



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF 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.*

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To: Mayor and Members of Town Council

Subject: Official Plan Amendment No. 14 for 247 Brock Street

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#### 1. RECOMMENDATION:

It is recommended that:

1. Official Plan Amendment No. 14, attached to this report as Appendix "E", **BE ADOPTED** by Council and forwarded to the County of Essex.

#### EXECUTIVE SUMMARY:

N/A

#### 2. BACKGROUND:

An application has been received from Jones Realty Inc. to amend both the Official Plan and Zoning By-law for lands known as 247 Brock St (refer to Figure 1). This official plan amendment and rezoning, if approved, will amend the existing official plan designation on this property from an "Institutional" to a "Medium Density Residential" designation, and will change the zoning from an "Institutional" zone to a new site-specific Residential Multiple Second Density (RM2) zone. This will allow an existing institutional building to be converted and used for 16 new residential condominium style dwelling units and will permit a new 4 storey 34-unit residential condominium style apartment building to be built. The applicant has indicated that the development will proceed in 2 phases. The first phase will include the conversion of the existing institutional building. Phase 2 will include the construction of the new 4 storey 34-unit building.

The Planning Rationale Report (PRR) prepared by Lassaline Planning Consultants notes the following as the proposed phasing:

Phase 1 is proposed to be the conversion of an existing 3.5 storey vacant building (former House of Shalom) to a 16-unit residential condominium building with 30 parking spaces, comprised of 20 regular parking spaces, 10 garage spaces and 2 Barrier Free spaces, for a total of 32 parking spaces on an individual parcel.

The existing building was constructed in 1910 as the St. Anthony's Roman Catholic School, prior to the passing of the Town of Amherstburg Comprehensive Zoning Bylaw 1999-52. The building and property can be considered legal non-complying since the building and site were existing prior to the passing of the modern CZB 1999-52.

The owner is proposing to adapt the existing vacant building to 16 residential condos and to add a second building on a separate lot with 34 residential condos to create 50 residential condos within the urban area of the Town of Amherstburg.

Phase 2 is proposed with a new, 4 storey building containing 34-unit residential condominiums with 42 parking spaces and 2 Barrier Free (BF) spaces. The two parcels are proposed to be developed with a total of 50 residential condominiums and 76 parking spaces.

Attached is a copy of the Planning Rationale Report (Appendix "A"). The site plan showing the 2 phases is found on page 23 of the report.

### **3. DISCUSSION:**

#### **Provincial Policy Statement**

The Provincial Policy Statement was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The Provincial Policy 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 Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS).

The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS recognizes that the wise management of development may involve directing, promoting, or sustaining

growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The following policy excerpts from the PPS are particularly applicable to the subject applications:

## 1.1 **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

### 1.1.1 Healthy, liveable, and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*.
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification*, and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs.
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

### 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area. Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*. Nothing in policy 1.1.2 limits the planning

for *infrastructure, public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages, and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities, and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources.
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.
- c) minimize negative impacts to air quality and climate change and promote energy efficiency.
- d) prepare for the *impacts of a changing climate*.
- e) support *active transportation*.
- f) are *transit-supportive*, where transit is planned, exists, or may be developed; and
- g) are *freight supportive*.

On review of the above noted Provincial policies, the proposed development is considered to be consistent with the policy direction of the province. One of the objectives of the Town is to provide a variety and diversity of housing types that will lead to healthy and sustainable neighbourhoods. The adaptive reuse of the former school building and the construction of a new multi-unit promotes the efficient development of the lands and will provide an opportunity to meet the housing needs of the Town. The proposed development of the existing vacant heritage building represents an efficient use of the property and deemed to be an appropriate infill for this area.

## County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Official Plan Amendment include:

Section 1.5 Goals for a Healthy County outline the following:

- To direct the majority of growth (including *intensification* and *affordable housing*), and investment (*infrastructure* and community services and facilities) to the County's *Primary Settlement Areas*. These *Primary Settlement Areas* will serve as focal points for civic, commercial, entertainment and cultural activities.
- To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and *transportation systems* that create more *sustainable*, efficient, healthy, and liveable communities.
- To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- To prohibit urban forms of *development* outside of designated “*Settlement Areas*” and discouraging urban *development* in areas with partial municipal services.

Section 2.2 Growth Management note the following:

The health of the County requires that long-range land use planning and *infrastructure* investment is properly managed in a way that will:

- Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

Section 3.2.2 Goals set out the following polices:

- Support and promote public and private re-investment in the *Primary Settlement Areas*.
- To support and promote healthy, diverse and vibrant *settlement areas* within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.
- To promote *development* within *Primary Settlement Areas* that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.

- To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.
- To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- Promote *residential intensification* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- Promote *affordable housing* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*

Section 3.2.6 General Settlement Area Policies include the following:

- The County supports residential *intensification* within *Primary Settlement Areas*.
- Local Official Plans are encouraged to provide opportunities for *redevelopment*, *intensification* and revitalization in areas that have sufficient existing or planned *infrastructure*.

Section 3.3.7 Intensification and Redevelopment outlines the following policies:

- The County encourages well-planned *intensification development* projects in the “*Settlement Areas*” to encourage more efficient use of land and municipal *infrastructure*, renew urban areas and to facilitate economic and social benefits for the community.
- The County also specifically encourages *residential intensification* and *redevelopment* within *Primary Settlement Areas* in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of *infrastructure* and *public service facilities*.
- The County requires that 15 percent of all new residential *development* within each *local municipality* occur by way of *residential intensification* and *redevelopment*.
- Where possible, new *development* in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

The adoption of the subject applications are considered to be in conformity with the policy direction as set out in the County Official Plan.

### **Town of Amherstburg Official Plan**

The Official Plan currently designates the subject lands Institutional (refer to Figure 2). Section 4.6 of the Plan set out the following policies:

## **INSTITUTIONAL LAND USE DESIGNATION**

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose.

The general principles to be considered in the development and control of the use of such land are as follows:

The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

The Institutional designation does not provide for the development of medium density residential development. To this end, the applicant has submitted an application to amend the Official Plan to change the designation of the subject lands from “Institutional” to “Medium Density Residential”.

### **4.2 RESIDENTIAL USES**

#### **4.2.1 General**

It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design.

The Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved.

#### **4.2.2 Goals**

The following goals are established for the various Residential areas:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality.
- (2) To encourage the development of a greater variety of housing types.
- (3) To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study.
- (4) To encourage the provision of an adequate supply of draft approved and/or registered

lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan.

(5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment.

(6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20-year planning period as the capacity of the Town's services permit.

### **4.3 RESIDENTIAL LAND USE DESIGNATIONS**

The Residential classification of land shall mean that the predominant use of land so designated shall be for varying densities and types of residential land uses. Under the Residential classification, there are six Residential designations.

- (1) Low Density Residential
- (2) Medium Density Residential
- (3) High Density Residential
- (4) Office Residential
- (5) Heritage Residential
- (6) Modular Home Residential.

Within areas under the various Residential designations, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted. Elementary educational facilities, religious facilities, parks, recreational facilities, day care, and home occupations and uses pertaining to municipal services and utilities are also permitted uses within Residential designations subject, however, to specified location and design criteria. Such uses may also require selective use specific zoning.

#### **4.3.2 Medium Density Residential Areas**

The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, low-rise apartment buildings with a maximum height of five stories is permitted.

The maximum density shall not exceed 70 units per gross hectare. The general location shall be in conformity with Schedules "A" and "B". The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law. Where a large dwelling would be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard.
- (2) There is no change in the exterior character of the dwelling.
- (3) Adequate buffering and transition can be provided to surrounding lower density development; and,
- (4) There is no change in the character of existing development, using the criteria outlined above to determine the effect of the proposal.

If the proposed development will result in a change in the character, an Official Plan amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.

## **Policies for Heritage Conservation**

### **6.4.6 Policies**

(1) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural value. Council recognizes that there may be archaeological remnants of prehistoric habitation within the town and important archaeological evidence of historic activities, which would be of value in future conservation of the built environment. Council will, therefore, facilitate survey by government or private agencies should those agencies deem it necessary and will encourage the preservation or rescue excavation of archaeological resources which might be entailed in any future development.

(2) Council shall identify and maintain a list of possible heritage. This list will be the basis for the preservation, restoration, and utilization of heritage.

(3) Council will designate and regulate heritage under appropriate legislation, including The Ontario Heritage Act, The Planning Act, and The Municipal Act, whenever deemed feasible.

(4) Council shall exercise its legislative authority to control the demolition and alteration of heritage. Where Council has through by-laws designated individual buildings or districts under The Ontario Heritage Act, or established an area of Demolition Control under Section 33 of the Planning Act R.S.O. 1990, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by Council.

(5) Council will establish criteria and guidelines to determine and regulate heritage.

(6) Council, with the advice and assistance of the Heritage Committee will regulate and guide alterations and additions of heritage.

(7) Council will regulate vehicular and pedestrian traffic matters which may affect heritage.

(8) Council will regulate, as appropriate, the character, use and development of the environs surrounding heritage resources to benefit heritage.

(9) Council will amend its property standards, as appropriate, to meet the needs of heritage.

(10) If necessary, Council will acquire, restore, and appropriately manage or dispose of heritage on a selective basis.

(11) It shall be the policy of Council to seek the acquisition of easements on properties of architectural or historical significance in order to assure the preservation of these properties.

(12) Council will support applications for funds through various senior governmental programs to assist individual property owners with building improvements.

(13) Council will investigate and evaluate, as appropriate, methods to achieve its heritage objectives.

(14) Council will consider social, and community needs in the preservation, improvement, and utilization of heritage.

(15) Council will undertake heritage plans and programs in accordance with a system of priorities. In particular, the following will be regarded as priority guidelines for Town programs:

a) The protection of heritage areas.

b) The stimulation of preservation, restoration, rehabilitation, and utilization of heritage by the public.

- c) Selective restoration and rehabilitation of heritage by the Town.
- (16) Council will restore, rehabilitate, enhance, and maintain Town owned heritage in fulfilment of the heritage objectives and policies. As feasible, relevant by-laws, programs, and public works undertaken by the Town of Amherstburg will conform to and further the heritage objectives and policies.
- (17) Council will foster the provisions of information and public awareness concerning heritage.
- (18) Realizing that a great deal of cooperation and involvement on the part of the public and business community will be required to implement a heritage program of this magnitude, Council will, wherever feasible, encourage the private and public sectors to promote heritage preservation for the benefit of all citizens of the community and posterity.
- (19) Council shall coordinate its heritage plans and programs with heritage plans and programs of the senior levels of government in an effort to avoid duplication of effort and to reinforce mutual objectives.
- (20) Council will develop and establish heritage plans and programs in co-ordination with Town planning needs and requirements.
- (21) Council will consult with and involve Town residents in heritage planning and programs.
- (22) Council will continually review and update its heritage policies, plans and programs, and will conduct a comprehensive review every five years.
- (23) The construction of new buildings on vacant lots in the heritage areas shall be encouraged and shall be sympathetic in their design to the heritage character of the area.
- (24) Council will investigate, and wherever desirable, take advantage for heritage purposes of special assistance programs offered by the senior levels of government.
- (25) Council will undertake whatever additional research is required on Town-wide, neighbourhood, and specific heritage matters and may adopt specific policies on these matters from time to time upon completion of this research.
- (26) Council will actively encourage senior levels of government to enact legislation and undertake programs to preserve heritage which will further the achievement of the Town's objectives on heritage.

## **6.6 HOUSING POLICIES**

### **6.6.1 General**

The Town of Amherstburg is concerned about the availability, affordability and appropriateness of the existing and future housing stock of the Town.

The existence of serviced and/or serviceable land can influence the supply and therefore the availability of building lots, and because the mix of housing type can influence issues such as the correct fit between available housing stock to family structures and because lot size can affect the price of the finished home; the Town of Amherstburg has deemed it appropriate to try and influence the development industry and assist in directing it towards supplying the most appropriate mix of housing stock to meet the Town's residential needs.

### **6.6.2 Housing Objectives**

To this end the Town of Amherstburg shall attempt to achieve the following objectives:

- (1) To encourage a broad range of housing types which are suitable for the different age groups, lifestyles, and household structure of existing and future residents.
- (2) To encourage an adequate supply of affordable housing as required by the provincial policy statement on housing.
- (3) To encourage the rehabilitation and maintenance of the existing housing stock.
- (4) To provide housing opportunities for those people in need of specialized care.

### **6.6.3 Housing Supply**

(1) In order to support the creation of a livable, sustainable community and in keeping with the County of Essex Affordable Housing Action Plan, the Town of Amherstburg wishes to ensure that there is an available mix of housing types for all household types, income levels and for persons with special needs. In approving development proposals, the housing needs, both type and tenure, shall be considered for low, medium and high-income groups and all age-related housing needs and all lifestyle needs of Amherstburg residents.

(2) The Town shall, where appropriate, inform the public of and encourage the use of federal and provincial housing programs.

(3) In order to implement the requirements of the policy statement, the Town shall have regard to the County of Essex Municipal Housing Statement. In an effort to reduce the time of processing residential applications has prepared a Procedural Guideline/Development Manual.

(4) The Town shall, within its powers, ensure a supply of lands designated for residential use so that at minimum, a twenty (20) year supply is maintained at all times.

(5) The Town shall, within its powers, maintain a continuous ten (10) year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in new residential development.

(6) The Town shall encourage and assist, where possible, in the production of an adequate supply and mix of affordable housing by:

a) expediting the development approval process and other administrative requirements.

b) implementing senior government housing programs.

c) encouraging innovative and alternative development forms and where appropriate, apply more innovative and flexible zoning.

d) promoting a 3 percent vacancy rate for rental housing and discourage demolition or conversions to condominium development when the vacancy rate is 3% or less.

e) promoting the provision of assisted rental housing to meet the needs of low income and senior citizen households.

f) considering, where feasible, the introduction of cost reduction techniques such as reduced setbacks, reduced lot sizes and other modifications to the Zoning By-Law, where such techniques will provide guaranteed lower housing costs while maintaining land use compatibility.

g) monitoring housing and subdivision activity, achievement of affordable housing targets and land availability.

h) working toward resolving servicing constraints that impede appropriate residential development in appropriate locations.

- (7) The Town shall continue to encourage and assist, where feasible, in the upgrading and rehabilitation of existing housing, particularly in older residential areas.
- (8) The Town shall promote the conversion of vacant or under-utilized upper-level core area buildings to residential apartment units to improve the use of the buildings and enhance the viability of the core area while still having regard to the amenity needs of such inhabitants. Concessions to parking requirements may be considered by Council in assessing the merit of an application.
- (9) The Town shall encourage the provision of specialized housing facilities to meet the needs of persons with disabilities; and encourage the developers of medium and high density housing projects to provide units designed specifically for persons with special needs.
- (10) The Town will work with the other communities of Essex County to ensure consistent group home separation regulations.
- (11) The Town will monitor housing needs specific to Amherstburg including the needs of senior residents.
- (12) The Town will also work toward providing a range of housing choices that are affordable to all income levels. Affordable for the purposes of this Plan shall mean:
- a) Affordable housing means housing that can be accessed by households whose income falls at or below the lowest 35th percentile of the income distribution of the community.
  - b) Affordable rental housing is housing where monthly rent costs excluding utilities do not exceed 30 percent of the tenant gross monthly household income.
  - c) Affordable ownership housing is housing where monthly housing expenses including mortgage principle, interest and property tax but excluding insurance or utilities do not exceed 30 percent of gross monthly household income.
- (13) The Town of Amherstburg will establish a housing first policy when disposing of surplus lands when appropriate and when in keeping with sound land use planning principles.
- (14) If provided with sufficient safeguards for long term commitment to affordability, the Town will consider providing a grant in lieu of residential development charges, planning fees and/or building permit fees.
- (15) The Town will look to the County for similar reductions in County fees and taxes for accepted affordable housing projects.
- (16) The Town will work with the County of Essex to identify targets for housing that is affordable to low- and moderate-income households and the Plan will be amended to incorporate such targets.

The proposed Official Plan Amendment is considered to be consistent with the 2020 PPS, in conformity with the County Official Plan and consistent with the policy direction as set out in the Town's Official Plan.

## **6.7 PLANNING IMPACT ANALYSIS**

It is a policy of this Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation.

Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:

(1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.

Section 6.7 – Planning Impact Analysis set out several areas that must be considered as part of a zoning by-law amendment. These include:

(1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.

The Official Plan provides that any proposed development and redevelopment of all land in the Town must generally be compatible with adjacent land uses. Residential areas and other sensitive land uses, such as nursing homes, shall be protected from undesirable air quality and excessive noise and vibration through the policies of this Plan and the use of Site Plan Control.

Developers proposing to locate residential or other sensitive land uses near industry, railway lines, and/or arterial roads may be required to carry out noise, air quality and/or vibration assessments and determine control measures which are satisfactory to the Ministry of Environment and/or the Town and which meet the Ministry's recommended sound and vibration limits.

Added conditions such as increased yard requirements, planting strips, fencing, and/or berms, deflective lighting, restrictions of use of certain portions of the land, etc., are all added requirements that may be imposed to offset aspects of incompatibility between any two land uses.

In areas where a conflict already exists between residential and non-residential land uses, the Town may consider the erection of a buffer such as sound attenuation fencing as either a general or local improvement.

The applicant has through the development of the site plan addressed the policies of the Official Plan through the orientation of the buildings and access points to the site. Attention has also been given to the architectural details to preserve the heritage characteristics of the adaptive reuse of the former school, and features of the new proposed building. Through these efforts, the compatibility policy of the Plan has been satisfied.

(2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.

With respect to height, location and spacing of buildings, administration has reviewed the proposed site plan relative to the surrounding neighbourhood. The owner has indicated that it is their intent to not increase the height of the existing building and to limit the new building to 4 storeys in height. This restriction will reduce the impact with respect to the massing of buildings in relation to the surrounding neighbourhood. Based on a review of

the proposed location and orientation of the existing and proposed 4 storey building, the proposal would conform with the intent of the Official Plan.

(3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area.

With respect to vegetation on the property, the Planning Rationale Report notes the following:

“The subject lands are manicured lawn. With the proposed development of both Phase 1 and Phase 2, the Loft’s of St. Anthony will be landscaped professionally to create a welcoming amenity space associated with the two residential buildings.

As shown on the above Figure 3 (PRR): Aerial site plan there are a few existing deciduous trees on the front lawn of the heritage building on Phase 1 property that will be retained. There are 3 maple trees that are not significant trees located in the centre of the property in the location of the garage and parking areas that will need to be removed. There is one mature tree at the rear of the proposed parking area that will be retained.

On Phase 2 lands, there are 4 mature deciduous trees at the rear of the property that will be retained. All other vegetation is scrub bushes/trees that are not of a high quality warranting preservation.”

Based on the current vegetation on the site and the additional landscaping to be provided by the owner, the intent of the Plan would be maintained.

(4) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed.

The proposed development is near employment, shopping, restaurants, recreation, and other amenities. The location of this development will provide opportunities for residents to walk to several area amenities and perhaps reduce the dependency on the car.

(5) The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.

The size and shape of the lots is deemed to be appropriate for the re-development of the former school and the construction of 1 new apartment building as shown on the proposed site plan. The lot has an area of approximately 2 ac. The configuration of the lot allows for the orderly siting of buildings, servicing, amenities, parking areas and ingress/egress points.

(6) The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties.

As part of the background reports prepared for this development, the applicant engaged the services of a traffic consultant to assess the impact of traffic on the adjacent road network (copy attached). The conclusion of the study indicates that all study area intersections are forecasted to operate at acceptable levels of service. Further, the study concluded that no left-turn lane improvements are warranted.

(7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area.

The applicant has worked with the Town in preparing the exterior design of both the adaptive reuse of the former schoolhouse and the new proposed apartment building. The PRR (Appendix 1) outlines the following details regarding phases 1 and 2 of the development:

The existing iconic Amherstburg limestone brick façade of St. Anthony's was originally constructed c 1911 as a four room schoolhouse operated as St. Anthony's Catholic School. The school was active from 1911 until 1971 when it closed as a school and was purchased for use as a youth center operating under the name of 'House of Shalom'. The House of Shalom Center was operated as a youth center from 1971 until 2020 when it was closed and sold.

The beautiful, iconic to Amherstburg building was constructed in 1910-1911 with limestone from the local quarry. The building was constructed in a modified Romanesque revival style architecture.

The Heritage Committee crafted a Heritage Bylaw and subsequently the Town of Amherstburg Council passed the Heritage Designating Bylaw 2021-079 for the existing building as a heritage building under Part IV of the Heritage Act. The Bylaw defines the heritage attributes that are to be protected.

The adaptive re-use of the existing building will provide for the preservation and conservation of a 110 year heritage building within the historic Town of Amherstburg. The minor modifications identified are required to ensure the energy efficiency, safety for the inhabitants, and compliance of the adaptive new use of residential with OBC regulations, and for the conservation of the building and features.

The building for Phase 2 has been distance separated from the existing heritage building to lessen the impact visually of the new structure on the existing St. Anthony's. Within this distance separation will be landscaping, parking, driveway and other visually softening features. The proposed building is also to be brought forward on the lot to be consistent with the existing the Loft's of St. Anthony for setback from Gore Street to respect the established setback line and streetscape view.

The building proposed for Phase 2 has not yet been designed so it is not possible to state the visual impact on the existing heritage on the adjacent parcel at this juncture. However, as the Phase 2 building is being designed, the impact of the new building on the existing heritage will be a key consideration on the look and massing of the building. As an example, it is the intent of the new, Phase 2 building

to have a height of 45 ft, approximately 10 ft below the existing the Loft's of St. Anthony heritage building minimizing the massing effect of the new building on the existing heritage building.

It is the intent of the designer of the new building to continue to showcase the Loft's of St. Anthony and minimize any visual impact on the viewscape and streetscape by the new building. It is also the intent of the owner's representatives to consult with the Heritage Committee for the Town of Amherstburg when addressing the look and details of the elevations for the building.

- (8) The location of lighting and screening, and the adequacy of parking areas.
- (9) The provisions for landscaping and fencing.
- (10) The location of outside storage, garbage and loading facilities.
- (11) Conformity with the provisions of the Site Plan Control By-Law.
- (12) The design and location of signs, and the compliance of signs with the Sign Control By-Law.
- (13) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

Items 8 through 13 of the Planning Impact Analysis will be addressed during the site plan approval stage of the development.

The applicant has completed a site servicing and storm water management report for this development. The details of all site servicing will be reviewed and approved by engineering staff as part of the final site plan approval. A copy of the report is attached as Appendix "B".

The applicant has completed an archaeological assessment for the subject lands. During the phase 2 assessment, the site was found to have further cultural heritage value and a stage 3 testing was recommended. The phase 3 work has been completed and the site does not meet provincial criteria for a stage 4 assessment. Therefore, the subject property is deemed to be free of archaeological concern. A copy of the report is attached as Appendix "C".

### **Amherstburg Zoning By-law**

The zoning By-law currently zones the lands as Institutional (I) (refer to Figure 3). Section 24 of the By-law set out the following as the scope and permitted uses:

#### **SCOPE**

The provisions of this Section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

#### **USES PERMITTED**

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

- (i) cemeteries;
- (ii) colleges;

- (iii) day nurseries;
- (iv) government buildings;
- (v) hospitals;
- (vi) marina;
- (vii) manse;
- (viii) museums;
- (ix) nursing home;
- (x) parks;
- (xi) places of worship;
- (xii) recreational facilities owned and operated by a public authority;
- (xiii) schools.

Based on the current zoning as outlined above, the proposed residential land use is not permitted. As such, the applicant is applying to amend Zoning By-law (ZBA) to permit the intended use. In order to permit the development of the lands in accordance with the site plan, a site-specific zoning amendment will be required.

In the event the application was considered favourably, the development would also be subject to site plan approval.

#### **Reports/submissions by Applicant in support of Applications**

1. Planning Rationale Report (PRR) – Appendix “A”
2. Site servicing and Storm Water Management – Appendix “B”
3. Archeological Report – Appendix “C”
4. Traffic memo – Appendix “D”
5. Official Plan Amendment No. 14 - Appendix “E”
6. Comments received from municipal departments, agencies, and property owners – Appendix “G”.

This application has been circulated to several agencies, surrounding properties and internal municipal departments. Attached is a copy of all comments that have been received to date.

The subject application to amend the official plan and zoning by-law at this location as requested, represents an appropriate land use change that furthers Council’s and the Community’s goals to: broaden housing choices in the Town; encourage existing heritage buildings to be re-used and preserved; and to strengthen existing residential neighbourhoods. It is a good example of a residential infill development that is compatible with existing and planned land uses in the surrounding area.

Administration continues to work with the applicant to finalize the Zoning By-law Amendment and it will be presented at the next Council meeting for adoption.

#### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

#### **5. FINANCIAL MATTERS:**

This official plan amendment will have no impact on the municipal budget. All costs associated with the application are the responsibility of the applicant.

**6. CONSULTATIONS:**

Refer to attached summary of comments. The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

**7. CONCLUSION:**

Based on the above discussion and subject to further comments and/or direction from Council it is recommended that Official Plan Amendment No. 14 be adopted and forwarded to the County of Essex.



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Melissa Osborne  
Director, Development Services

**JM**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Union Gas**  
**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**  
**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**  
**Phone #: 519 253-2481**

**Name: Essex County District School Board**  
**Phone #: 519 255-3200**

## Report Approval Details

Document Title:	Official Plan Amendment No.14 for 247 Brock Street.docx
Attachments:	- 2022 05 24- Official Plan Amendment No. 14 for 247 Brock Street- ATTACHMENTS 1 of 3.pdf - PARADIGM TIS FINAL 247 BROCK MARCH 7 2022(full permission).pdf - 2022 05 24- Official Plan Amendment No. 14 for 247 Brock Street- ATTACHMENTS 3 of 3.pdf
Final Approval Date:	May 19, 2022

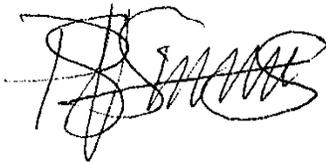
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley