



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. 15 and Zoning By-law Amendment for 219 Brock Street

1. RECOMMENDATION:

It is recommended that:

1. Official Plan Amendment No. 15, attached to this report as Appendix "D", **BE ADOPTED** by Council and forwarded to the County of Essex; and,
2. **By-law 2022-063** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 219 Brock Street as the corresponding implementing Zoning By-law Amendment, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

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 219 Brock St (refer to Figure 1). This Official Plan 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 a new 4 storey 75-unit residential apartment building to be built at this location. Site-specific lot and building regulations will be incorporated at this location, in accordance with a final site plan to be approved by the Town.

The Planning Rationale Report (PRR) prepared by Lassaline Planning Consultants summarizes the development as follows:

In 1950, St. John the Baptist School was constructed on vacant land adjacent to the St John the Baptist Catholic Church to accommodate a catholic school associated with the church. In 1977, a portion of Murray Street was closed and added as playfield for the school. At this juncture, French immersion school programing was added to the school and the school was re-named to 'Ecole St Jean Baptiste'.

Between 2010-2013 the school was closed and de-commissioned. In 2013, the school was purchased by the Town and a demolition permit was issued and the building removed. Since 2014, the property has remained vacant.

The present owner of the property, Terry Jones Realty Inc., is proposing the development of the subject site with a 75 unit residential apartment building. The site will also be developed with parking, site amenities, extensive landscaping, bike parking, loading, and storm water management facilities.

The residential units are going to be rental units, an alternative form of accommodation and tenure from the standard single detached residences. The residential units for rent will provide for rental accommodation within a municipality that has a low vacancy rate and the development will provide for a diversity of accommodation that is needed in the Town. The rental apartment building will provide for a new housing choice identified as the 'Missing Middle' accommodate, needed in the Town of Amherstburg.

Attached is a copy of the amended Planning Rationale Report (Appendix "A"). The site plan showing the proposed development is found on page 12 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 proposed development of a new apartment 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 policies:

- 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.

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.

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

6.7 PLANNING IMPACT ANALYSIS

It is a policy of the Official 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.
- (2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.

Administration concurs with the opinion of the planner for the applicant that the proposed development meets the general intent and purpose of the Official Plan and is compatible with the built form in the neighbourhood. Further, the height and location of the building mitigates any potential impact on the neighbourhood. The following comments for the Planning Rationale Report note the following with respect to items 1 and 2 above:

The proposed development is located in the peripheral area adjacent to the downtown core of Amherstburg. The site is located as an infilling development in the mixed use area that is peripheral to the downtown core.

The province and the municipality policies and sound planning requires a mix of residential densities, tenures, and styles of housing in a municipality to ensure a healthy community. The provision of the 'missing middle' alternative housing of rental to be provided in a low profile building supports the province and the municipality's healthy community initiatives by providing for alternative tenure and style of housing to accommodate all residents within the municipality.

The proposal is appropriate and compatible with the neighbourhood as an infilling development as directed by provincial and municipal policies to provide medium density residential alternative housing in the peripheral areas to the downtown core. The subject site is an appropriate location and in my professional opinion,

supports municipal and provincial policies that direct development to the peripheral areas of the downtown to assist in reducing climate change by reducing the dependence on the car with the development being in close walking proximity to commercial, institutional and amenities located in the downtown.

There are other properties within the neighbourhood with comparable density and the medium density zoning proposed for the property. The neighbourhood is a mix of densities that include medium density. It is my professional opinion that the proposed medium density residential is an appropriate, compatible density within the mixed density neighbourhood.

The building profile is comparable and similar to a number of flat roof buildings in the neighbourhood: church rectory has a flat roof, adjacent day care has a flat roof, the veterinary clinic has a flat roof, the school at the corner, a portion of St Anthony Lofts to name a few. The proposed building is low profile and is compatible and in keeping with design and styles within the neighbourhood.

This neighbourhood is an area in transition as the downtown area thrives and prospers and the older neighbourhood rejuvenates as uses and buildings transition to support medium density development. Development in close proximity such as the Lofts at St. Anthony support the rejuvenation of the neighbourhood and the municipality as a whole. The proposed development fosters the rejuvenation of the neighbourhood with the provision of new housing style and tenure that is compatible in height.

The building has been placed at the far side of the property, approximately 30 m away from the existing residence. The building is low profile at 4 storeys, comparable to other buildings within the neighbourhood and only slightly taller than the adjacent residence, a height differential negated by the distance separation.

Extensive landscaping has been provided to allow for separation and buffering from the existing adjacent residence. As well, landscaping will provide for visual buffering for the building from the general public.

The shadow study shows the low profile building will not have a negative impact on the existing residences across Richmond Street. The soft building design will result in a low visual impact and will blend with the neighbourhood built form. A heritage look has been given to the building to allow for the building to compliment the mix of heritage within the neighbourhood.

(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 consist of manicured lawn. The subject lands were originally the play area associated with the catholic school: St John de Baptiste. There are a couple of existing trees on site that were allowed to grow over the years of non-use of the property. As shown on the above pictures of Figures 4 and 5 above, the

few existing trees on site appear to be Norway maples and standard spruce trees that are not significant nor are they identified as Species at Risk.

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 subject site is located within a mixed use neighbourhood located in the periphery to the downtown business core and within a few minutes walking distance of many nearby commercial amenities including: Shoppers Drug Mart, Walmart, Sobey's, No Frills, personal service shops (hair dresser's, yoga studio, etc), and multiple restaurants such as 'Naples Pizza', Romano's Specialty Meats). A daycare is adjacent to the proposed development. An elementary school is within a short walk.

There are cultural and institutional uses within a 5 minute walking distance: Knights of Columbus, Amherstburg Public Library, the Park House Museum, the Amherstburg Freedom Museum, Amherstburg Community Services, Centennial Park, and multiple places of worship, and other commercial businesses in the Amherstburg downtown core.

(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 development of the subject lands for the construction of 1 new apartment building as shown on the proposed site plan. The lot have an area of approximately 1.06 ha. The configuration of the lot allows for the orderly siting of the building, 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. The conclusion of the study indicates that all study area intersections are forecasted to operate at acceptable levels of service.

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

The subject site is not located in the Downtown Core Residential area of the municipality where the 'Downtown Amherstburg Urban Design Guideline' was completed to direct new development, however, the guidelines provide sound

direction for new development as infilling in established residential neighbourhood. The subject site is located within the 'Old Town of Amherstburg' as a residential neighborhood that is periphery to the downtown core.

The subject property is not designated under Part IV of the Heritage Act, nor is the site located within a Heritage District under Part V of the Heritage Act. There is a property to the east of the subject lands known municipally as 259 Richmond Street. The residence at 259 Richmond is designated under Part IV and is identified as the 'Wallace Smith Residence'.

The following are provided as guidance for the preservation and restoration of the heritage and for infill of new development to ensure compatibility with existing residential infrastructure;

- Design new building with careful consideration of their design elements so that new buildings are complementary to the established heritage in the area;*
- 2. Site and scale of new buildings should be complementary to adjacent structures using setbacks and height for new buildings that respect the existing building setbacks and massing;*
- 3. Use precedents for roof profiles, windows, entrances, and porches from the existing built form and streetscape as a guide for the design of new buildings;*
- 4. Orient principal building entrances so they face the public street and are a prominent feature in the building elevation;*
- 5. Locate garages {and parking} in the side or rear yards to diminish visual impact;*
- 6. Select materials for new construction based on the variety of materials found within the existing neighbourhood;*
- 7. Plant street trees to match established pattern on the street;*
- 8. Ensure that physical improvements do not destroy historic character of neighbourhood.*

The building is bounded on two sides by roads and on the third side by a vacant parcel. An existing heritage designated parcel is adjacent to the east. The proposed building has been designed as a low profile, 4 storey building placed towards the road frontage away from the heritage parcel with an intent that the low profile and the distance separation will reduce visual impact on the existing heritage residence.

The main entrance has been designed as a welcoming entrance and incorporated on the interior face of the building in order to cause the least disturbance to the neighbourhood. As well, all parking is in the rear yard supporting the reduction of noise and disturbance to the neighbourhood. As shown on the elevations above, there will be individual entrances from the ground floor units providing for the connectivity of the building to the streetscape.

The front facades have been designed to be sympathetic and supportive of the heritage of the neighbourhood without conflicting or contradicting the heritage of the neighbourhood. Features such as 'limestone brick veneer', accentuating pillars, 'clap board' accents, fascia molding/boards as accents, and black powder coated railings to look like wrought iron defining the main floor entrances to create a welcoming approach to the building. (refer to figures 9 and 10 of the PRR).

- (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.

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. A copy of the Amending Zoning by-law Amendment is attached as Appendix "E". The amending by-law has been reviewed by administration and the applicant's consultant to ensure that all the necessary regulations have been included to allow for the development of the lands in accordance with the site plan.

In the event the applications are approved by Council, the development would also be subject to the execution of a site plan control agreement.

Reports/submissions by Applicant in support of Applications

1. Amended Planning Rationale Report (PRR) – Appendix “A”
2. Archeological Report – Appendix “B”
3. Traffic memo
4. Shadow study – Appendix “C”
5. Amended Official Plan Amendment No. 15 - Appendix “D”
6. Zoning By-law Amendment - Appendix “E”
7. Archaeological Review Report – Appendix “F”
8. Comments received from municipal departments, agencies, and property owners – Appendix “G”.

At the May 9th meeting the following comments from the public were brought forward:

- Concern regarding compatibility with the surrounding area
- Mixing of housing types
- Conformity with Official Plan
- Concern with both on-site and off-site parking
- Design of building (flat roof)
- View/sun being blocked
- Use to intensive
- Open space being replaced with building

Administration has taken into account the above comments and would suggest to Council that the subject application to amend the official plan and zoning by-law at this location, 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. The proposal is in consistent with the Provincial Policy Statement and the County Official Plan. The supporting traffic study also confirms that the traffic from this development will not impact the functioning of the streets in this area. The applicant’s planning consultant has also provides detailed rationale for the approval of the applications (Appendix “A”).

At the May 9th meeting Council raised concerns regarding the findings of two different archeological studies – one completed in 2011 and one completed in 2014. At the meeting, Council requested clarity that there were no former grave sites on the subject lands.

Following the meeting, administration met with the applicant to review the concerns raised by Council. Following those discussions, the applicant agreed to retain the services of a qualified consultant to review the previous reports and offer an opinion regarding the potential that any former grave sites are located on the subject lands. On June 6th administration received a copy of an Archaeological Review Report regarding this matter (refer to Appendix “F”). The Results of the review are noted below:

Both of the archaeological reports produced by TMHC and AECOM were conducted in accordance with the *Standards and Guidelines for Consultant Archaeologists*. The results of both reports did not produce any evidence that the

historic cemetery extended into the current study area, and there is no evidence to suggest any outstanding archaeological concern on the property.

Based on the above findings, administration is satisfied that sufficient due diligence has been undertaken by the municipality to address this concern, and that it would be appropriate for Council to adopt both the Official Plan Amendment and the Zoning By-law Amendment.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All other costs associated with the application and planning processes are the responsibility of the developer.

6. CONSULTATIONS:

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 contents of this report and subject to any further comments/direction from Council, it is the recommendation of administration that Official Plan Amendment Number 15 attached to this report as Appendix "D" and the corresponding implementing Zoning By-law Amendment number 2022-063 attached to this report as Appendix "E", be adopted by Council.



Melissa Osborne
Director, Development Services

JM

Report Approval Details

Document Title:	Official Plan Amendment No.15 and ZBA for 219 Brock.docx
Attachments:	- 2022 06 13- Official Plan Amendment No. 15 and ZBA for 219 Brock Street- ATTACHMENTS.pdf
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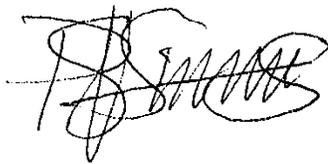
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley