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Date: March 14, 2025

To: City of Windsor, Planning Department

RE: Planning Justification Report for
Proposed Application for Zoning By-law Amendment
4641 Malden Road, Lots 88 to 92, Plan 972

Roll # 3739 080 670 08900

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Purpose

To provide an overview of the related land use planning considerations in support of a Zoning By-law amendment from Development Reserve District 1.1 (DRD1.1) to Residential District 1.3 (RD1.3).

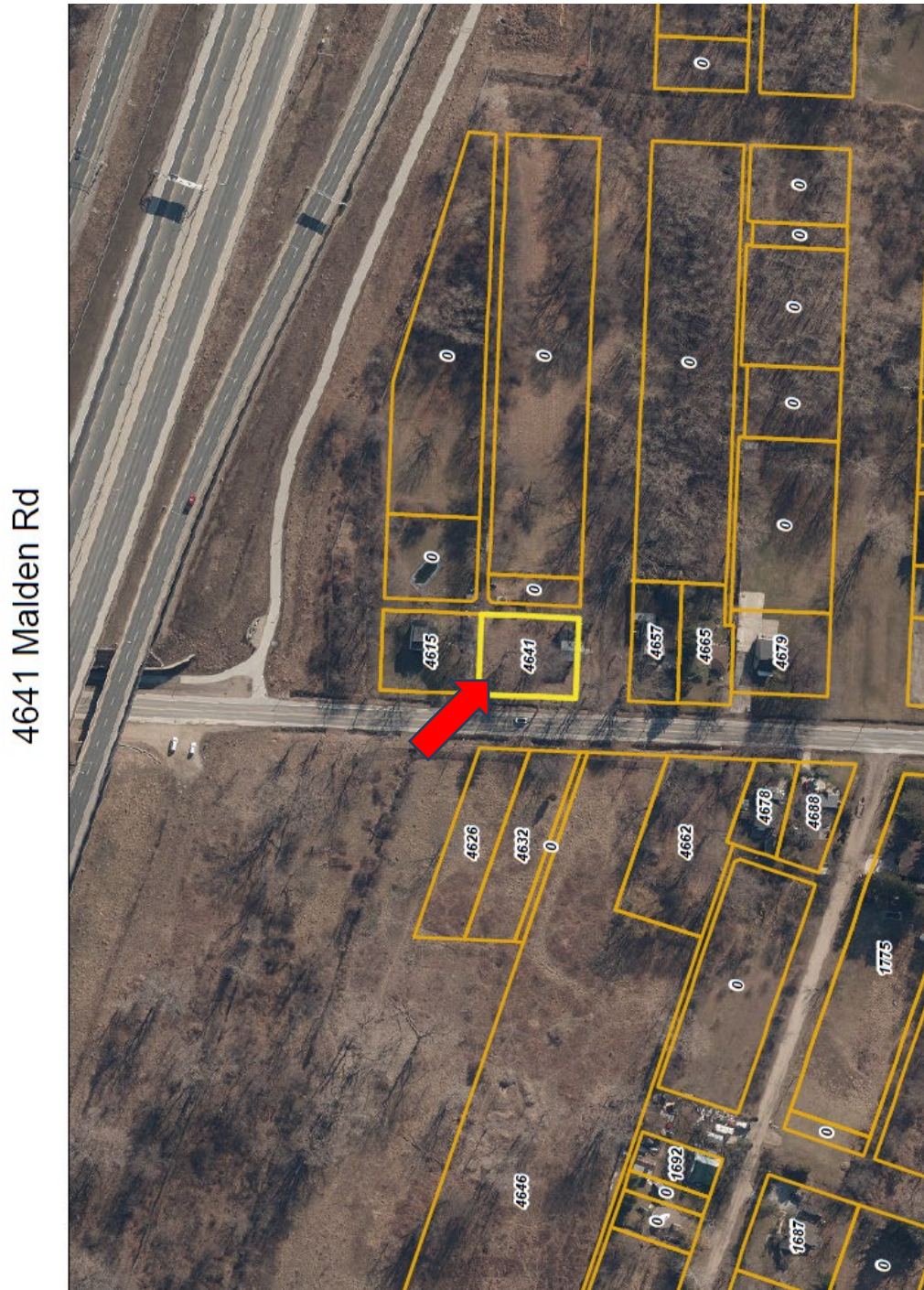
Background

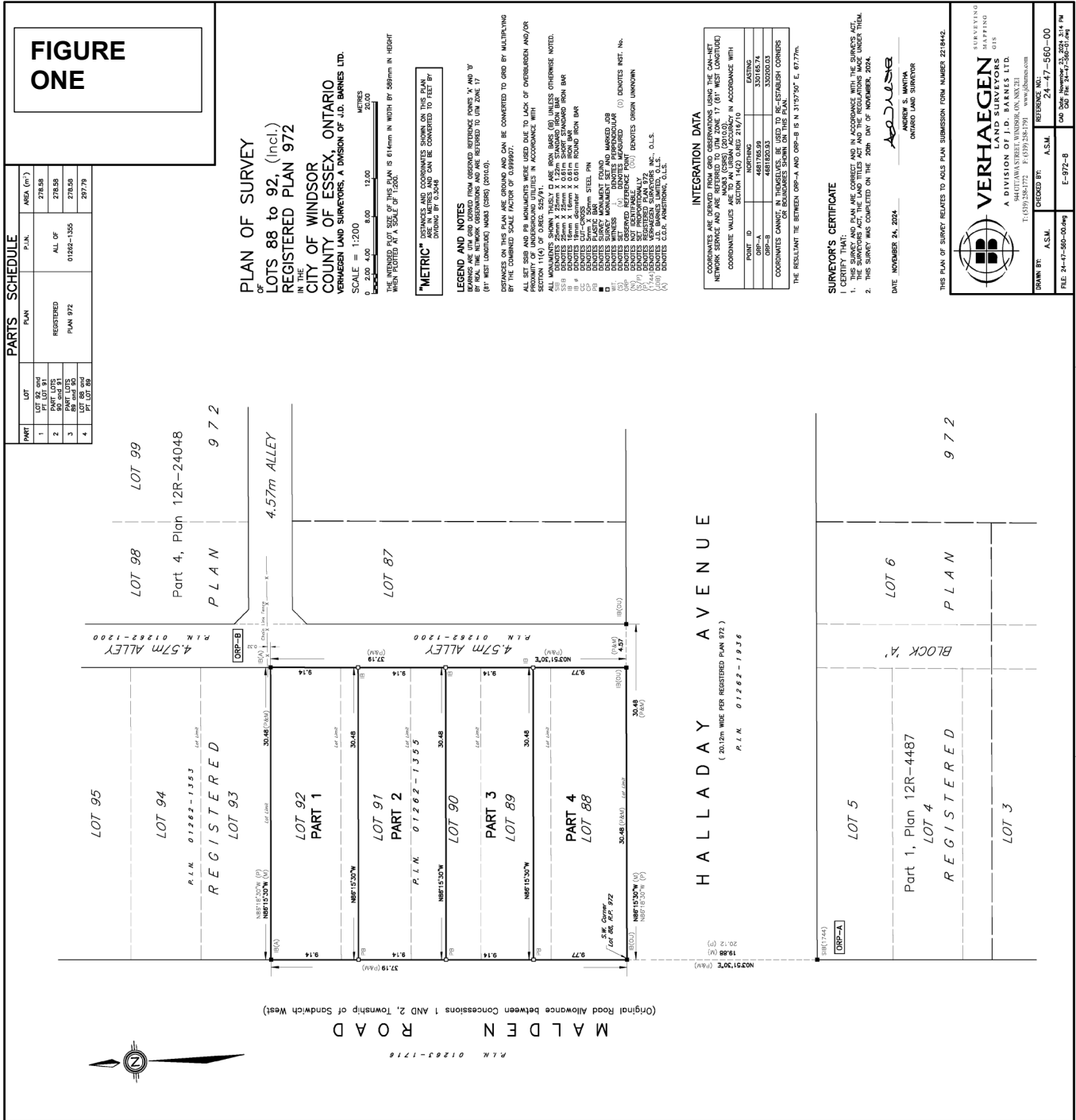
The subject property at 4641 Malden Road (Figure One) consists of five existing lots on a plan of subdivision (Figure Two) with a total lot area of 1,133.55 sq. m (12,201.8 sq. ft.) and lot frontage of 37.19 m (122 ft.). There is one existing dwelling located toward the south end of the property which was constructed in the 1940's. The lands around the subject parcel are mostly vacant and undeveloped with only seven single detached homes located in the section of Malden Road between Chappus St. and the EC Row. There is no specific style of home in the area however many are smaller one to one and a half storey frame dwellings common in the mid to late 1940's.

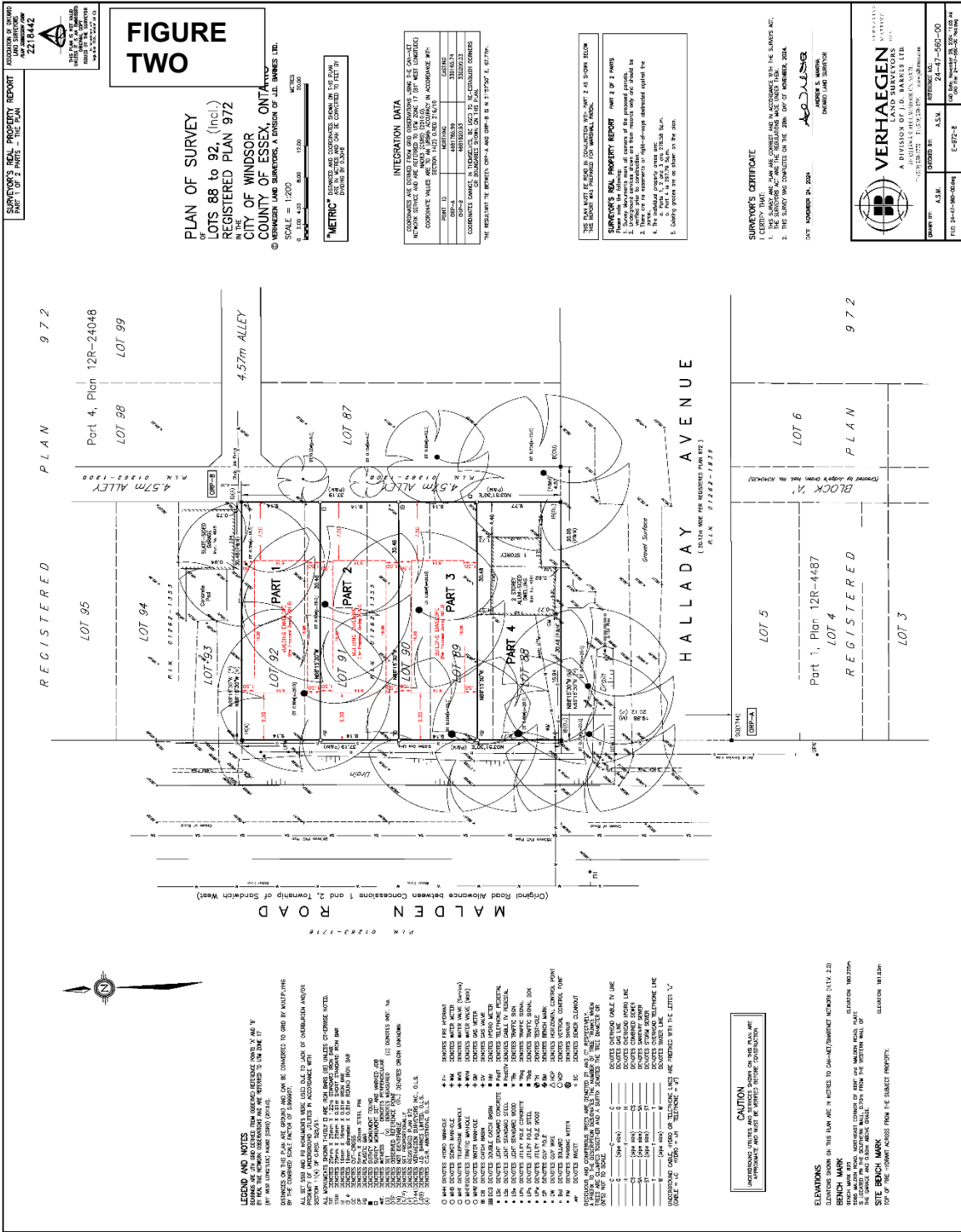
The property owner has made an application for a zoning by-law amendment to rezone the property from Development Reserve District 1.1 (DRD 1.1) to Residential District 1.3 (RD1.3) to allow for the construction of three new single detached dwellings. The zoning amendment would also facilitate the reconfiguration of the five plan lots into a total of four lots, three vacant and one for the existing dwelling.

Each of the new lots (Parts 1, 2 and 3) would have a lot area of 278.5 sq. m (2,998.78 sq. ft.) and frontage of 9.14 m (29.98 ft.). The remaining lot (Part 4) would be 297.79 sq. m (3,205.5 sq. ft.) in lot area with a lot frontage of 9.77 m (32.05 ft.). (Figure One/Two)

LOCATION MAP













LOOKING SOUTH ALONG MALDEN ROAD AT THE EXISTING OPEN DRAIN



LOOKING SOUTH TOWARD ADJACENT DEVELOPMENT SOUTH OF THE SUBJECT SITE



Planning Rationale

1) Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The lands are designated Residential by the Windsor Official Plan and located within the settlement area.

Section 2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:
 - a) establishing and implementing minimum targets for the provision of housing that is *affordable to low and moderate income households*, and coordinating land use planning and planning for housing with Service Managers to address the full range of *housing options* including *affordable* housing needs;

Comment: One of the most expedited ways to achieve housing goals is the utilization of existing lands within a settlement area. What makes the subject area somewhat more advantageous is that it is already subdivided with a variety of lot sizes. With the addition of streets and services, where appropriate, development could proceed. The mix of lot sizes could allow for anything from small single detached, to semi-detached and townhouse development.

 - b) permitting and facilitating:
 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
 2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3;

Comment: The subject area has remained largely underdeveloped in part due to servicing needs but more so due to the large natural area that predominates. Policy has been developed over many years to assist with the

guidance of how to best develop the lands that are outside or adjacent to the natural area. Although small in scale the proposed development is one example of what can occur with the assembly of a few lots.

- c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation*; and

Comment: The area is limited to lower density development, again based on the need to protect and preserve the area's natural environment. However, there still remains a significant number of lots and lot sizes that can accommodate a wide range of low-density housing types. The subject site specifically abuts Malden Road which is a minor arterial road (Figure Three). This is an area where high density, mix residential types and mix use serve as a buffer and transition to low density within the area east of Malden Road.

- d) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations.

Comment: The scattered nature of the existing development in the surrounding area makes providing transit service presently inefficient. As more housing develops in the area this is likely to require change. This is not to say that the area has no access as there is one transit line (Route#3) that is located just under 1 km to the north of the subject property.

2) Official Plan – City of Windsor

The subject property is designated Residential in the City of Windsor Official Plan (Figure Four) and within the Spring Garden Planning Area (SGPA) (a secondary plan added to the Official Plan in 2002) (Figure Five). The area consists of approximately 6,500 residential lots on several registered plans that occurred between 1909 and 1929. Many of the lots have a width of 9 metres which was standard for the day. With the large number of lots ownership across the area is very fragmented with many individuals owning only one or two lots. With this and a lack of infrastructure the area remained undeveloped and vacant. In addition, the SGPA contains a consolidated Environmentally Significant Area, an Area of Natural and Scientific Interest (ANSI), a Candidate Natural Heritage Site (CNHS) and contains habitat for the Massasauga Rattlesnake, an endangered species.

In 1996 a sewer extension into the area stimulated growth along with a need to update policy in the area to address the complex environmental issues, land use and servicing needs. This led to a development concept for the area which is outlined in (Schedule SG-1 of the SGPA – Figure Five). With policy now in place for the area proposals for development can be consistently assessed.

Section 5.6 of the SGPA outlines the following relevant objectives:

5.6.1 To protect and perpetuate the significant biological communities within the Spring Garden Natural Area Complex in accordance with the goals, objectives and policies of the City's Official Plan.

Comment: An Information Gathering Form (IGF), Environmental Evaluation Report (Appendix B) & Natural Features Inventory and Preservation Study (Appendix C) was submitted to the MECP to assess the potential impacts of the project on species at risk (SAR). MECP has reviewed this information and provided a number of recommendations which are outlined in Appendix D.

5.6.2 To integrate future residential development with the natural environment, where feasible, on lands adjacent to the Spring Garden Natural Area Complex in accordance with the goals, objective and policies of the City's Official Plan.

Comment: The lands in question are located northwest of the Spring Garden Natural Area Complex but are not adjacent to it.

5.6.3 To determine appropriate noise attenuation measures for residential development areas adjacent to the E.C. Row Expressway, Huron Church Road and Malden Road.

Comment: A noise assessment was completed. (See Appendix E)

5.6.4 To determine infrastructure needs for the provision of full municipal services.

Comment: Water and sanitary sewer service is available along Malden Road to provide service connections to the new lots. There is no storm sewer however there is a roadside drain that provides an outlet for surface drainage from the property now and can continue to do so for the new lots.

5.7 Policies

5.7.1.3 Maximum Density – 30 units per gross hectare.

Comment: The gross density of the proposed development would be 21.4 units per gross hectare

5.7.1.4 Single detached residences will be encouraged as the primary residential land use type.

Comment: Each of the new lots is being developed with a new single detached dwelling.

5.7.1.9 Requires that an Environmental Evaluation Report be completed to evaluate the ecological function of the adjacent lands.

Comment: A comprehensive EER (Appendix B) was completed for the Spring Garden Natural Area (ANSI) and formed part of the amendment that established the

SGPA. Residential development “*located within the 50 metre adjacent lands area of the ANSI will not be required to fulfill future EER requirements, save for and except the lands identified as EPA “A” on Schedule SG-2.*” EPA “A” is located at the south end of the SGPA well away from the subject lands.

5.7.1.11 Noise control measures shall apply to areas affected by noise pollution from E.C. Row Expressway, Malden Road and Huron Church Road...

Comment: Noise from Malden Road was determined to exceed MECP guidelines however to mitigate this it was recommended in the noise assessment that the dwellings include the installation of central air conditioning and that a warning clause be registered on title as part of the future severance application.

Section 5.7.10.7 and 5.7.11.5 speak to the limiting or restriction of access points to Malden Road.

Comment: As existing lots along Malden Road there is the understanding that access to these lots would be permitted as-of-right today. There are a couple of possible options to limit access points. Option one would be through the use of shared access points from Malden Road. This would result in two access points used by the proposed four lots. Option two would be the use of Halladay Ave for access to the alley way that is located to the rear of the proposed lots. The disadvantage of this option is the need to improve Halladay Ave as a travelled road and improve the alley way. The cost associated with this option is not feasible to service only four lots.

Section 5.7.11.3 notes that, “In the absence of storm sewers, open channels, and permanent detention facilities, developers will be encouraged to assemble land and to install a temporary detention system.

Comment: With a typical plan of subdivision, large commercial or industrial development the inclusion of a storm water management facility is a common aspect of those developments. The Spring Garden area was not developed at a time with the same level of detail or comprehensive analysis. The area was basically lotted out into several plans with no services or even basic development standards. As time passed the City recognized the importance of the natural area that had been lotted out with no consideration of the underlying natural heritage features or species habitat. That in turn lead to new policy that now provides guidance for new development. In the absence of a private developer acquiring a large block of lots and perhaps reconfiguring an area into a modern-day comprehensive plan of subdivision small scale development such as that proposed may be the only way the area will start to realize some degree of infilling. For now the lots will continue to have access to the open drain along Malden Rd as a storm water outlet.

Section 6.3 – Residential

The following section under the residential designation would also be applicable to the proposed zoning amendment:

6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.

Comment: The proposed development on the lots will be low profile, single detached dwellings.

6.3.1.2 to promote compact neighbourhoods which encourage a balanced transportation system.

Comment: As noted under PPS the property is located less than a kilometer from a Windsor Transit route.

6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.

Comment: The area is comprised of a significant number of existing lots. The proposed will utilize five existing lots to create a total of four lots for new dwellings.

6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile, and Medium Profile dwelling units.

Comment: Low profile development is proposed on the subject lands.

6.3.2.5 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

- i. within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;

Comment: The subject lands are located southeast, approximately 260 m from the former Malden Landfill property (now Malden Park & Woodland Trails) which is north of the EC Row Expressway. As a result, Section 5.4.9, Waste Disposal Sites Policies apply. Staff have provided additional information on the landfill and the applicant will continue to investigate what is necessary to address the requirements under Section 5.4.9.

- ii. adjacent to sources of nuisance, such as noise, odour, vibration and dust;

Comment: Noise was noted as an item that required attention and was addressed via a noise study including the provision of mitigation measures.

- iii. within a site of potential or known contamination;

Comment: The site is not a potential or known location of contamination.

- iv. where traffic generation and distribution is a provincial or municipal concern;

Comment: This has been addressed under the SGPA Section of the report.

- v. adjacent to heritage resources.

Comment: the site is not adjacent to heritage resources.

- b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;

Comment: The proposal has been reviewed in the context of the SGPA policies of Section 5.6 of this report.

- c) in existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

Comment: The proposed dwellings on the new lots will be consistent in size with existing development in the area. Two storey units are proposed facing Malden Road and will comply with the required setbacks of the proposed RD1.3. Parking will be provided for each dwelling. There are both parks and trails located near to the subject lands.

- d) provided with adequate off street parking;

Comment: Provided on-site.

- e) capable of being provided with full municipal physical services and emergency services; and....

Comment: Municipal sanitary and water service is available along Malden Road. New connections will be required. Stormwater drainage at present would be via an existing open drain along Malden Road. The subject lands would be within the response area of Fire Station #5 and accessible by police and ambulance.

Section 8 Urban Design

8.7 Built Form

8.7.2.3 Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

a) massing;

Comment: Single detached, low-profile dwellings are proposed which are proportional to the lot size.

b) building height;

Comment: Two storey is proposed.

c) architectural proportions;

Comment: The area has a mix of styles, sizes and ages.

d) volumes of defined space;

Comment: Each new dwelling will have a footprint of approx. 100 sq. m (1076 sq. ft.) which is consistent with many of the existing older dwellings in the area.

e) lot size;

Comment: The proposed will consolidate five existing plan lots into a total of four. As with the existing development in the area, lot sizes also vary considerably.

f) position relative to the road;

Comment: The setback for the new dwellings will comply with the provisions of the RD1.3 zone.

g) building area to site area ratios;

Comment: The lot coverage of the new dwellings will comply with the proposed zoning.

h) the pattern, scale and character of existing development, and

Comment: the mix of housing types, styles, ages and lot sizes makes for an area that has no distinct pattern or scale and results in a mixed character. The addition of the new dwellings on a compact collection of lots is actually in keeping with the variety of development along Malden Road.

i) exterior building appearance.

Comment: The dwellings will be consistent with current design and exterior finishes.

FIGURE THREE

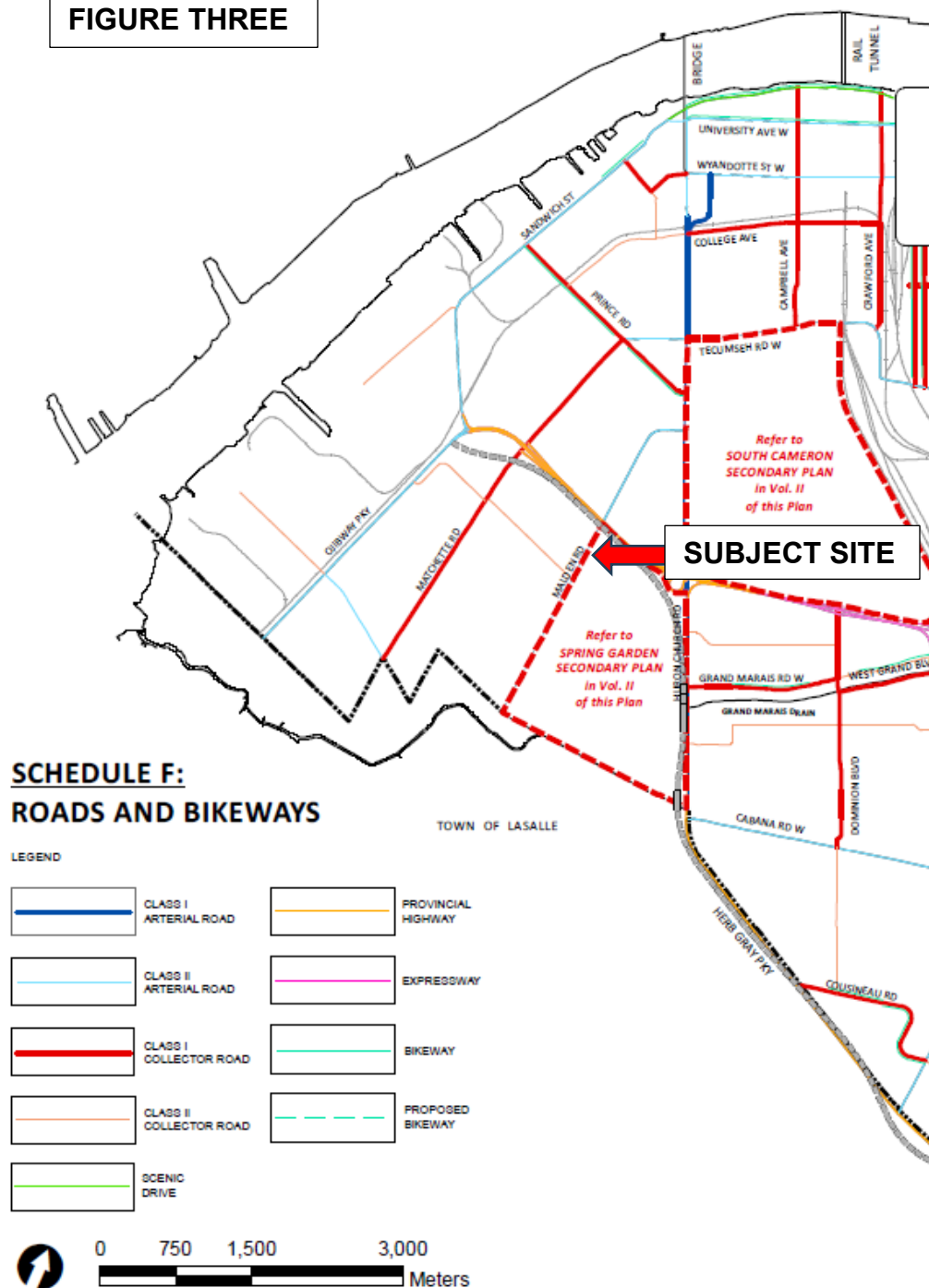
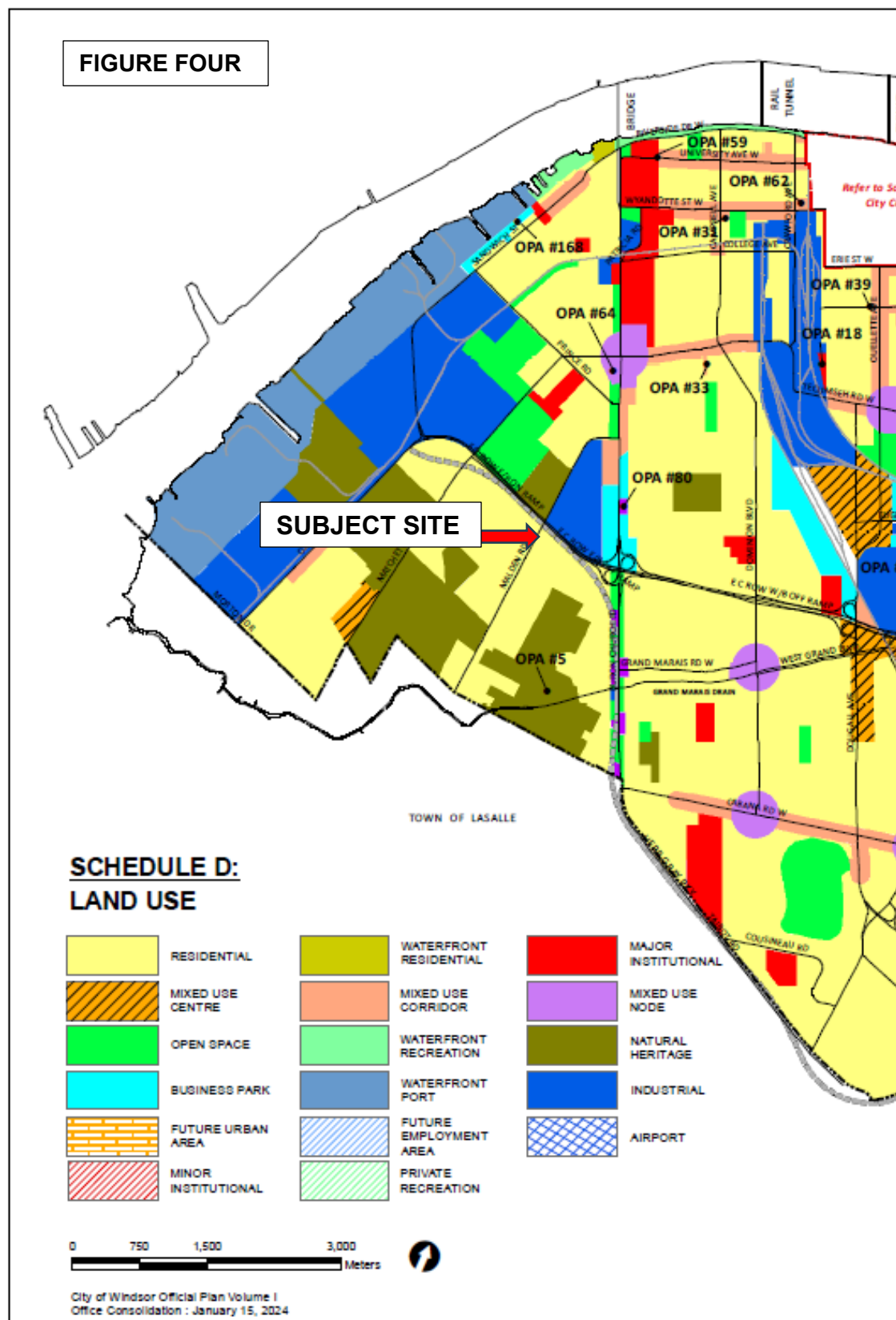
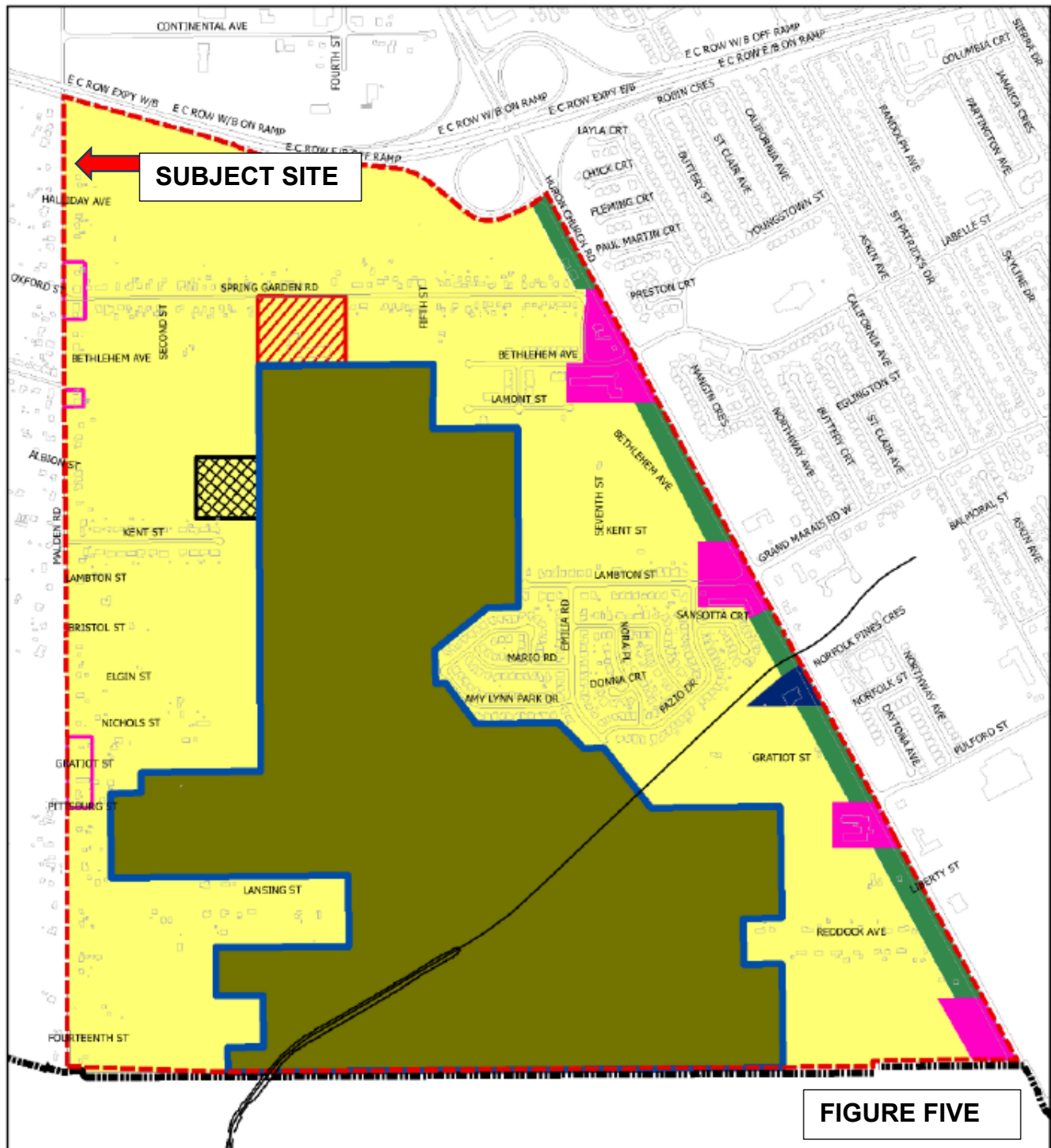


FIGURE FOUR





SPRING GARDEN PLANNING AREA

SCHEDULE SG-1 : LAND USE



Comprehensive Zoning By-law

The subject property is currently zoned Development Reserve District 1.1 (DRD 1.1). (Figure Six) This limits development to what exists on the property at present. This zoning helps to limit development and afford the City the ability to review development proposals case-by-case and determine if they are consistent with the policies of the Spring Garden Planning Area.

The proposed zoning for the property is Residential District 1.3 (RD1.3) which permits a single unit dwelling and includes provisions that best align with both the existing lot pattern and the proposed lots. Figure Seven is a conceptual plan showing the floor plan, setbacks and parking location options for the proposed single dwellings.

The following zoning chart outlines the existing zoning provisions and those of the proposed Residential District 1.3 (RD1.3):

Category	Proposed Amendment
Development Reserve District 1.1 (DRD 1.1).	Rezoned to Residential District 1.3 (RD1.3)
Permitted Use – Existing dwelling	Single unit dwelling
Lot Width – As existing	9.0 m
Lot Area – As existing	270.0 m ²
Lot Coverage – 45%	45%
Main Bldg. Height – 10 m	9 m
Front Yard – 6.0 m	6 m
Rear Yard – 7.5 m	7.5 m
Side Yard – 1.2 m	1.2 m
GFA – Main Building – NA	400 m ² - no amendment necessary

FIGURE SIX

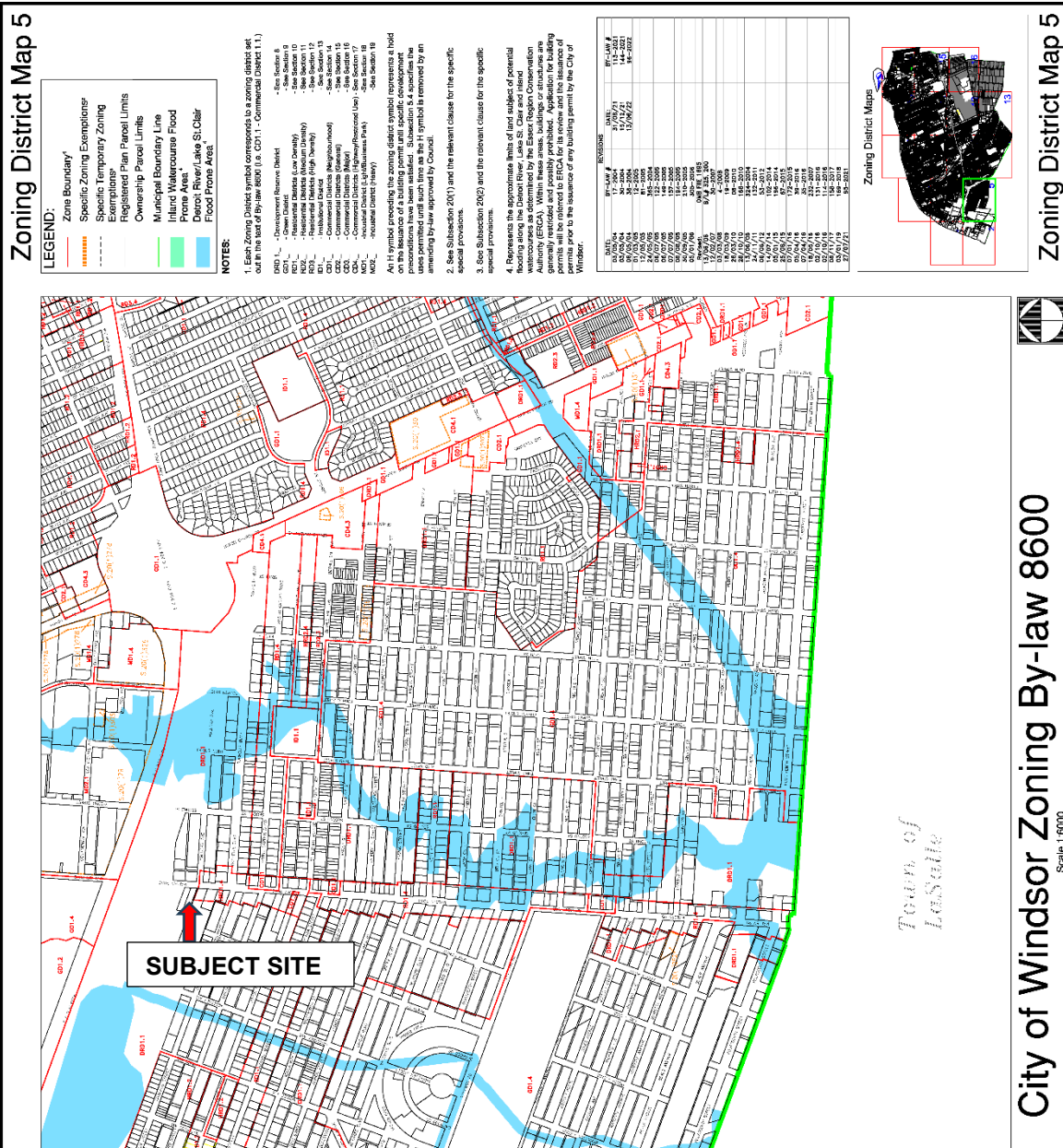


FIGURE SEVEN



CLIENT NO. 2020-1-1	PROJECT NO. 2020-1-1	DESIGNER JONATHAN ROSS	DATE 02/01/2025	CLIENT NO. 2020-1-1	PROJECT NO. 2020-1-1
PROJECT	2/01/2025	DATE A		CLIENT NO. 2020-1-1	PROJECT NO. 2020-1-1

Public Open House

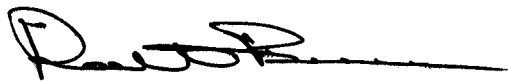
Conclusions

The subject lands are in an area that has a number of limiting factors that have resulted in a mix of development with a mix of uses, densities, ages and styles. Much of the development of the Spring Garden area is along Spring Garden Rd, Malden Rd, Kent St and the Emilia Rd/Fazio Dr subdivision. The introduction of a secondary plan has provided a framework for development to move forward however it relies on either working within the existing lot pattern, that is fragmented by ownership with no consistent lot pattern, or acquiring a sufficient number of lots to assemble an area that could be more comprehensively and feasibly developed. Add to this that a large percentage of the Spring Garden area is covered by a natural heritage feature that does not permit development and impacts on the type and method of development for any lands adjacent to it.

With the limitations of the area in mind it makes smaller infill opportunities, such as the one proposed on the subject lands, worth greater consideration in order to best utilize the available lands that have occupied valuable residential land within the City of Windsor for close to or more than one hundred years.

Although the proposed zoning amendment will permit the compact development of three new homes in an area of scattered low density, it is utilizing five existing plan lots efficiently. It is also important to consider that Malden Road is classed as a minor arterial and as a result should give consideration to a wider range of residential types and densities, acting as a transition toward lower density development on the interior of the Spring Garden area. To that end the requested approval represents good land use planning and should be considered consistent with the direction for the City of Windsor.

Prepared by:



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APPENDICES