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1.0 INTRODUCTION

This Planning Justification Report has been prepared in support of an application for a Zoning By-law Amendment by Choice Properties REIT to permit the intensification of an existing commercial property at 13311 Loyalist Parkway (the “subject lands”) with additional commercial retail uses. The proposed development will consist of a new health and personal care retail building adjacent to the existing supermarket; and a stand-alone multi-unit retail building near the street.

Pre-consultation discussions were held with Prince Edward County staff on February 9th to confirm the scope of the application and the supporting materials for a complete Zoning By-law Amendment application. A site plan has been prepared and submitted in support of this application, detailing the location of the proposed buildings, parking and loading spaces, and general site characteristics. Preliminary Site Plan comments from Prince Edward County staff have been incorporated into the site plan on which this Zoning By-law Amendment application is based.

The proponent intends to construct two new buildings to accommodate a range of commercial retail uses. Site-specific provisions currently apply to the subject lands which restrict uses to a supermarket and gas bar; therefore, the Zoning By-law Amendment seeks to permit various retail uses in addition to the existing permissions.

2.0 SUBJECT LANDS

2.1 SITE DESCRIPTION

The subject lands are located on the south side of Loyalist Parkway across from the southerly terminus of George Wright Boulevard; with an area of approximately 3.88ha and approximately 229m of frontage (Figure 1). The irregular-shaped parcel is currently occupied by a supermarket (NoFrills) and a gas bar (Mobil), which are separated by a signalized, internal private access road off Loyalist Parkway. A multi-use recreation trail (Millenium Trail) abuts the subject lands to the south. The subject lands have landscaping features consisting of multiple trees and grass located along the front and rear property lines, and internal roads connecting to adjacent properties. Parking for the existing supermarket is provided in the front yard, in view of the street.

Figure 1 – Subject Lands Aerial



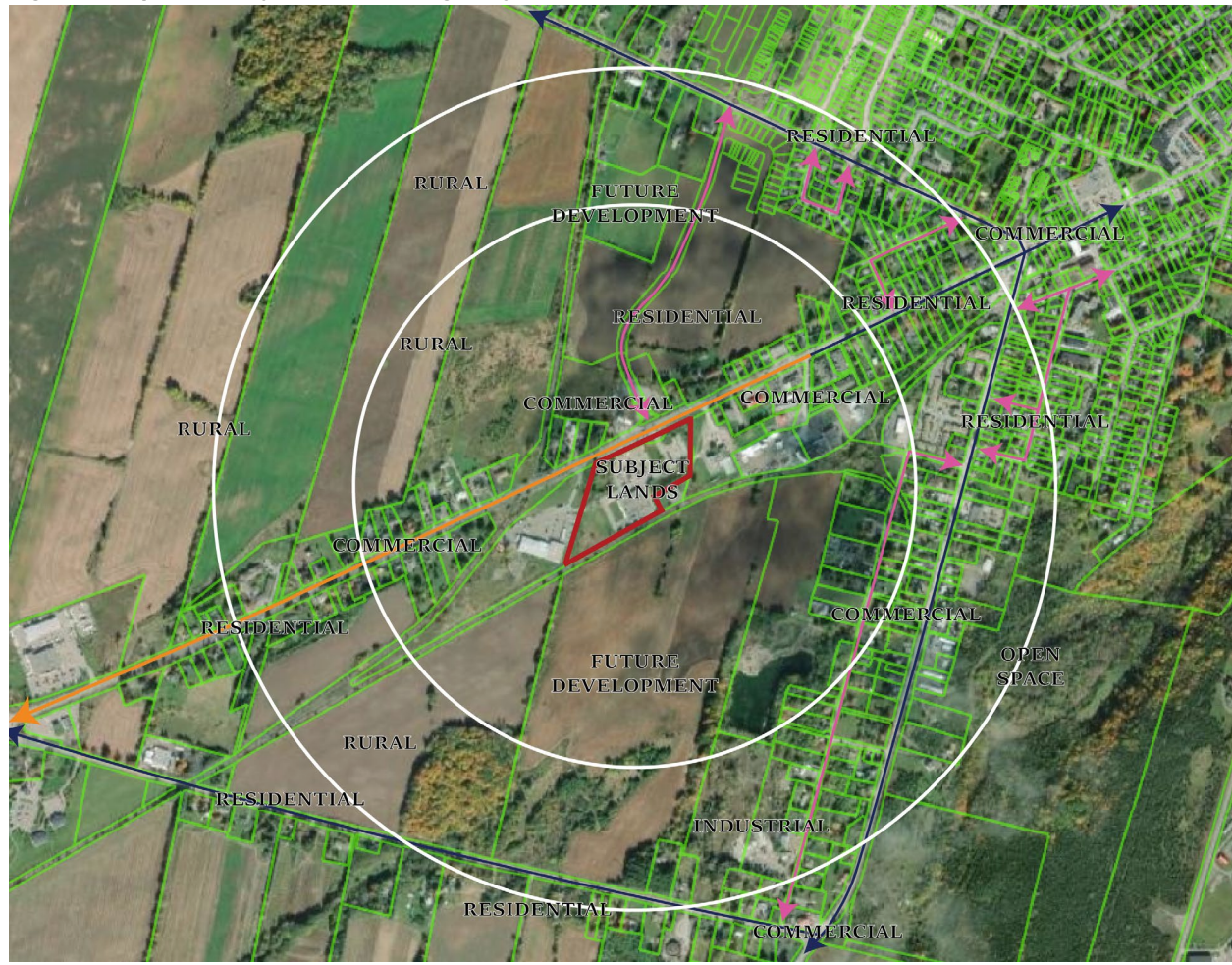
2.2 SPATIAL ANALYSIS AND NEIGHBOURHOOD CHARACTER

The subject lands are located along a Provincially-owned highway, which provides multiple vehicular lanes in both directions (east and west). The subject lands are located at a key gateway to the town of Picton, and cater primarily to vehicular movement. There are pedestrian sidewalks along both sides of Loyalist Parkway, and a multi-use trail to the south for pedestrian movement.

Figure 2 on the following page shows the subject lands, notable features and land uses within 400m and 800m radii from the site. The two radii represent walking distances of approximately 5 and 10 minutes, respectively, although due to sidewalk networks and other barriers, the radii may not represent true walking times.

Road designations in the *Prince Edward County Official Plan* are depicted on Figure 2 as: “Highway – Ministry” in orange; “County Arterial” in dark blue; and “County Local” in pink.

Figure 2 – Spatial Analysis Surrounding Subject Lands



400m Radius

Areas within 400m (approximately 5 minutes walking distance) are comprised of primarily commercial and residential uses, and vacant lands. Primarily commercial uses are found to the north, east and west in the immediate vicinity of the subject lands, along Loyalist Parkway. A plaza containing a food store (Foodland), retail, pharmacy, and restaurant uses is located to the north of the subject lands, across Loyalist Parkway. A multi-use pathway (Millenium Trail) abuts the subject lands to the south. The lands to the south of the Millenium Trail are currently vacant, and will be developed in the future for residential uses. A fitness and aquatic centre is located to the east, and retail (Canadian Tire) is located to the west of the subject lands. The surrounding uses are typically characterized by one-storey buildings with large floorplates, and parking in the front yard.

Residential and open space uses are currently being developed on lands to the north, to round out the existing neighbourhood. Agricultural uses are also located to the north. The residential uses are modern, and are characterized by one- and two-storey single-detached dwellings with small front yards. Sidewalks are generally found on one side of the street to facilitate safe

pedestrian movement. A multi-use pathway abuts the subject lands to the south that crosses the extent of the 400m radius from east to west. It is anticipated that the lands to the south of the trail will be developed with similar residential characteristics to those in the northern extent of the 400m radius.

The lands to the east and west within the 400m radius along Loyalist Parkway are developed for a mix of residential and commercial uses. Most of the development in both directions is characterized by one-storey buildings, with significant front yard setbacks to both commercial establishments and residential buildings. As this area is well-suited to vehicular movement, two lanes of traffic are provided in each direction, and front yard parking is a common condition.

800m Radius

Lands within an 800m radius (approximately 10 minutes walking distance) are comprised of a similar mix of land uses, including commercial and residential uses, and vacant lands. Industrial and agricultural uses are also found within the 800m radius.

The northern extent of the 800m radius is comprised of primarily agricultural and residential uses, and vacant lands. Some of the vacant lands are currently being developed for low-density residential uses, and some of the lands are designated for future development. Similarly, the southern extent is generally comprised of future development lands, which are currently used for agriculture, and existing low-density residential uses. An industrial use (Power Concrete Products) is located at the southerly extent of the 800m radius.

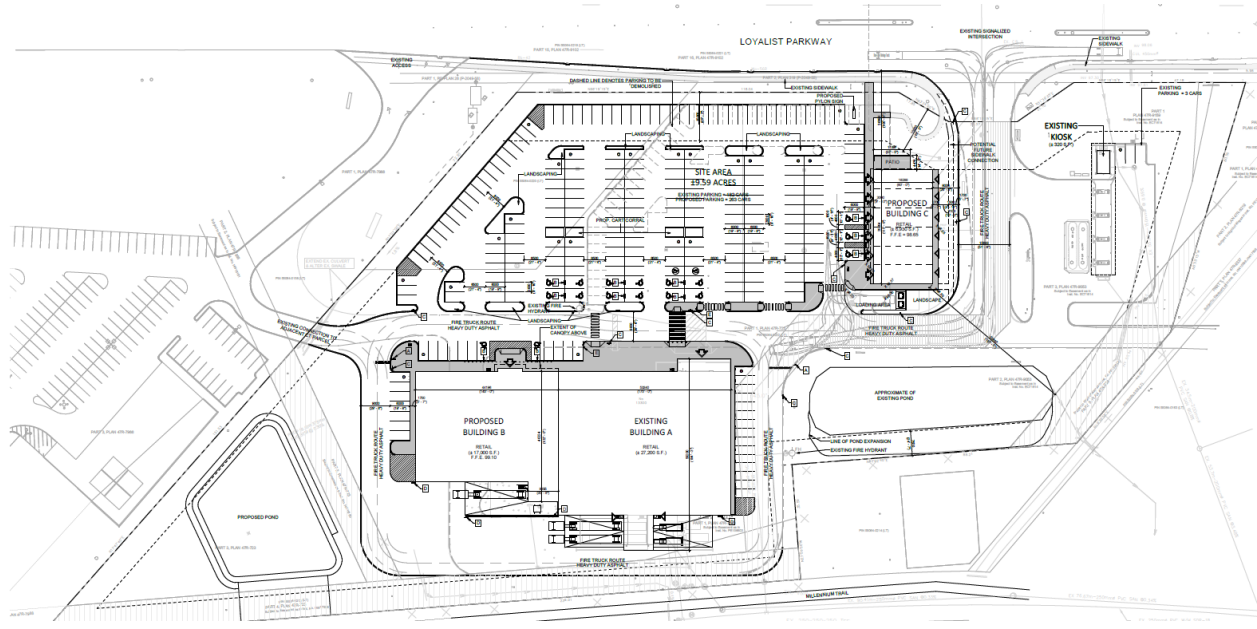
The easterly and westerly extents of the 800m radius contain similar uses, consisting of a mix of residential and commercial uses along Loyalist Parkway. To the east, within the Downtown Core of Picton, a greater range of commercial and residential uses are found at a greater density than those uses to the west. Open space with a scenic lookout (Millenium Lookout) is found further to the east, connected by the Millenium Trail that extends east and west beyond the 800m radius.

Given the applicable land use policy framework, availability of servicing, and gateway location of the subject lands, the site provides an opportunity to incorporate further development to support the character and planned function of the area. The subject lands are bordered on the north side by a public right-of-way, and on the south by a multi-use pedestrian pathway. Use of the subject lands should consider the vehicular and pedestrian presence in the area, and contribute to an active streetscape with appropriate enhancements to the existing site to facilitate safe and compatible vehicular and pedestrian movement.

3.0 PROPOSED DEVELOPMENT

The subject lands are proposed to be developed with two new buildings for commercial uses, in addition to the existing supermarket and gas bar. One new building containing health and personal care retail is proposed adjacent to the existing supermarket. The other new building, containing multiple retail units, is proposed on the west side of the primary site entrance road, close to Loyalist Parkway. The base layout plan below (Figure 3) provides details relating to the site layout, including the existing and proposed building locations, parking, pedestrian connections, and landscaping.

Figure 3 – Site Layout



The primary public interface of the subject lands is defined by the new multi-unit retail building, which is located near the site entrance and Loyalist Parkway. The building activates the street, and creates a pedestrian-friendly environment. The multi-unit building effectively shields the central parking area from the east, and adds definition to the site entrance. The health and personal care building adjacent to the existing supermarket utilizes undeveloped areas of the subject lands in a large-scale format which is similar to the surrounding uses.

The primary pedestrian entrance to the site is enhanced, with a new sidewalk connection leading directly from the street to the site. The existing sloped sidewalk connection will be retained for accessibility. Sidewalks and road painting ensures pedestrians are able to walk from the street across the front of the new multi-unit retail building to the supermarket at the rear of the site safely. A central parking area is conveniently located between the buildings, with some expansion to the existing parking area required. Loading spaces for each building are accommodated away from the street and primary building entrances to maintain a positive relationship with the street.

Functional servicing requirements for the proposed development consist of existing public services and refuse collection. A Functional Servicing Report, discussed in detail in Section 6 of this report, has confirmed adequate capacity within the existing services to accommodate the proposed additional uses. The existing watermain is known to have capacity to supply the

proposed commercial uses. Garbage will be stored externally near the loading area of each building in a partially underground Earth Bin to eliminate adverse visual and potential odour impacts on adjacent properties.

4.0 PROPOSED ZONING BY-LAW AMENDMENT

A Zoning By-law Amendment (“ZBA”) to rezone the subject lands from “*Highway Commercial (CH-22)*” to a site-specific “*Highway Commercial (CH-(_))*” is proposed to permit additional commercial uses. The re-zoning would permit the non-residential uses of the “*Highway Commercial*” zone, and additional proposed commercial uses on the subject lands.

The following Special Provisions are requested:

- Include Health and Personal Care Retail as a permitted use;
- Include Retail Commercial Establishment as a permitted use;
- Include Personal Service Shop as a permitted use; and,
- Include Medical or Dental Clinic as a permitted use.

5.0 LAND USE POLICY AND REGULATORY ANALYSIS

The following sections of this Justification Report provide analysis of the proposed development and ZBA application with respect to applicable policy and regulatory documents, including the Provincial Policy Statement (2020), the Prince Edward County Official Plan (2021), the Picton Urban Centre Plan (2015) and the Prince Edward County Zoning By-law (1816-2006).

5.1 PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and “provides policy direction on matters of provincial interest related to land use planning and development.” In accordance with the *Planning Act*, all decisions affecting land use planning matters shall be consistent with the policies contained in the PPS. The proposed development is consistent with the PPS, for the following reasons:

- The commercial intensification of the subject lands will effectively minimize land consumption while maximizing economic opportunities and long-term growth within an urban settlement area (1.1.3.2; 1.1.3.4; 1.1.3.6);
- Appropriate municipal infrastructure, including sanitary sewers, watermains, and roads, are currently available to service the proposed development. No undue expansion is required, and no public health and safety concerns are anticipated as a result of the proposed development (1.1.3.4; 1.6.6.2);
- The proposed development is compatible with surrounding commercial land uses and existing vehicle-oriented transportation patterns along a major road, while providing opportunities for enhanced active transportation at a key gateway to the settlement area (1.6.7.4);
- The proposed development will increase commercial density near compatible uses without impacting nearby residential uses, natural heritage features, or other sensitive land uses (1.2.6.1).

Based on the above analysis, the proposed development is consistent with the policies of the PPS.

5.2 PRINCE EDWARD COUNTY OFFICIAL PLAN, 2021

The Prince Edward County Official Plan, adopted in 2021, provides a policy framework that protects and enhances liveability, provides a strong quality of place, and balances strong communities. The proposed development is located within the “*Urban Centre*” designation as identified on Schedule A-4 to the Prince Edward County Official Plan (Figure 4, following page).

Figure 4 – Schedule A-4 Land Use Designations Excerpt (subject lands outlined in yellow)



The following details the consistency of the proposed development with applicable policies of the Prince Edward County Plan:

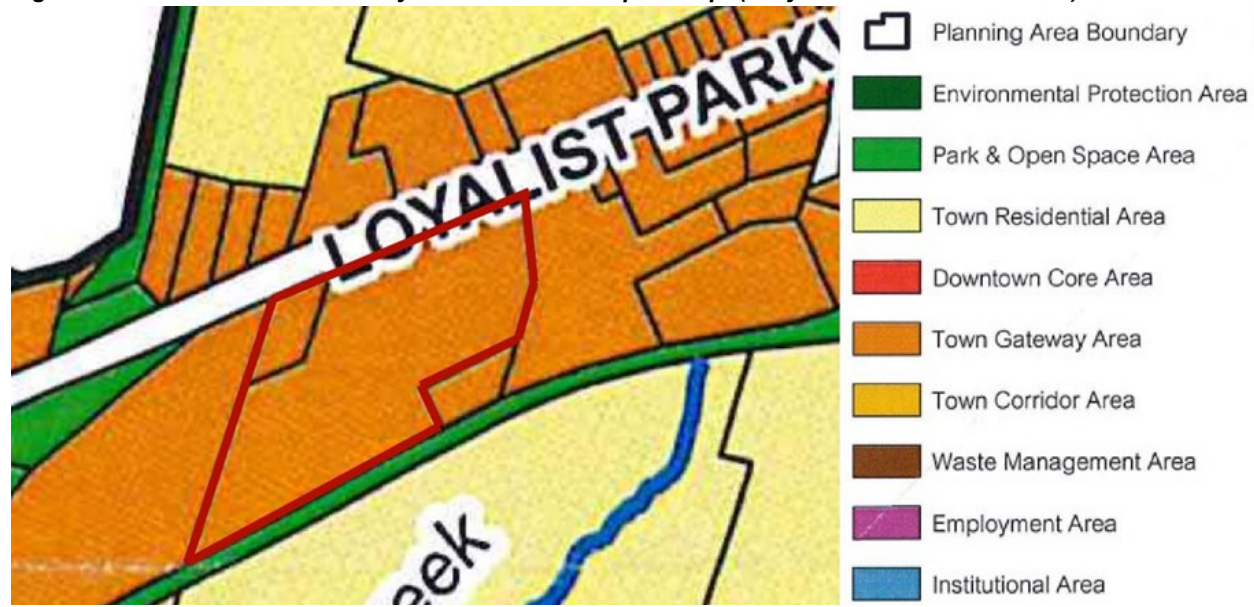
- The County has prepared detailed Secondary Plans for the designated “Urban Centres”, which provide for more detailed planning policy guidance. Analysis of the Secondary Plan policies is found in the following section of this report (4.1.2.1);
- Consistent building height, similar massing and scaling, and street-oriented buildings are proposed to be is compatible with the existing development on the subject lands, and with adjacent uses to enhance the character of the local area (3.3.7);
- The proposed development encourages active transportation by providing bicycle parking, increasing sidewalk connectivity, and situating many commercial services close together for convenient access (3.3.7); and,
- Full municipal water and sanitary sewer services are available for the proposed development without expansion or extension of those services. Stormwater management will be undertaken for the proposed development to ensure appropriate quality and quantity controls are in place to accommodate the additional development of the subject lands (3.4.3).

Based on the above review, the proposed development is in conformity with the policies of the Prince Edward County Official Plan.

5.3 PICTON URBAN CENTRE SECONDARY PLAN, 2015

The Picton Urban Centre Secondary Plan is a guiding document intended to provide specific policy direction within the town of Picton to ensure a compatible, community-centred approach to growth and development. The proposed development is designated “Town Gateway Area” in the Picton Urban Centre Secondary Plan, as shown in Figure 5.

Figure 5 – Schedule A – Secondary Plan Land Use Map Excerpt (subject lands outlined in red)



The following analysis details the consistency of the proposed development with applicable policies of the Picton Urban Centre Secondary Plan:

Policy 2.5.2.1

Council shall recognize the Town Gateway Area as the primary gateway to Picton-Hallowell and the ancillary mixed use area to the Downtown Core with community-scale personal and business service, tourism, and creative rural economic uses. While most of these uses require a larger building or more off-street parking than is appropriate elsewhere, some uses will be provided in residential or converted residential buildings. Intensification should be encouraged.

The proposed development seeks to incorporate community-scale personal and business service uses, in addition to existing larger buildings with adequate off-street parking. A mix of small- and large-format retail is proposed to provide a variety of commercial options. The proposal will intensify the subject lands in an appropriate and desirable manner.

Policy 2.5.2.2

Permit a mix of community-scale commercial and community uses in the Town Gateway Area, including, but not limited to: retail; personal service; business service; tourism service; office; auto- and equipment-related sales and service; and, parks and open space.

The proposed commercial development seeks to provide a range of retail and personal services in addition to the existing retail uses. The proposed retail and personal service uses are intended to serve the needs of the surrounding community, and are compatible with the existing commercial fabric of the immediate and surrounding areas.

Policy 2.2.5.3

Permit retail commercial ground floorplates of up to 2000 square metres for individual businesses. One-time expansion of existing retail commercial development beyond the floorplate limit may be permitted, provided such expansion does not exceed 30 percent of the original floorplate area.

Two buildings are proposed: one multi-unit retail building with a floorplate of approximately 644 square metres; and one health and personal care retail building with a floorplate of approximately 1580 square metres. No expansion to the existing retail commercial development is proposed.

Policy 2.5.2.7

Recognize that intensification in the Town Gateway Area will result from the redevelopment of key commercial and industrial sites, infilling, and the commercial conversion of existing residential buildings. Intensification and redevelopment in the Town Gateway Area shall be consistent with the town design policies of Section 4.1 and the community improvement policies of Section 4.5.2 of this Plan.

The proposed development represents infilling and intensification of the subject lands. As noted in the previous section of this report, the proposed development will have consistent character, massing and form to those buildings in the surrounding area. Future building designs will be consistent with the applicable design policies.

Policy 2.5.2.13

Discourage “strip” development in the Town Gateway Area whereby commercial uses are disconnected from the surrounding neighbourhood. “Strip” development may be discouraged by:

- b) Encouraging new development to locate parking at the side or rear of a property so as to reduce negative visual impacts; and,*
- c) Encouraging new development to locate buildings nearer the street, while considering the setback of existing neighbouring buildings, to create a sense of enclosure consistent with compact town form.*

Intensification of the subject lands effectively eliminates the potential for strip development. One of the proposed buildings is located close to the street to screen parking from the street and to create a positive pedestrian environment. Constraints including required Ministry of Transportation (“MTO”) setbacks and grade changes prevent the building from being located closer to the street. The other building is proposed in a central location, and the existing parking layout will be utilized to accommodate vehicular movement to the subject lands.

Policy 4.1.5

Ensure that the design of new development and redevelopment is visually compatible with the surrounding neighbourhood, including its cultural and natural heritage features. Elements of compatibility to be considered include:

- a) *Siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood, such as: scale; massing; setbacks; access; landscape treatment; building materials; exterior design elements; and, lighting.*

The design of the proposed buildings will be modern, and compatible with the surrounding neighbourhood. The buildings will have a similar scale and massing to those across Loyalist Parkway to the north. Setbacks and landscaping treatments will be consistent with the adjacent properties which are also impacted by required MTO setbacks.

Based on the above analysis of the applicable policies of the Picton Urban Centre Secondary Plan, the proposed development is in conformity with the Plan.

5.3 PRINCE EDWARD COUNTY COMPREHENSIVE ZONING BY-LAW, 2006

The subject lands are currently zoned “*Highway Commercial (CH-22)*” in the Prince Edward County Zoning By-law No. 1816-2006 (Figure 6). The non-residential uses permitted in the “*Highway Commercial*” zone include, but are not limited to: antique shop; motor vehicle dealership or sales lot; motor vehicle fuel bar with an automatic or coin-operated motor vehicle wash establishment; fruit and vegetable market; restaurant, including take out, drive thru, and mobile restaurant; food store; brew-your-own beer and wine establishment; and veterinary clinic. Limited residential uses, including dwelling units, are permitted as accessory uses to any permitted non-residential use. The site-specific zoning provision permits only a supermarket and gas bar on the subject lands, with limited Gross Floor Area for specific supermarket uses.

The site-specific zoning does not permit health and personal care retail, retail commercial establishment; personal service shop; or medical and dental clinics. A Zoning By-law Amendment (“ZBA”) is required to rezone the subject lands in order to permit the proposed commercial uses.

Figure 6 – Zoning By-law 1816-2006 Excerpt (subject lands outlined in red)



Table 1 below provides a comparison of the regulations for the proposed “*Highway Commercial*” zone with the proposed regulations for the commercial development.

Table 1 – Zoning Comparison Chart

	Required	Proposed	Shown on Plan
Lot Area (min.)	740m ²	740 m ²	38,800m ²
Lot Frontage (min.)	25.0m	25.0m	231.4m
Front Yard Depth (min.)	15.0m	15.0m	15.0m
Interior East Side Yard Depth (min.)	7.5m	7.5m	>7.5m
Interior West Side Yard Depth (min.)	7.5m	7.5m	>7.5m
Rear Yard Depth (min.)	7.5m	7.5m	>7.5m
Landscaped Open Space (min.)	35%	35%	40%
Lot Coverage (max.)	30%	30%	12.5%
Height (max.)	10.5m	10.5m	8.5m
Parking Spaces (min.)	5.5/100m ² = 263	5.5/100m ² = 263	5.5/100m ² = 263

The zone regulations proposed in the “*Highway Commercial*” zone are standard, and with the exception of the request for additional uses, no specific regulations are requested.

Retail, Commercial, Service, and Clinic Uses

The proposed development seeks to intensify the subject lands with additional commercial retail uses which include Health and Personal Care Retail, Retail Commercial Establishment, Personal Service Shop, and Medical or Dental Clinic uses. In the proposed “*Highway Commercial (CH-(_))*” zone, large-scale services and retail establishments are permitted, but smaller-scale services and retail establishments are not. Allowing additional forms of commercial uses will expand the range of uses permitted on the subject lands, consistent with the “*Town Gateway Area*” policies of the Picton Urban Centre Secondary Plan, and provide flexibility for uses which are compatible with the changing form of the neighbourhood.

Minimal impacts are anticipated from the addition of a range of commercial service and retail establishments. Loading and refuse collection areas are strategically located at the rear of the proposed buildings to limit visual impacts from the street and reduce potential noise and odour concerns. Pedestrian and vehicle connections are incorporated into the proposed site design to accommodate the increased presence as a result of the intensification of the subject lands. Furthermore, lands to the north have been developed with a range of large- and small-format commercial and service uses to provide a greater range of compatible uses on an existing commercial site. It is anticipated that the proposed commercial service and retail establishments would not impact the commercial viability of the Downtown Core Area, as the proposed retail uses rely on the availability of larger site areas and convenient vehicular access. Furthermore, as surrounding vacant residential lands develop, there will be greater demand for a wider range of services that are in close proximity and accessible by various forms of transportation.

Based on the zoning analysis of the proposal and the existing site conditions, the requested “*Highway Commercial (CH-(_))*” zone is an appropriate implementing zone for the proposed development and the associated ZBA. The requested amendments are consistent with the Provincial Policy Statement and in conformity with the Prince Edward County Official Plan and the Picton Urban Centre Secondary Plan.

6.0 SUPPORTING SUBMISSION MATERIALS

This Planning Justification Report relies in part on the supporting materials as outlined below. The supporting submission materials were prepared in accordance with the complete application requirements outlined in email correspondence, dated March 21, 2023.

Functional Servicing and Stormwater Management Report

The Functional Servicing and Stormwater Management Report, prepared by Odan/Detech Group Inc., dated November 2023, was prepared to evaluate the servicing capacity for the proposed development and confirm the appropriate stormwater management facilities for the subject lands. The report assessed the existing and proposed sanitary and water capacity in the context of the existing and proposed additional commercial uses. The report concluded that, based on the sanitary and watermain capacity and expected flow rates, the proposed development can be supported by the existing infrastructure.

The report also assessed the pre-development and expected post-development flows for a 5-year and a 100-year storm event, and the treatment to achieve the required 80% TSS removal target. The report found that post-development stormwater flows can be controlled to pre-development levels using roof top control and on-site storage in two stormwater management ponds. A sand filter can be used to achieve TSS removal of 80%, as required. Overall, the proposed development will be adequately serviced.

Transportation Impact Study

The Transportation Impact Study, prepared by LEA Consulting Ltd., dated November 17, 2023, was prepared to assess the existing and future pedestrian, cycling and vehicular traffic conditions for the subject lands, including parking and loading. The report concluded that the intersections assessed operate at acceptable levels currently, and are expected to operate at acceptable levels of service during peak hours under future total conditions. The proposed parking supply is adequate to support the additional commercial and retail uses on the subject lands. The four loading spaces proposed to serve the new buildings are appropriate based on the future uses.

It is acknowledged that discussions regarding an extension of George Wright Boulevard through the subject lands to support a proposed Draft Plan of Subdivision to the south were held with County staff throughout the Pre-Consultation process. No policy documents or mapping identified a road connection was planned through the subject lands, and as such, no road connection is provided with this submission. The site layout, however, has been designed to accommodate a 20.0m wide public right-of-way in the event that an extension of George Wright Boulevard is required in the future. Discussions with County staff and the developer of the lands to the south are ongoing to determine details related to the location, construction and cost sharing potential for the road.

Phase I Environmental Site Assessment

A Phase I Environmental Assessment, prepared by VTX Consulting Services Inc., dated November 8, 2023, was prepared to determine the likelihood of contamination of any land or water on, in or under the subject lands, and assess the need for a Phase II ESA. VTX Consulting conducted a review of aerial photographs, interviews and site reconnaissance to assess the site and found multiple potentially contaminating activities had occurred both on the site and off the site. While this was expected due to the nature of the commercial uses in the area, the report

concluded that a Record of Site Condition could not be filed based on the Phase I ESA alone, and a Phase II ESA was required.

7.0 CONCLUSIONS

The proposed development seeks to intensify an existing commercial site to add two new commercial buildings to accommodate a range of uses that are appropriate within the context of the neighbourhood. The neighbourhood is currently experiencing growth and intensification of both residential and commercial uses, and the proposed development is compatible with expected changes to the community fabric. The appearance of the subject lands will be enhanced with modern-looking multi-use buildings, visibility from the street, and new landscaping features to screen parking.

The proposed commercial uses are not permitted within the current zoning of the property; however, given the findings of this report and the supporting materials, it is concluded that the subject lands are well-suited for the proposed service and retail uses. The Zoning By-law Amendment will facilitate intensification on an existing commercial site, with expanded land use permissions to allow a range of commercial uses. The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement and in conformity with the Prince Edward County Official Plan and the Picton Urban Centre Secondary Plan. The proposed development is consistent with the standard provisions of the “*Highway Commercial (CH-(_))*” zone in the Prince Edward County Zoning By-law, with additional site-specific uses requested.

The subject lands are intended for intensification, and the proposed development achieves this goal in a manner that is desirable and compatible with surrounding uses. The proposal would contribute to the economic health and diversity of the area without detracting from the economic viability of other nearby commercial areas. No undue adverse impacts are anticipated for surrounding land uses resulting from the proposed development. Overall, the proposed development will provide a desirable and sustainable commercial development to contribute positive features to the growing community.