

## PLANNING JUSTIFICATION REPORT

13 Sandwich Street South, Town of Amherstburg,  
Ontario

### Abstract

This Planning Justification Report is in support of a Minor Official Plan Amendment, and a Zoning By-law Amendment application for lands described as Lots 1 & 2, Registered Plan 8 and Part of Lots 3 & 4, Registered Plan 240

Date: May 12, 2026

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## 1.0 Description of the Proposal

S.R. Petroleum Inc. is the owner and developer of certain lands having an area of approximately 0.53 hectares (1.3 acres) described as Lots 1 & 2 on Registered Plan 8, and Part of Lots 3 & 4, Registered Plan 240 in the Town of Amherstburg. The lands are referred to as the “Subject Lands” in this report.

There is an existing approximately 426.7 square metre building on the property that is to be repurposed together with a proposed 121.9 square metre addition.

The owner proposes to develop the lands as a highway commercial centre including a gas bar, convenience store, and restaurant with drive-through.

Figure 1 - Location Plan (Subject Lands)

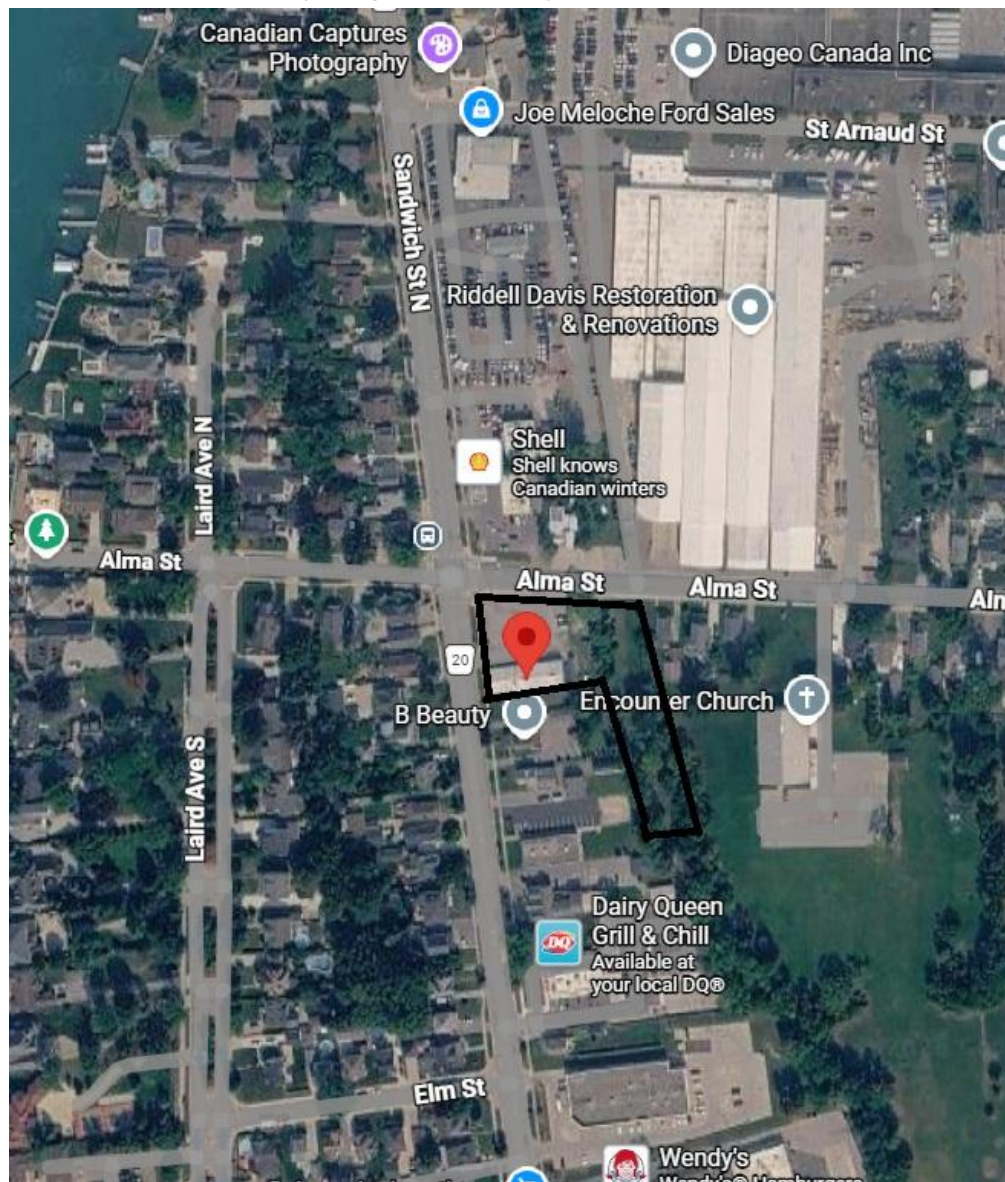
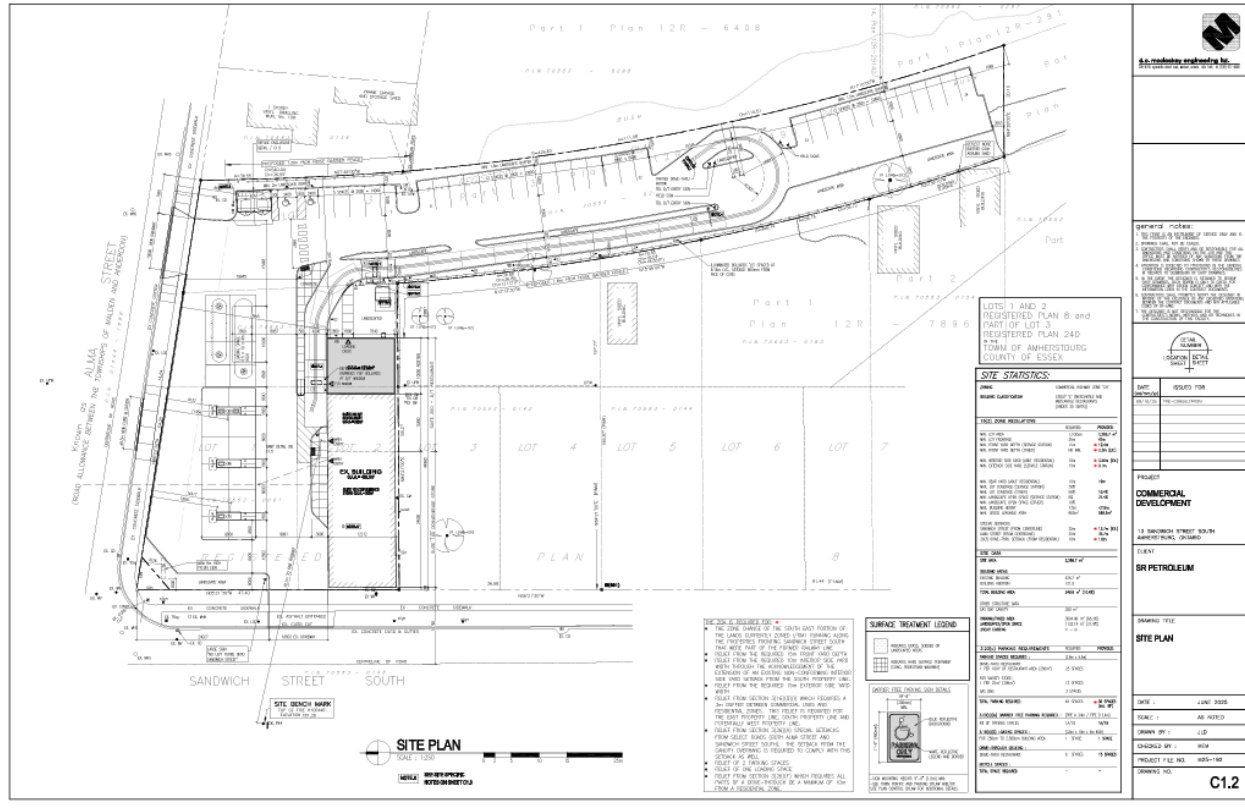


Figure 2 – Concept Plan (for clarity please refer to full size version)



## 2.0 Physical Features of Subject Property

### Structures

The Subject Lands contain a single storey commercial building with an asphaltic surface parking area.

### Vegetation

There are a number of mature deciduous trees located within the eastern portion of the Subject Lands.

### Topography

The Subject Property is generally level.

## Surrounding Land Uses

Immediately north of the Subject Lands is Alma Street, a two lane (one in each direction) asphaltic roadway. There is a commercial gas bar and convenience store located on the north side of Alma Street, across from the Subject Lands.

### South

Immediately south of the Subject Lands at 23 Sandwich Street is a 2-storey single detached residential property containing a home-based business. Further south are a collection of residential and commercial properties fronting on Sandwich Street.

### East

There are residential properties fronting on Alma Street east of the Subject Lands, together with a church property that also has frontage on Alma Street.

### West

Immediately west of the Subject Lands is Sandwich Street South, also known as Highway 18, being County Road No. 20. There are single detached residential dwellings on the opposite side of Sandwich Street South.

## 3.0 Planning Policy Documents

### 3.1 Provincial Planning Statement 2024

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the *Planning Act* and came into effect on October 20, 2024. The Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic, health and social factors in land use planning. The Provincial Planning Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

PPS subsection 2.1 Planning for People and Homes, sub item 6. Provides:

*Planning authorities should support the achievement of complete communities by:*

- (a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- (b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- (c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

The commercial redevelopment proposal on the Subject Lands contributes to the pursuit of a complete community providing commercial services to the local community and the travelling public.

*Subsection 2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

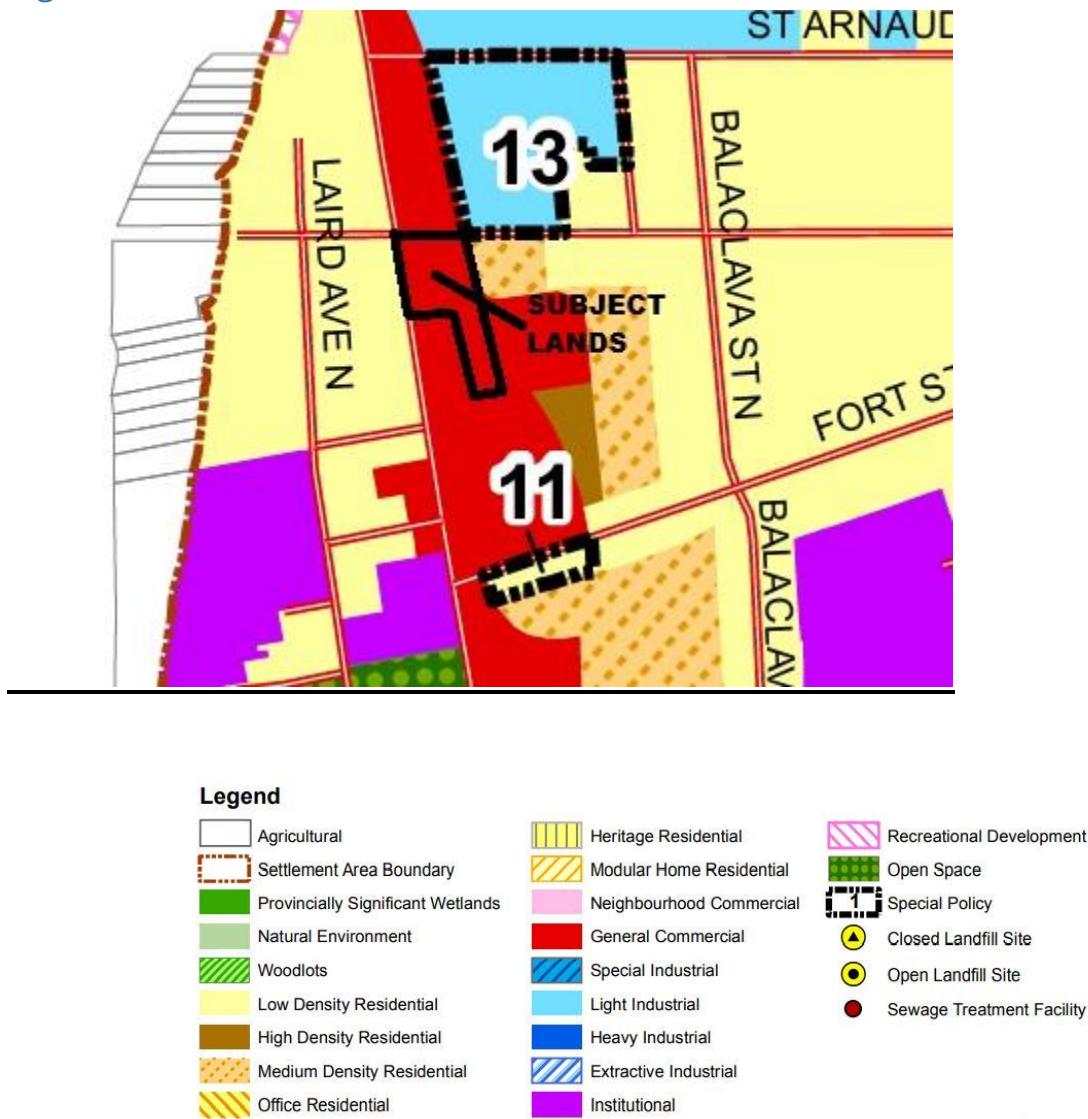
Commercial redevelopment on the Subject Lands is within a designated Settlement Area.

### Town of Amherstburg Official Plan

The lands are located within the Town of Amherstburg Settlement Area as shown on Schedule “A” Land Use Plan attached to the Official Plan for the Town of Amherstburg as approved by Council April 14, 2009 by By-law 2009-30, and approved by the County of Essex (Planning Authority) July 15, 2009.

The lands are designated “General Commercial” according to map Schedule “A” Land Use Plan attached to the Official Plan for the Town of Amherstburg.

Figure 3 Official Plan Schedule “A” Land Use Plan



Subsection 4.4.2 General Commercial in the Official Plan provides: “*The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor*”.

Proposed uses on the Subject Lands comply with the above portion of subsection 4.4.2 of the Official Plan.

*Recreational uses, automobile service stations and automobile sales and service agencies, car washes, agencies for recreational vehicles, motels, drive-through restaurants or other drive through establishments shall be restricted to locations on Sandwich Street north of Alma Street or South of Pike Street or on Simcoe Street.*

The Subject Lands are located on Sandwich Street adjacent to the south of Alma Street thus are in a location that contravenes the above portion of subsection 4.4.2. Therefore, an amendment to the Official Plan is required to circumvent the above noted portion of subsection 4.4.2 of the Official Plan.

In the Town’s current Official Plan a minor Official Plan Amendment is required to permit a drive-through restaurant at this location. Note that the Town is currently in the process of completing an Official Plan review. The draft new Official Plan permits drive-throughs on this property.

Development within areas designated General Commercial are subject to Site Plan Approval. The Official Plan notes that adequate buffering between commercial uses and residential uses shall be implemented. The site plan for the proposed development on the Subject Lands will include adequate buffering along the common property line with the residential dwelling adjacent to the east of the Subject Lands.

The site plan approval process, in accordance with subsection 41 of the *Planning Act, R.S.O. 1990* is applicable to all development within the General Commercial area designation. Through site plan control the Town will address matters such as access/egress, on-site parking, buffering, landscaping, vehicular movements, and other matters.

Subsection 4.4.2 of the Official Plan includes: “Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern”.

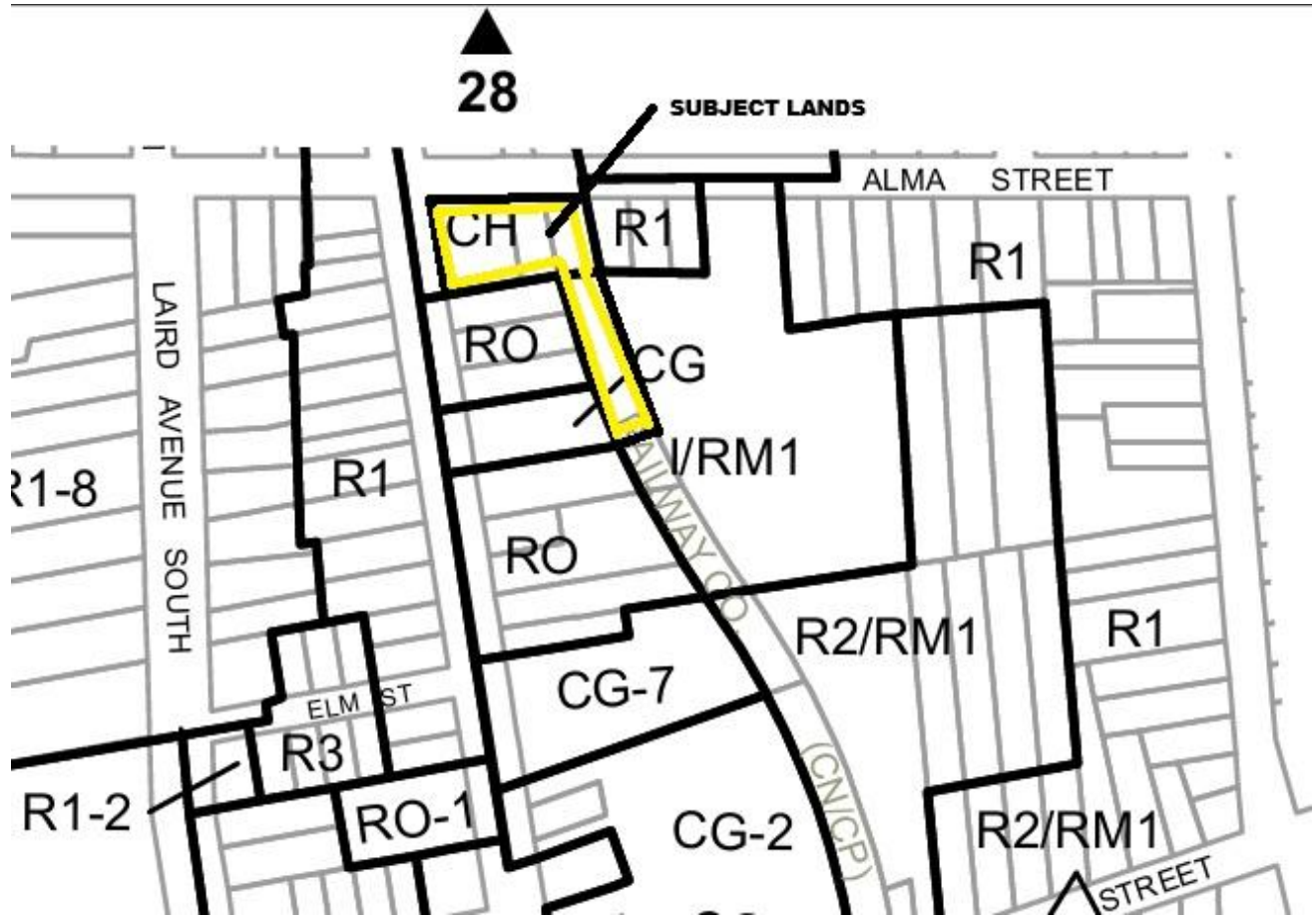
#### 4.0 Town of Amherstburg Zoning By-law No. 1999-52 As Amended

According to zoning By-law 1999-52 Schedule “A” Map 29, the lands are partly within the “Commercial Highway (CH)” zone, and partly within the “Institutional (I) /Residential Multiple First Density (RM1)” zone.

The CH zone permits the proposed uses being a “automotive use” that includes a gas retail outlet, and “restaurant”, drive-through.

A zoning amendment to bring the entire parcel into the CH zone category is required to accommodate the proposed development.

Figure 4 Zoning By-law Schedule “A” Map 37 (Portion)



Subsection 3(12)(b)i of the ZBL requires a 3-metre planting strip along the west side of the property abutting Sandwich Street South, and along the east limit of the property that abuts a residential zone.

Subsection 3(12)(b) ii of the by-law provides that where any fence, wall, row of trees or hedgerow is provided as part of a planning strip, such fence, wall, row of trees or

hedgerow shall be designed to have an ultimate height of not less than 1.5 metres, except within a sight triangle where the maximum height shall be 0.6 metres.

Subsection 3(16)(b) ii of the by-law provides that buildings over 250 square metres up to and including 2,500 square metres of net floor area require 1 loading space.

Therefore, this development proposal requires 1 loading space.

## 5.0 Supporting Studies (summaries)

### 5.1 Traffic Impact Statement

RC Spencer Associates Inc. prepared a Traffic Impact Statement dated April 2026 that has as its summary and conclusions:

- The existing signalized intersection of Sandwich Street at Alma Street will operate at a satisfactory level of service post buildout;
- The proposed westbound stop-controlled tee intersection of the site access at Sandwich Street South is expected to operate with some peak hour delays for egressing vehicles (due to northbound queues that currently develop at the signalized intersection); however, since the egress is restricted to right turns only, it is likely that natural gaps will develop to allow the egressing traffic access to Sandwich Street South;
- The Sandwich Street south site access meets the warrants for implementation of a 25m dedicated left turn lane for ingress into the site, but due to the proximity of the signalized intersection, implementation of a southbound left turn lane for site access;
- The proposed northbound stop-controlled tee intersection of the site access at Alma Street will operate at a satisfactory level of service; the Alma Street site access does not meet the warrants for implementation of a dedicated left turn lane for site access;
- Right turns from the Sandwich Street South site access may be obstructed due to the proximity of the signalized intersection and the northbound queues which currently block the proposed access during the respective peak hours, but there will be sufficient gaps in the Sandwich Street South traffic stream to ensure safe egress for vehicles turning right from the Sandwich Street south site access;
- There is sufficient sight distance for safe egress from the proposed site accesses;
- The design vehicles can adequately manoeuvre into, through, and out of the site.

Based on the results of the technical work, it is the engineer's opinion that the proposed Sandwich Street South site access could be limited to "right-in" movements. Given the alternative opportunity for southbound lefts to equivalent access the site via Alma Street, it is the engineer's opinion that the subject Sandwich Street South site access

could be signed in a manner that limits site access via Sandwich Street South. Regardless, the modelling indicates that the development will not adversely impact area traffic operations; further geometric and / or traffic control improvements are not required to support the proposed commercial development.

## 5.2 Noise Attenuation Study

**A noise attenuation study is currently underway, and the results of the study will be provided to the Town. In addition, the landowner agrees to undertake any and all recommendations put forth by the subject matter expert.**

## 5.3 Environmental Assessment

**A Phase 1 Environmental Site Assessment is currently underway. The landowner will complete any and all additional environmental studies and address any recommendations put forth by the subject matter expert.**

## 6.0 Site Suitability

The lands are ideally suited for redevelopment and expansion of the highway commercial use for the following reasons:

- Soil and drainage conditions are suitable to permit the proper siting of buildings.
- The services and utilities in the area can adequately accommodate the proposed development.
- The local road system is adequate to accommodate projected increase in traffic.
- The land fronts on public roads which are of a good standard of construction.
- Adequate measures will be taken to prevent any adverse effects that the proposed development may possibly have on existing adjacent and area uses.
- Access/egress for the proposed development is from two existing local roadways.
- There are no natural or man-made impediments to developing the lands.
- There are no environmental concerns raised from the proposed expanded use of the property.

## 7.0 Compatibility

The proposed development is compatible with the surrounding area in terms of scale, massing, and height of buildings.

The proposed expansion of the existing commercial development is a contiguous expansion of the similar commercial development on Sandwich Street South on the north side of Alma Street.

## 8.0 Good Planning

The proposed expansion of the existing commercial development represents good planning for the following reasons:

- The proposed redevelopment represents efficient use of land in a compact form that minimizes land consumption and makes efficient use of existing public services.
- The proposed development meets the Town's locational requirements: being on an arterial roadway; on full municipal services; adequate community services; and proximity to public transit.

The fact that the proposal is supported by provincial, county, and municipal planning policy, and the site is suitable for the intended use on several criteria attests to the fact that the proposal represents good planning.

## 9.0 Municipal Services

The proposed development will be serviced with potable water distribution, wastewater, and storm drainage without negatively impacting the existing municipal infrastructure.

## 10 Social and/or Economic Conditions

The subject proposal does not affect the social environment and bolsters the economic conditions in the area by augmenting area commercial uses to better serve local residents and the traveling public.

## 11 Conclusions

The proposal to redevelop the lands for an expanded commercial development consisting of retail gas sales, a convenience store, and restaurant with drive through should be supported and approved by the Town of Amherstburg Council for the following reasons:

- Is consistent with the Provincial Planning Statement 2024.
- meets the intent and purpose of the Official Plan for the Town of Amherstburg.
- is a site that is physically suitable to the proposed use.
- does not impact the private use and enjoyment of neighbouring properties.
- will not have any negative natural environment impacts.
- will not have any negative impacts on municipal services.
- will not have any negative social environment impacts.
- will have a favourable positive impact on the Town's economic environment.

For the above reasons, it is appropriate for the Town of Amherstburg to approve a minor Official Plan Amendment, and a Zoning By-law Amendment application on the subject property.

**HRK Realty Services Ltd.**

Date: May 12, 2026

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**Harold R. Kersey, RPP**  
President