH (2015)

PROPOSED FENCE

File Location:
c:\projects\working_directory\active\20\ds\037883\malden road ssv.dwg
October, 02, 2017 11:28 AM

MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE
VERIFIED BY AN O.L.S. PRIOR TO CONSTRUCTION.
CREATED BY: HW
CHECKED BY: KOT
DESIGNED BY: HW/KOT

SCALE: 1:1760



PROJECT: 18-4100
STATUS: FINAL
DATE: 08/24/2017

Figure 4

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NUMBER 8086

Being a by-law to amend Zoning by-law

No. 5050, the Town's Comprehensive

Zoning By-law, as amended.

WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O. 1990, and amendments thereto, to the Council of the Town of LaSalle to pass this By-law;

AND WHEREAS this by-law conforms with the Official Plan in effect for the Town of LaSalle, as amended;

NOW THEREFORE THE CORPORATION OF THE TOWN OF LASALLE BY ITS COUNCIL ENACTS AS FOLLOWS:

1. Schedule "C", Map 12, of By-law 5050, as amended, is hereby further amended by changing the zone classification on those lands depicted on Schedule "A" attached hereto and forming part of this by-law from Neighbourhood Commercial Holding Zone – "C1(h)" to a Neighbourhood Commercial Zone – "C1-9" and Neighbourhood Commercial Holding Zone – "C1(h)" to a Neighbourhood Commercial Zone – "C1-10";
2. Section 11, Neighbourhood Commercial (C1) Zone Regulations, of By-law No. 5050, as amended, is hereby further amended by adding a new subsection 11.3.9 to read as follows:

"11.3.9 – DEFINED AREA C1-9 as shown on Map 12, Schedule "C" of this By-law:

a) Permitted Uses

- i) All uses permitted in subsection 11.1.1 of this by-law;
- ii) retail store;
- iii) health studio and professional studio.

b) Permitted Buildings and Structures

- i) Buildings and structures for the other permitted use, serviced by a public water supply and a public sanitary sewage system;
- ii) Accessory buildings and structures for the permitted uses.

c) Zoning Provisions

- | | |
|----------------------------------|------------|
| i) Minimum Lot Area | Nil |
| ii) Minimum Lot Frontage | 23 metres |
| iii) Maximum Lot Coverage | 30 percent |
| iv) Minimum Landscape Open Space | 10 percent |

v) Minimum Yard Dimensions

- | | |
|-----------------------------|-----------|
| a. Minimum Front Yard Depth | 16 metres |
| b. Minimum Side Yard Width | Nil |
| c. Minimum Rear Yard Depth | 9 metres |

vi) Maximum Building Height 10.5 metres

d) Other provisions

Notwithstanding any other provisions of this by-law to the contrary:

- i) Buffer strip requirements of this by-law do not apply to lands zoned "C1-9";
- ii) A minimum of 43 parking spaces are required to be provided and maintained on lands zoned "C1-9";
- iii) Outside Display and Sale of Goods and Materials and Outside Storage is not permitted on lands "C1-9".

3. Section 11, Neighbourhood Commercial (C1) Zone Regulations, of By-law No. 5050, as amended, is hereby further amended by adding a new subsection 11.3.10 to read as follows:

"11.3.10 – DEFINED AREA C1-10 as shown on Map 12, Schedule "C" of this By-law:

a) Permitted Uses

- i) automobile repair garage;
- ii) building or contracting establishment;
- iii) commercial storage units.

b) Permitted Buildings and Structures

- i) Buildings and structures for the other permitted use, serviced by a public water supply and a public sanitary sewage system;
- ii) Accessory buildings and structures for the permitted uses.

c) Zoning Provisions

- | | |
|-----------------------------------|------------|
| iv) Minimum Lot Area | Nil |
| v) Minimum Lot Frontage | 23 metres |
| vi) Maximum Lot Coverage | 30 percent |
| vii) Minimum Landscape Open Space | 10 percent |
| viii) Minimum Yard Dimensions | |
| a. Minimum Front Yard Depth | 16 metres |
| b. Minimum Side Yard Width | Nil |

- c. Minimum Rear Yard Depth 9 metres
- ix) Maximum Building Height 10.5 metres

x) Outside Display and Sale of Goods and Materials and Outside Storage

- a. The area used for outside display and sale shall not be more than twice the floor area above grade of the commercial building, or a portion of any such buildings constructed upon the lot, and used for the commercial purposes for which outside display and sale is permitted, and in any event, such area for outside display and sale shall not be than 50 percent of the lot area;
- b. Any outside display shall comply with all other yard, setback and coverage requirements of this section;
- c. Any areas used for permitted outside display and sale shall be in addition to and separate from such areas as may be required by this By-law for the provisions of loading spaces;
- d. Prior to the establishment of an area for the outside display and sale of finished goods and products, the owners file in writing with the Corporation a notice thereof giving full particulars including a sketch or survey of the lands to be used in relation to all buildings or other structures on the same lot;
- e. No outside storage of unfinished goods, products or materials shall be permitted;
- f. No outside storage is permitted in areas designated for required parking.

d) Other provisions

Notwithstanding any other provisions of this by-law to the contrary:

- xi) Buffer strip requirements of this by-law do not apply to lands zoned "C1-10";
- xii) A minimum of 27 parking spaces are required to be provided and maintained on lands zoned "C1-10".

4. This by-law shall take effect from the date of passing by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first and second time and FINALLY PASSED this 28 day of November, 2017.

1st reading – November 28, 2016

MAYOR

2nd reading – November 28, 2016

3rd reading – November 28, 2016

CLERK