



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING AND DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Frank Garardo	Report Date: January 12, 2022
Author's Phone: 519 736-5408 ext. 2124	Date to Council: January 24, 2022
Author's E-mail: fgarardo@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Site Plan and Development Agreement- 72 Murray Street

1. **RECOMMENDATION:**

It is recommended that:

1. The Site Plan and Development Agreement with 2787763 Ontario Limited for 72 Murray Street **BE APPROVED** subject to being satisfactory in technical content to the Director of Engineering and Public Works, financial content to the Director of Corporate Services and in form and legal content to the Town's legal counsel; and,
2. **By-law 2022-004** being a by-law to authorize the signing of the Development Agreement be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign the same.

2. **BACKGROUND:**

The Town is in receipt of an application for Site Plan Control in accordance with Section 41 of the Planning Act from the 2787763 Ontario Limited. Accordingly, the applicant has made an application for site plan approval for the redevelopment of the existing building.

The property is legally described as Pt Lt 15 W/S Ramsay St, 16 W/S Ramsay St, Plan 1, municipally known as 72 Murray Street. The subject land has 78 ft. of frontage on Murray Street and an irregular depth with a total area of 8974 sq ft. The subject land is located on the northwest corner of Murray Street and Ramsay Street.

72 Murray Street, built 1879, is listed as a 'Property of Interest' on the Town of Amherstburg's Heritage Register.

On September 17, 2021 Administration was presented with a concept and drawings to retain and redevelop the property for use as a boutique hotel, boutique commercial space, and a rooftop terrace space. It is worth mentioning that the Town of Amherstburg Zoning by-law 1999-52 exempts parking requirements for the subject parcel and parcels

generally located South of Rankin, North of Gore street, East of Sandwich St, and West of Dalhousie street.

Given the significant interventions to the heritage fabric and character of the building, as well as other planning considerations, Administration requested that the proponent apply for Site Plan approval.

Section 41 of the Planning act outlines that Site Plan approval can be utilized as per the following:

d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;

On December 9, 2021, the redevelopment was concept was presented to the Heritage Committee by the applicant and **ENDORSED** by the committee.

Subject Site



3. DISCUSSION:

Site Plan Control is not a public process and does not require notification to neighbouring properties. Administration is required to review and approve all required studies for the property including storm water management, and site servicing. Upon approval of the

recommendations in this report by Council, the applicants will be required to provide applicable fees and securities.

Administration has reviewed the site plan and provided the Development Agreement provisions which deal with the normal site servicing issues, required approvals from various Ministries and Agencies and details relative to the site plan. The Development Agreement includes:

- Provisions of appropriate securities to guarantee the developer's obligations under the Agreement;
- Compliance with the Town's current Development Manual for the construction of site services and lighting;
- Developer's responsibilities to address walkways, entrances, garbage and refuse storage, and servicing;
- Legal obligations for completion of the work and inspections, alterations to the plans, interpretation, and application of the agreement.

The proposed development conforms to the Town's development manual and the Agreement addresses site servicing matters in accordance with the requirements of the Planning Act. Furthermore the agreement outlines the requirements of complying with the Ontario Building Code and the Town of Amherstburg Zoning by-law by. All of these items are addressed in the attached Agreement.

Additionally, concerns which Administration had about the building's exterior design and the redevelopment concept's effect on its character, scale and appearance of the building have been mitigated.

The applicant has worked through four versions of the concept with the Heritage Planner to arrive at the concept (Attachment 1). The objective was to strike the right balance between functional needs of the redevelopment while minimizing interventions and making the new additions as subordinate as possible to the original building, as per best practices in heritage conservation. Through this process, the rooftop additions were moved away from the front and street sides of the building to make them less visible and dominant. Also, street front openings were reduced in number with the aim of minimal intervention. New storefront detailing will be compatible with the existing storefronts but will be modern in their execution to preclude a false sense of historical development.

4. RISK ANALYSIS:

The Site Plan Control process, regulated by Section 41 of the Planning Act serves to protect the municipality's interest as the Agreement will be registered on the title of the property. Section 41 of the Planning Act is applicable law to the Ontario Building Code and a permit cannot be issued until the Agreement has been registered.

5. FINANCIAL MATTERS:


The cost associated with the application and planning process are the responsibility of the developer.

6. CONSULTATIONS:

Clint Robertson, Heritage Planner; Heritage Committee; Accessibility Advisory Committee; Infrastructure Services Department; Building division and Fire Department; Windsor Police; ERCA; and Essex Power were provided the complete drawings for comments.

7. CONCLUSION:

The Site Plan and Development Agreement for 72 Murray Street and By-Law 2022-004 are recommended for Council approval.



Frank Garardo
Manager of Planning Services



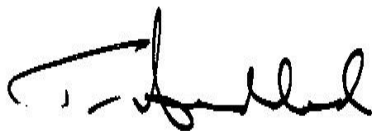
Clint Robertson
Heritage Planner

Report Approval Details

Document Title:	Site Plan and Development Agreement- 72 Murray Street.docx
Attachments:	- 2022 01 24- Site Plan and Development Agreement- 72 Murray Street- ATTACHMENTS.pdf
Final Approval Date:	Jan 14, 2022

This report and all of its attachments were approved and signed as outlined below:

Tiffany Hong



Tony Haddad



Valerie Critchley