



PLANNING RATIONALE REPORT

300 VIC

MIXED-USE DEVELOPMENT

**300 VICTORIA STREET SOUTH,
TOWN OF AMHERSTBURG**

PROJECT NO. 24-027

DATED: SEPTEMBER 26, 2024



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EXECUTIVE SUMMARY

Valente Development Corporation is seeking an Official Plan Amendment and Zoning By-law Amendment for a commercial/residential mixed-use development, with a development name of “300 VIC”. 300 VIC is one 4-storey building, consisting of 145.7 square metre (1,568 square foot) commercial retail store unit on the first floor, with 22 dwelling units from the first floor up to the fourth floors. The 0.23 hectare (0.57 acre) site has frontage along Simcoe Street and an exterior flank on Victoria Street and is bordered by single detached residential to the west and institutional (Amherstburg Food & Fellowship Mission) to the north.

The lands are currently designated “Low Density Residential” within the Town of Amherstburg Official Plan; and zoned Institutional (I) within the Town of Amherstburg Zoning By-law.

The development proposes a compact urban form. Site layout area, by necessity, oriented in a north-south manner, due the existing orientation of the Site, being approximately 41.18 metres along Simcoe Street and 54.83 metres along Victoria Street.

This report represents and reviews an application to amend the Town of Amherstburg Official Plan and Zoning By-law to establish land use policies and land use regulations to permit the proposed mixed-use development. In addition to this report, the applications are supported by Conceptual Site Plan, Conceptual Floor Plans and a Building Rendering.

Upon review of the Provincial Policy Statement and County of Essex Official Plan, it is concluded that the proposed amendments to the Official Plan and Zoning By-law are consistent with Provincial Policy and conforms to the County of Essex Official Plan.

The result the subject Official Plan Amendment Application will redesignate the subject property to General Commercial Special Policy Area, in order to allow for a portion of the first floor to contain residential uses; and the Zoning By-law Application will rezone the subject property to Commercial General Special Provision (CG-XX) Zone, with the special provision addressing the relief to add an additional permitted use to have dwelling units on the first floor and above, modifying maximum building height, modifying front yard parking, modifying the Simcoe Street setback, modifying the side yard depth of a dwelling unit within a non-residential building wall containing a window of a habitable room and modifying the distance from a lot line for a loading space.

The future steps of the process, is Site Plan Control, to address detailed design of the site; draft plan of condominium exemption, to address tenure; and building construction documentation for the required Building Permits, in order to commencement with construction.

1.0 INTRODUCTION

Baird AE Inc. has been retained by Valente Development Corporation (herein the "Property Owner") to provide a land use Planning Rationale Report (PRR) in support of a proposed commercial/residential mixed-use building, located on the northwest corner of Simcoe and Victoria Streets (herein the "Site") in the Town of Amherstburg, County of Essex, Ontario.

The Site currently contains the former Amherstburg's Fighting Island Boxing Club Building, as the Boxing Club has relocated to 320 Richmond Street, Amherstburg, as part of Amherstburg's Community HUB.

It is proposed to construct one 4-storey mixed-use building, containing commercial retail and 22 dwelling units, named 300 VIC.

Parking for a total of 30 spaces is to serve the commercial retail, residents and associated visitors, with 28 standard surface parking spaces and 2 accessible parking spaces (1 Type-A and 1 Type-B). A loading space is provided on the north end of the building to service its residents and the commercial retail functions.

Tenure will be ownership (condominium) with a focus on attainability. The building will include one-bedroom and two-bedroom dwelling units for the residential portion and the retail unit for the commercial portion.

A site-specific Town of Amherstburg (Town) Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) are required in support of the proposed development. Relief is requested in order to accommodate the proposed development.

Once the OPA and ZBA application has been approved, the Applicant will proceed with a Site Plan Control (SPC) application, prior to the issuance of a building permit.

The development will then proceed to a Draft Plan of Condominium Exemption application in order to have the availability to sell individual condominium units. At this point in time, the intent is to have a Standard Condominium, so each suite is a condominium unit, with the remainder being common elements to the condo residents, including things such as the parking area, landscape open space, and building amenities.

Pre-consultation was completed by the Property Owner (Municipal Pre-Submission Application PS/05/24 Town Response Letter, dated February 27, 2024). Additional commentary was provided by the Town on June 6, 2024. Comments were received and have been incorporated into this PRR.

The purpose of this report is to review the relevant land use planning documents, including the Provincial Policy Statement (PPS) 2020, the County of Essex Official Plan (CEOP), Town of Amherstburg Official Plan (OP) and the Town of Amherstburg Zoning By-law 1999-52 (ZBL). It is acknowledged that the Government of Province of Ontario issued a new 2024 Provincial Planning Statement on August 20, 2024, to take effect on decisions on or after October 20, 2024.

This PRR will show that the proposed development is suitable development of a vacant site for a mixed-use building, is consistent with the PPS, conforms to the intent and purpose of the CEOP, OP and ZBL and represents good planning.

2.0 SITE DESCRIPTION

The Site has been owned by the Property Owner since 2023.

The Site is located on the northwest corner of the intersection of Simcoe Streets (County Road 18) and Victoria Street South (see Figure 1 – Site Location).

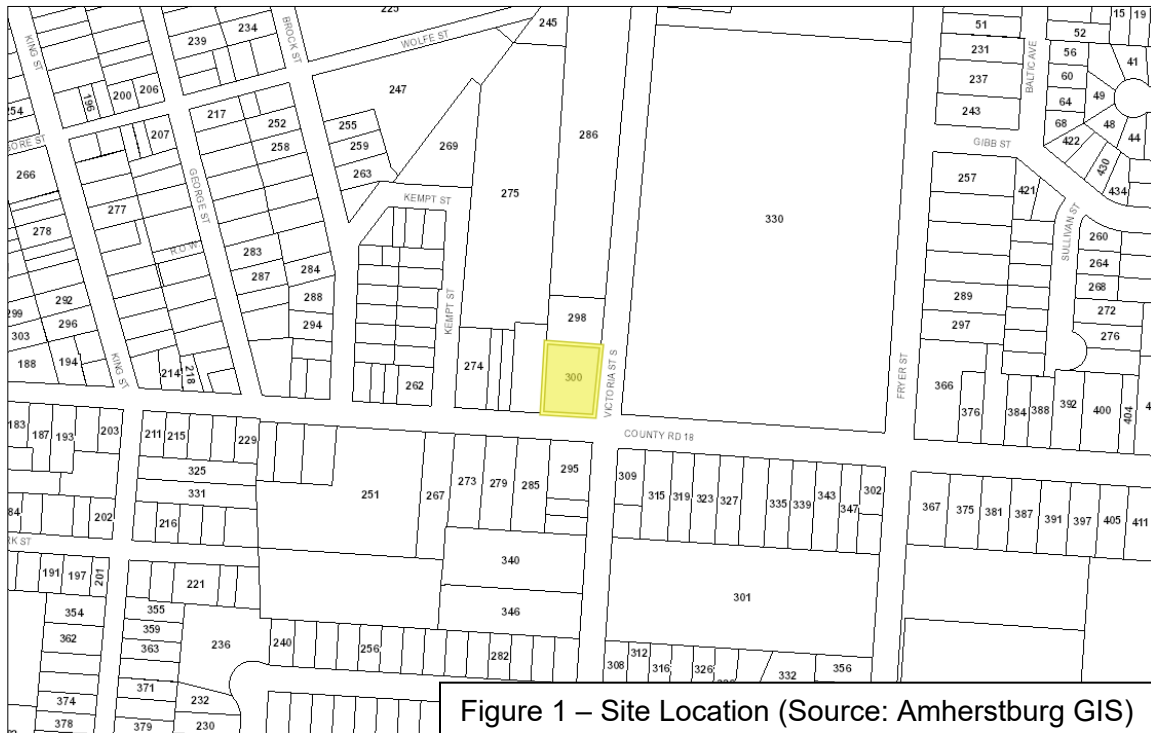


Figure 1 – Site Location (Source: Amherstburg GIS)

Below are additional details with respect to the Site:

- The Site currently has an existing vacant building that will be demolished, as part of the redevelopment of the site and is assigned a civic address of 300 Victoria Street.
- The legal description is Part Lot 2, Concession 1; Part 2, Reference Plan 12R-18093, within the former Geographic Town of Amherstburg.
- The assessment roll number is 3729-140-000-03300.
- The property identification number is 70557-0342 (LT), within Land Registry Office #12.
- The Site was previously used by Amherstburg's Fighting Island Boxing Club.
- The entire Site has a total area of 0.23 hectares (0.57 acres) with 41.27 metres (135.41 feet) of lot frontage along Simcoe Street.

- The property currently has one building, parking area, manicured grass, sidewalks, flag pole and pole sign and one coniferous tree.
- The Site is flat.
- The soil is made up of Brookston Clay and Perth Clay Loam, according to Essex Region Conservation Authority GIS Mapping.
- The property has access to municipal water, storm, and sanitary services.
- A Fire hydrant is proposed on Victoria Street, less than 45 metres to the fire department connection of the proposed development. It is noted that there is an existing fire hydrant on Simcoe Street, east of Victoria Street South; and another one north of Victoria Street South. The new fire hydrant would help with fire hydrant coverage and will be reviewed with the Town during the SPC process.
- Simcoe Street is classified an Arterial Road and Victoria Street South is classified a Collector Road, as per Schedule D of the OP. Both roadways are a 2-way roadway, with a travel lane in each direction.
- Streetlights and sidewalks are located on the northern boulevard of Simcoe Street and on the western boulevard for Victoria Street South.
- The Site has access to transit with the closest bus stop located at the intersection of Simcoe Street and Victoria Street, directly at the Site. The transit service is in partnership with Transit Windsor with the Route 605 that links riders to the Hotel Dieu Grace Healthcare Terminal in the west end of Windsor.
- There are several schools nearby, including North Star High School that recently got constructed on the south portion of the former Centennial Park lands. Amherstburg Public School is 950m to the north off Hamilton Drive and École Élémentaire Catholique Saint-Jean-Baptiste is 550 metres to the southeast on Fryer Street.
- There are many parks and recreation opportunities in close proximity of the Site including Centennial Park to the northeast of the Site.
- There is nearby community commercial associated with the core of Amherstburg. The nearest grocery store is approximately 1.2 kilometres from the Site. Further, the intent would be for a retail store on a portion of the main floor of this proposed building on Site.

2.1 Surrounding Land Uses

Overall, the Site is located in a wide-range of uses within Amherstburg. Single detached dwellings are immediately to the south after Simcoe Street, existing high school to the east after Victoria Street, existing Mission to the north. Please refer to Figure 2 below for context of these surrounding land uses from the aerial photography, with the subject property outlined in red.



Figure 2 – Site Location (Source: Amherstburg GIS)

3.0 PROPOSAL

The fundamental nature of the proposed is to amend the OP and ZBL for the preferred future development of the re-development lands. The following will identify the existing and proposed land use designation and zoning, to implement the proposed development.

Municipal Pre-consultation occurred earlier in 2024, through Town File PS-05-24. A pre-submission response letter was provided by the Town on February 27, 2024 and a subsequent re-submission response letter, dated June 6, 2024, outlining the support studies required on for the OPA/ZBA. They are as follows:

- Planning Rationale Report.

The future steps of the process, is SPC, to address detailed design of the Site; Draft Plan of Condominium exemption, to address tenure; and building construction documentation for the required Building Permits, in order to commencement with construction.

3.1 Official Plan Amendment

The OP zones the subject lands as Low Density Residential. Permitted used within the Low-Density Residential permits only single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses. Mixed-use developments are not listed as permitted. In order to allow for the development of mixed-used, the appropriate land use designation would

be General Commercial Special Policy Area. The General Commercial allows for mixed-use with residential above the first floor. As a result, a Special Policy Area is required in order to allow for a portion of the first floor to contain residential uses. In detail, the Special Policy Area XX would be the following:

- Lands designated as Special Policy Area XX on Schedules A and B-2 of the Official Plan, located at municipal address 300 Victoria Street South, shall be developed in accordance with the general commercial policies, with the addition to permit commercial uses on the first floor with residential uses on the first floor and above.

3.1 Zoning By-law Amendment

The ZBL zones the subject lands as Institutional (I). Permitted uses in the I Zone includes cemeteries, colleges, day nurseries, government buildings, hospitals, marina, manse, museums, nursing home, parks, places of worship, recreational facilities owned and operated by a public authority and schools. Retail Store and Dwelling Units on the First Floor and Above is not listed as permitted. In order to allow for the development for mixed-use, the appropriate zone would be Commercial General Special Provision XX (CG-XX) Zone. The Special Provision is to specify relief of the following:

1. To additionally permit Dwelling Units on the First Floor and Above.
2. Maximum Building Height from 10 metres to 14.1 metres.
3. Minimum front yard parking setback from not being permitted to 1.2 metres from front lot line.
4. Minimum setback for Simcoe Street from 25 metres to 7 metres.
5. Minimum side yard depth of a dwelling unit within a non-residential building wall containing a window of a habitable room from 2.5 metres to 0 metres on the easterly side lot line.
6. Minimum distance from a lot line for a load space from 3 metres to 0.8 metres from the rear lot line.

4.0 PLANNING ACT

The *Planning Act* is the legislated basis for land use planning in Ontario. It provides for policy and regulatory direction and permissions for how land use is controlled. Section 1 provides for the legislated purposes of the Planning Act. In particular, subsection 1.1(a) and (b) note that among others, two purposes of the Act are to “promote sustainable economic development in a healthy natural environment” and, to “provide for a land use planning system led by provincial policy”.

Sections 2 and 3 of the *Planning Act* require that planning decisions shall have regard to “matters of provincial interest”, as well as “be consistent with” provincial policy statements and, “Conform with” provincial plans. The proposed Official Plan Amendment and Zoning By-law Amendment that are the subject of this Planning Rationale Report are more specifically governed by Sections 22(4) and 34(10.1) of the *Planning Act*.

With regards to land use policy, Section 16(1) provides the basis for Official Plans. Addressing Section 16, it is submitted that the proposed Official Plan Amendment appropriately provides additional policies that “*manage and direct physical change*”. Section 22(4) requires provision of prescribed information. The prescribed information is specified under provisions of Ontario Regulation 543/06. It is submitted that the proposed OPA provided appropriate additional land use policy that follows this direction.

With regards to land use controls, Section 34 provides the basis for Zoning By-laws. Addressing Subsection 34(1), it is submitted that the proposed Zoning By-law Amendment appropriately regulates and restricts the “*use of land*” as well as the “*erection, locating or using of buildings*”. Section 34(10.1) requires provision of prescribed information. The prescribed information is specified under provisions of Ontario Regulation 545/06. It is submitted that the prescribed information is provided through this Planning Rationale Report, the completed Application for Zoning By-law Amendment and, the supporting Reports and Studies reviewed herein.

In summary, it is submitted that the subject applications are aligned with and implements the stated purposes, and complies with the direction and policies of Sections 16, 22 and 34 of the *Planning Act*.

5.0 PLANNING POLICY AND REGULATORY CONSIDERATIONS

The Site located in the Town of Amherstburg, County of Essex, within the Province of Ontario and are therefore subject to several layers of policy direction. There is one provincial level policy instrument, being PPS; and there are two municipal policy instruments, being the two-tier planning system with CEOP and OP. This Section considers the subject applications in the context of these hierarchical policy instruments, as well as the regulatory instrument of the ZBL.

5.1 Provincial Policy Statement

The PPS is a province wide planning policy directive on matters of provincial interest related to land use planning and development.

The PPS provides for appropriate development while protecting resources of natural interest, public health and safety, and the quality of the natural and built environment. Land use decisions must be consistent with the policies of the PPS, and municipal Official Plans are the critical implementation tools for the protection of the identified provincial interests (PPS, Part 1). Part 5 of the PPS provides policy guidance on decision making related to land use planning in the province. The policies of the PPS have been reviewed in the context of the submitted application and those that are most pertinent to the subject application are discussed below.

Section 1.0, entitled “Building Strong Healthy Communities”, promotes building strong healthy communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. For the purpose of the PPS, the Subject Lands are located within a Settlement Area.

Section 1.1.3 directs growth and intensification to designated settlement areas and promotes land use patterns which efficiently use land, resources, and infrastructure, and a range of uses and

opportunities for intensification. The proposed residential density provides for alternative housing options (PPS Section 1.4). Municipal services are the preferred form of servicing within settlement areas (PPS Section 1.6). Further, Section 1.5 and 1.6 of the PPS promote healthy active communities by facilitating active transportation, providing a range of built and natural recreational amenities, and providing opportunities for public access to shorelines.

The proposed development represents efficient use of land and existing municipal service infrastructure and maintains compatibility with a mix of land uses observed in the general area. It is submitted that the proposed applications are consistent with the policy direction of Section 1.0 of the PPS.

As detailed above, it is submitted that the proposed OPA and ZBA are consistent with the policy directives of the PPS.

5.2 County of Essex Official Plan

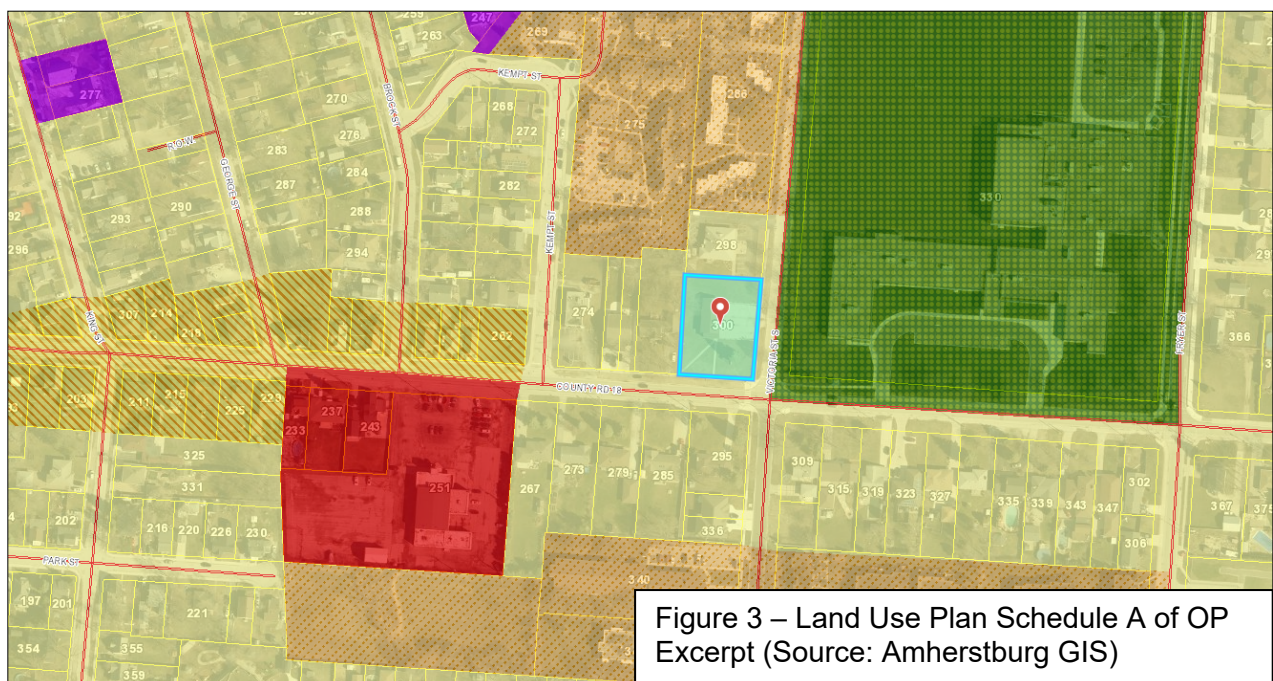
The Site is currently designated Settlement Area on the Land Use Plan, Schedule 'A1' and Primary Settlement Area on the Settlement Structure Plan. Schedule 'A2' of the CEOP.

Section 3.2.4.1 land use policies of the CEOP require the focus of growth and public/private investment, on full services and cost-effective development patterns to limit land consumption, with OP establishing the appropriate land uses.

Therefore, the proposed OPA and ZBA conform to the CEOP.

5.3 Town of Amherstburg Official Plan

The Site is currently designated Low Density Residential Area on the Land Use Plan, Schedule 'A' and "B-2" of the OP, as depicted in Figure 3.



Permitted used within the Low-Density Residential permits only single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses. Mixed-use developments are not listed as permitted. In order to allow for the development of mixed-used, the appropriate land use designation would be General Commercial Special Policy Area. The General Commercial allows for mixed-use with residential above the first floor. As a result, a Special Policy Area is required in order to allow for a portion of the first floor to contain residential uses.

The OP's general commercial policies under Section 4.4.2 are the following:

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.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 story's and unless a site-specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

In order to ensure compatibility with the Heritage Residential area abutting the General Commercial designation in the Central Business District, development on the east side of Dalhousie Street and/or on the south side of Murray Street shall be limited to only Medium Density Residential development with access restricted to Dalhousie Street and/or Murray Street and height restricted to three stories. Properties along the west side of Dalhousie Street within the General Commercial Designation may be considered for a High-Density Residential development. Height, however, would be restricted to a maximum of five stories. Public participation meetings would be held as part of any site plan reviews for multi-family developments.

Hotels and multi-family residential development within the Sandwich Street corridor (County road 20) of the General Commercial designation may have heights of up to eight stories.

Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores servicing domestic customers, may locate within the General Commercial designation located on Sandwich Street north of Alma Street or south of Park Street.

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.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two or more lots or developments are provided or planned for through Site Plan Control.

Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13, provides the Town of Amherstburg with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law. Section 40 allows the Town to collect money which can then be used to provide municipal parking within the area. Under such a policy the Town may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment. The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from their parking requirements. Only if the Town can satisfy itself that parking on site is not necessary and that the Town can supply sufficient parking within a reasonable distance from the site will exemptions be applied. See Subsection 6.2.5 for additional policies regarding downtown revitalization for a portion of the General Commercial designation.

When applying the payment in lieu option the Town Council shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law to provide parking. Money received should be placed into a special account and the agreement registered against the land. Payment in lieu will only be considered within the General Commercial land use category. New residential developments should attempt to include all required tenant parking on site, however, the residential standards of the Zoning By-Law may be significantly reduced within the zones applied to the General Commercial area to encourage intensification and redevelopment that is deemed to have a positive impact on the downtown area. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings.

Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks and taverns. Evaluation of a site as suitable for payment in lieu must carefully assess the effect the number of spaces required will have on the feasibility of the development, the availability of parking in the area, the opportunity or viability of

ever providing parking in the area and the resulting cumulative effect of applying the payment in lieu policy and whether or not the opportunity to achieve a desirable development can occur without creating a significant parking deficiency. A parking fund shall be established from cash-in-lieu of parking spaces received from Commercial development in the General Commercial Area.

Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing Zoning By-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

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.

The general location of the General Commercial areas shall be in accordance with Schedules "A" and "B".

Any public works or private redevelopment within the area should take into account the Heritage Policies and Downtown Revitalization Policies of this Plan and should implement any applicable portion.

The General Commercial lands may be placed in separate zoning classifications in the implementing Zoning By-Law.

The development proposal of the Site conforms to the general commercial land use policies noted above, based on the following:

- Permits mixed-use developments.
- Supports the mid-rise height, with limitations of 5 storeys and less and isn't located on the main streets of Richmond and Dalhousie Streets that require residential not to be under the first floor.
- Provides adequate buffering planting of 3 metres on the west side of the Site, followed by the parking area, to aid with transitioning of building heights from the existing single detached dwelling. Although entrance access is from an Arterial Road, Simcoe Street, this aids with the spatial separation of the transition of buildings along Simcoe, in efforts to balance interests. It is noted a Traffic Study will be completed at the SPC stage of the process to mitigate any traffic-related impacts from the development.
- Provides the minimum required parking of the ZBL within the Site.

A special policy area is required to permit residential uses on the first floor. The intent is to have

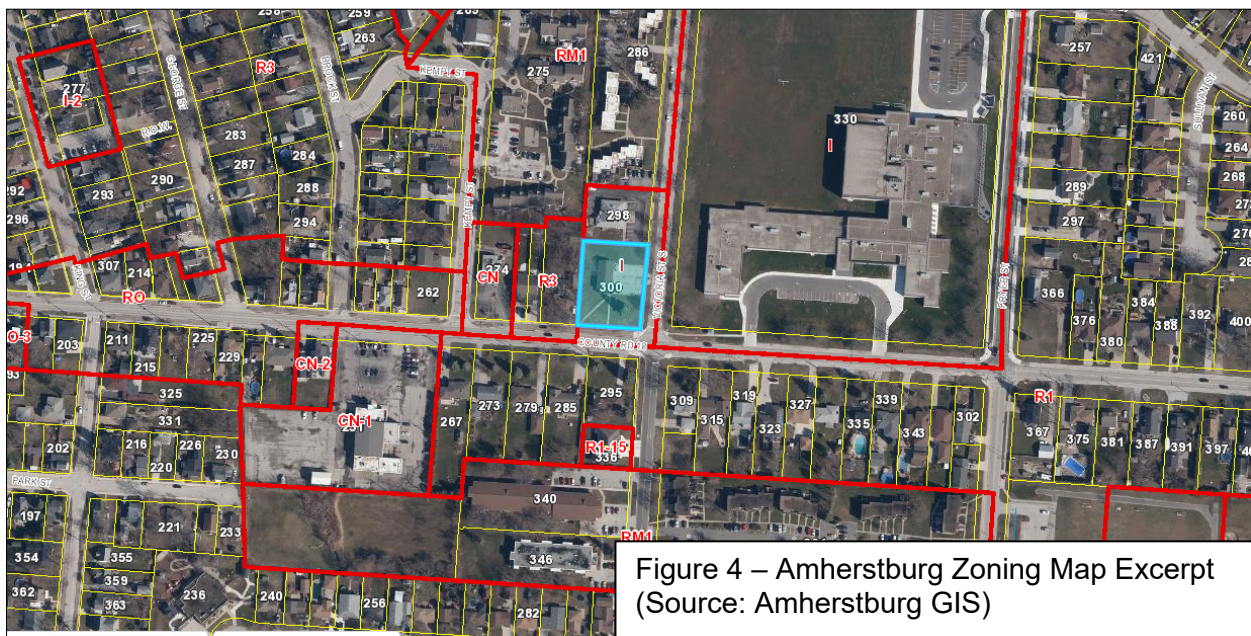
four dwelling units on the first floor, with the commercial-related retail on the corner of the building facing the intersection, to maximize the exposure to the business. The additional policy area would be added to Section 4.4.3 of the OP, as specified below:

- Lands designated as Special Policy Area XX on Schedules A and B-2 of the Official Plan, located at municipal address 300 Victoria Street South, shall be developed in accordance with the general commercial policies, with the addition to permit commercial uses on the first floor with residential uses on the first floor and above.

The Site has Simcoe Street classified as an Arterial Road and Victoria Street South as a Collector Road, as per Schedule 'D' of the OP. Section 5.2.1 road policies of the OP, note that new development may have access to arterial roads, but in each instance an attempt shall be made to group developments, in order to reduce the number of access points. Due to the existing development present, there are no additional opportunities for centralized accesses between other developments.

5.3 Town of Amherstburg Zoning By-law

The Site is currently zoned Institutional (I) on Map 38 of Schedule 'A' of the ZBL, as depicted in Figure 4.



The I Zone permits cemeteries, colleges, day nurseries, government buildings, hospitals, marina, manse, museums, nursing home, parks, places of worship, recreational facilities owned and operated by a public authority and schools.

In order to implement the proposed development, a Zoning By-law Amendment is required to permit mixed-use, defined in the ZBL as “Retail Store and Dwelling Units on the First Floor and Above”. The Site will require to be rezoned to the Commercial General Special Provision XX (CG-XX) Zone. The Special Provision is to specify relief of the following:

1. To additionally permit Dwelling Units on the First Floor and Above, seeking relief from Subsection 15(2)(xvii) of the ZBL – excerpt below:

(2) USES PERMITTED

No person shall within any CG Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following CG uses, namely:

- (i) amusement game establishment;
- (ii) animal hospital;
- (iii) art gallery;
- (iv) assembly hall;
- (v) bakery shop;
- (vi) catalogue store;
- (vii) cinema;
- (viii) clinic;
- (ix) commercial recreation establishment;
- (x) commercial school;
- (xi) continuum of care facility;
- (xii) data processing establishment;
- (xiii) day care;
- (xiv) department store;
- (xv) *drive through facility; (By-law No. 2012-65)*
- (xvi) dry cleaning or laundry establishment or distribution centre;
- (xvii) dwelling units restricted to above the first floor;
- (xviii) existing place of worship;
- (xix) financial establishment;
- (xx) florist shop;
- (xxi) food store;
- (xxii) funeral home;
- (xxiii) hardware store;
- (xxiv) home and auto supply store;
- (xxv) home appliance store;
- (xxvi) home decorating store;
- (xxvii) home for the aged;
- (xxviii) home furnishing store;
- (xxix) home improvement store;
- (xxx) hotel or motel;

The modification to the permitted uses, is to add an additional permitted use of Dwelling Units on the First Floor and Above. The intent is to limit the commercial area 19.5% of the first floor, in order to accommodate 4 dwelling units on the first floor, along with 2 stairs, lobby and mechanical/electrical room, all while balancing parking demand for the site. This will promote street-focused retail activities at the corner of the intersection to service the residents and pass-by public.

2. Maximum Building Height from the required 10 metres to 14.1 metres, seeking relief from Subsection 15(3)(h) of the ZBL – excerpt below:

(3) ZONE REQUIREMENTS

No person shall within any CG Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	Lot Area (Minimum)	No minimum
(b)	Lot Frontage (Minimum)	No minimum
(c)	Front Yard Depth (Minimum)	No Minimum except as provided in Section 3(23) thereof
(d)	Interior Side Yard Width (Minimum)	No Minimum

ZONING BY-LAW NO. 1999-52

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SECTION 15

COMMERCIAL GENERAL (CG) ZONE

provided that where the interior side lot line abuts land in a zone other than a Commercial or Institutional Zone, the minimum interior side yard width shall be 7 m.

(e)	Exterior Side Yard Width (Minimum)	No Minimum
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Dwelling Unit Area (Minimum)	55 m ²
(h)	Height (Maximum)	10 m

(By-law 2012-65)

The modification in maximum building height will implement a 4-storey building. It is noted that the current Institutional Zone would require a minimum side yard with of 10 metres with a maximum height of 10 metres. The proposed building would be setback more than 22 metres from the westerly side lot line, for the additional 4.1 metres request in height. The proposed site location of the building will aid with building height transition from the existing single detached dwelling, while creating a street-focused building on Victoria Street South and nearby on Simcoe Street.

3. Minimum front yard parking setback from not being permitted to 1.2 metres from the front lot line, seeking relief from Subsection 3(23)(g) of the ZBL – excerpt below:

(g) YARDS WHERE PERMITTED

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the required road allowance and the required setback as follows:

<u>Zone</u>	<u>Yard in Which Required Parking Area Permitted</u>
Commercial, Institutional	All yards provided that no part of any parking area, other than a driveway, is located closer than 3 metres (9.8ft) to any street line, except in the CG Zones or the RO Zones where parking shall not be permitted in the front yard.

Due to the setbacks from the arterial County Road for the building with through discussions with County of Essex Transportation Planning Department, there will be a need to provide parking within the front yard of the building. Based on the concept site plan submitted, approximately 6 parking spaces would be within the front yard, with a setback of 1.2 metres from the front lot line. High quality landscaping can be achieved along Simcoe Street during the SPC process to aid with mitigation of the aesthetics of front yard parking of the 2 full parking space stalls observed on each side of the driveway.

4. Minimum setback for Simcoe Street from the required 25 metres to 7 metres, seeking relief from Subsection 3(26)(a) of the ZBL – excerpt below:

(26) **SETBACKS**

(a) SPECIAL SETBACK SELECT ROADS

Notwithstanding any other provisions of this By-law, where a building or structure is located adjacent to a road listed below, setbacks shall be provided and maintained for each road as listed below or the front yard depth provision of the appropriate zone, whichever is the greater.

<u>Road</u>	<u>Location</u>	<u>Setback</u>
Sandwich St.	Brunner Road to Fort St	25 m
Sandwich St.	Fort St. to Park St.	11.5 m
Sandwich St.	Park St. to Southern limit of Corporation	30 m

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SECTION 3

GENERAL PROVISIONS

<u>Road</u>	<u>Location</u>	<u>Setback</u>
Alma St.	Sandwich St. easterly to Corporation limits	25m
Simcoe St.	Sandwich St. easterly to Corporation limits	25m
Richmond St.	Seymour St. easterly to Corporation limits	No minimum
Murray St.	Sandwich St. to Dalhousie St.	No minimum
Dalhousie St.	Rankin St. to Park St.	No minimum

Notwithstanding any yard or setback provisions of this By-law to the contrary, no part of any building or structure erected hereafter shall be closer than twenty-six (26) metres to the centreline of a County Road and, where a municipal drain running parallel to the direction of the road lies within the road allowance or adjacent to it, the building setback shall be thirty-four (34) metres from the said road centreline on the side containing the municipal drain. This provision does not apply to County Road 20 between Brunner Avenue and Lowe Sideroad.

For all other streets within the Corporation, the front yard depth provision of the zone shall apply.

The modification in minimum centreline of road setback, will assist with pedestrian focused buildings and obscuring more of the parking lot, while still providing adequacy of sightlines lines, when egressing from the proposed driveway entrance. The proposed building would be setback approximately 7.4 metres off the front lot line, as a result of this reduction, with a centreline of road setback of approximately 17.1 metres.

The Site is within the Connecting Link Agreement area of Amherstburg. The reduced setback aids to mitigate front yard parking with a street-focused building, while still protecting the road authority's interests of larger setbacks on higher order roads, should road widening need to take place in the future.

5. Minimum side yard depth of a dwelling unit within a non-residential building wall containing a window of a habitable room from the required 2.5 metres to 0 metres for the easterly side lot line, as per Subsection 3(3)(a) of the ZBL – excerpt below:

(3) DWELLING UNITS

(a) LOCATION WITHIN NON-RESIDENTIAL BUILDING

ZONING BY-LAW NO. 1999-52

TOWN OF AMHERSTBURG

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SECTION 3

GENERAL PROVISIONS

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than 2.5 metres from any side lot line.

The modification in the side yard depth of a dwelling unit within a non-residential building wall containing a window of a habitable room, is to facilitate dwellings units facing the side lot line of Victoria Street South with a zero-lot line. It is noted that the easterly boulevard acts as a landscape space, while promoting a street focused building. There would be two dwelling units on the first floor and three on each of the second to fourth floors, facing Victoria Street South. Please refer to the concept floor plans and rendering for context.

6. Minimum distance from a lot line of a load space from 3 metres to 0.8 metres, as per Subsection 3(26)(e)(i) of the ZBL.

(e) YARDS WHERE PERMITTED

Loading spaces shall be permitted in any yard, except that:

- (i) no part of any loading space shall be located in the front yard or closer than 3 metres to any lot line; and
- (ii) in the case of a through lot, no loading spaces shall be permitted in any part of the front yard.

The proposed loading space abuts the institutional-use lands to the north, occupied by the Amherstburg Food and Fellowship Mission. The loading space location provides for pedestrian circulation around the building and allows for loading/unloading functions of the commercial and residents, while providing access to the proposed refuse area

on the north side of the building. The intent is to utilize earth bins (storage is sub-surface), in order to improve aesthetics, while still providing a necessary function. The 0.8 metres of landscape open space can provide ample opportunity for landscaping details through the SPC process.

6.0 PUBLIC CONSULTATION STRATEGY

Through the OPA and ZBA process, the *Planning* Act requires, at a minimum, a statutory public meeting in order to obtain comments on the proposal prior to OPA and ZBA decisions by the Town of Amherstburg Council and County of Essex Planning Administrator (as delegated from County Council).

7.0 DRAWINGS AND SUPPORT STUDIES

As part of the OPA and ZBA submission, a Plan of Survey and the following Baird AE drawings are included with the submission:

- Concept Site Plan, dated September 25, 2024.
- Concept Building Floor Plans, dated September 23, 2024.
- Concept Building Renderings, dated September 23, 2024.

The above drawings give context of the contemplated layout of the Site, as well as the intended layout of the building.

Support studies for the OPA and ZBA is the PRR. Additional support studies will be required for the SPC process.

8.0 CONCLUSION

The proposal represents good planning as it addresses the need for the development of an underutilized parcel of land, which contributes to affordability and intensification requirements set out in the PPS, CEOP and refines existing planning policy through the OPA for the OP and existing planning regulation through the ZBA for the ZBL, while offering a different housing type option for the residents and a commercial retail to promote walkability.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the CEOP, enhances the consistency of the OP and represents good planning. Therefore, it would be appropriate for the Council of the Town of Amherstburg, to adopt the OPA and approve the ZBA, followed by the OPA approval by the County of Essex, to permit the proposed development on the Site

Respectfully Submitted:



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