



LASSALINE

PLANNING CONSULTANTS INC.

REPORT: PLANNING RATIONALE REPORT (PRR)
MUNICIPALITY: CITY OF WINDSOR
MUNICIPAL ADDRESS: 11788 TECUMSEH ROAD EAST
DEVELOPMENT: ZBA
DATE: AUG 7, 2024 (REV)

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1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a Planning Rationale Report (PRR) regarding the feasibility of a Zoning By-law Amendment (ZBA) to support the development of a medium profile, 6-storey residential building proposed for 11788 Tecumseh Road East, Windsor.

The subject property is presently designated 'Mixed-Use Corridor' on Schedule D-1 of the in the Official Plan for the City of Windsor and is zoned 'Manufacturing District 1.2 (MD1.2)' in the Comprehensive Zoning Bylaw (CZB) 8600 for the City of Windsor.

The ZBA purports to allow for a proposed multi-unit residential building. The proposed building is considered a medium profile height at 20 m with 50 dwelling units. Parking is located below and behind the building on a ground level with 50 residential dwelling units in the 5 stories above. The proposal includes 64 car parking spaces and 6 bicycle parking spaces.

A pre-consultation was held with the City of Windsor, Planning Department with a response letter under file PS 005-23 to Jackie Lassaline, BA MCIP RPP, LPC. Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the Zoning Bylaw Amendment (ZBA) application.

1.1 PURPOSE OF THE REPORT

With the request to develop the site for a multi-unit residential building for rental units in a medium profile building, a Zoning Bylaw Amendment (ZBA) is required to recognize the proposed land use and the site characteristics.

The proposed development, in my professional opinion and as discussed and examined in this PRR, conforms with relevant policies of the Official Plan for the City of Windsor. Policies in place through OPA No.159 support the proposal on the 'Mixed Use-Corridor' and an amendment to OP is therefore not required to provide a site-specific OP policy framework.

The 50 residential dwelling units in the proposed 20 m tall building will be alternative housing that will support 'geared to income' focusing on senior accomodation as rental accommodation through the Canada Mortgage and Housing Corporation (CMHC).

This planning rationale report will demonstrate the consistency of the proposal with the Provincial Policy Statement (PPS) 2020 and how the development is consistent with provincial housing policies, provides for healthy community initiatives, provides for healthy, walkable community policies of the province. Examining the proposed new building within the policy framework of the City of Windsor's Official Plan (including OPA 159). Analysing the site and development characteristics in context of the Comprehensive Zoning Bylaw (CZB) 8600 for the city and determining compliance of the ZBA with the CZB regulatory framework.

The subject lands are zoned 'Manufacturing District (MD1.2)' in the CZB 8600 for the City of Windsor. The Zoning By-law Amendment (ZBA) being requested purports to apply the 'Commercial District (CD 3.10)' regulatory framework to the subject lands.

The ZBA will establish a consistent regulatory framework for the site and to support the proposed development of a 6 storey, medium profile building with 50 residential rental apartment units and 64 parking spaces and 6 bike parking spaces.

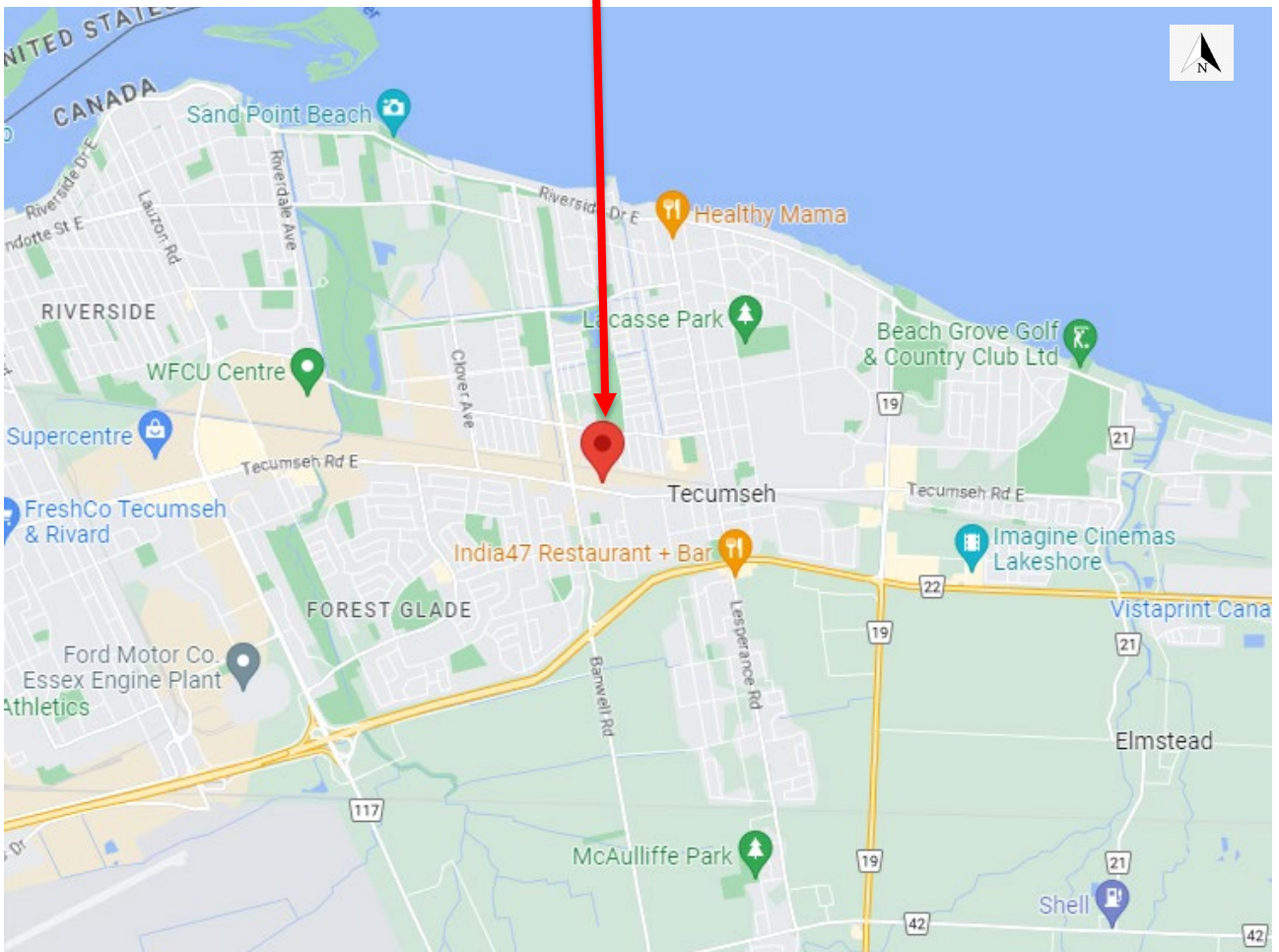
The property is located on an arterial road with bus stops within close walking distance. There is significant existing retail commercial, medical and institutional uses directly across Tecumseh and within a short walking distance.

This report provides the rationale and support for the requested Zoning Bylaw Amendment (ZBA) that will rezone the lands from 'Manufacturing District 1.2 (MD1.2)' to 'Commercial District (CD 3.10)' regulatory framework.

2.0 SITE LAND USES

The applicant proposes to develop the subject property municipally known as 11788 Tecumseh Road East with a 6 storey, medium profile residential building with 50 residential units and 64 parking spaces on the ground floor and behind the building,

FIGURE 1 – LOCATIONAL MAP: 11788 TECUMSEH ROAD EAST



The site is in the Forest Glade neighbourhood of Windsor Ward 7. The site is within the Forest Glade Planning District, but the site is not within a Secondary Plan or Special Policy Area. The eastern property line is the boundary line for the City of Windsor with the Town of Tecumseh.

As noted on **FIGURE 2 – SCHEDULE ‘A’ PLANNING DISTRICTS & POLICY AREA** the subject property is designated ‘Mixed Use Corridor’ on Schedule D of the Official Plan for the City.

The City of Windsor has identified the Tecumseh Road East area for redevelopment as a 'Mixed Use Corridor' on OPA No. 159 of the City of Windsor Official Plan (OP). The historic use of a single residential unit on the property is inconsistent with the present zoning of 'Manufacturing District (MD1.2),' and is also inconsistent with the OP designation of 'Mixed Use Corridor.'

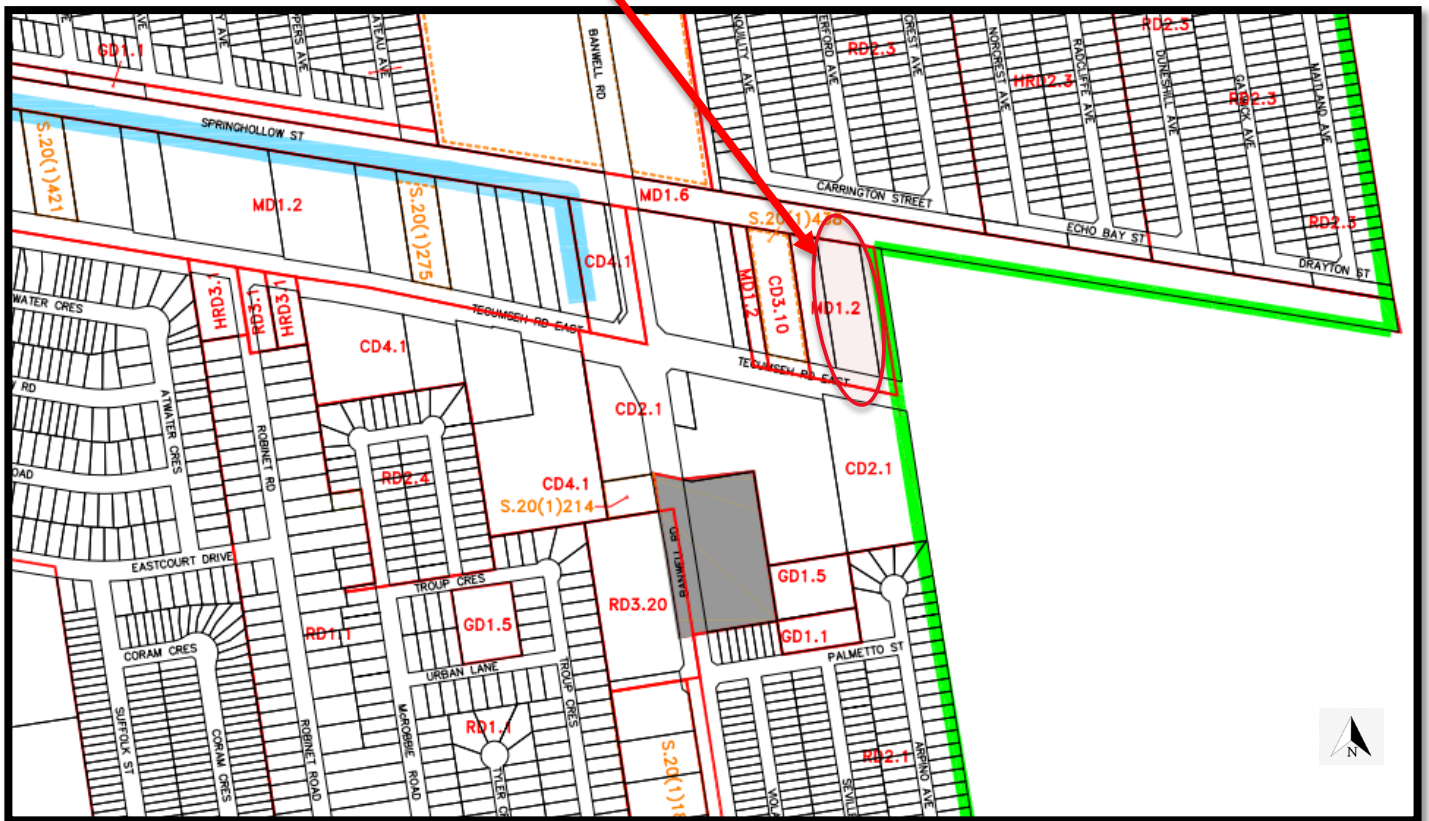
A ZBA to recognize the site for a residential development with the applicable zone of 'Commercial District (CD 3.10)' is proposed to establish a regulatory framework that is consistent with the neighbourhood and the City of Windsor Official Plan.

FIGURE 2 – SCHEDULE 'A' PLANNING DISTRICTS & POLICY AREAS



The subject site is currently zoned “Manufacturing District 1.2 (MD1.2)” in the City of Windsor CZB 8600 as shown on **FIGURE 3 – ZONING MAP (MD1.2)**.

FIGURE 3 – ZONING MAP (MD1.2)



A CN Rail track, also used by VIA Rail, runs along the rear property line at the north of the subject site. The northern perimeter of the proposed building is approximately 30 m from the property edge of the rail right-of-way. A berm is proposed at the north lot line adjacent to the railroad. A noise study has been completed for the site with provisions made for the train and the traffic on Tecumseh Road.

Presently existing on the site is a two-storey detached house, a detached vinyl garage, and a corrugated steel shed. Originally, this residence was likely a farmhouse associated with the agricultural land use in the neighbourhood. As the City of Windsor has grown over the years, the neighbourhood of the subject site has intensified and developed as a mixed-use area. A low profile single detached house is no longer an appropriate land use for this neighbourhood.

FIGURE 4 – EXISTING HOUSE



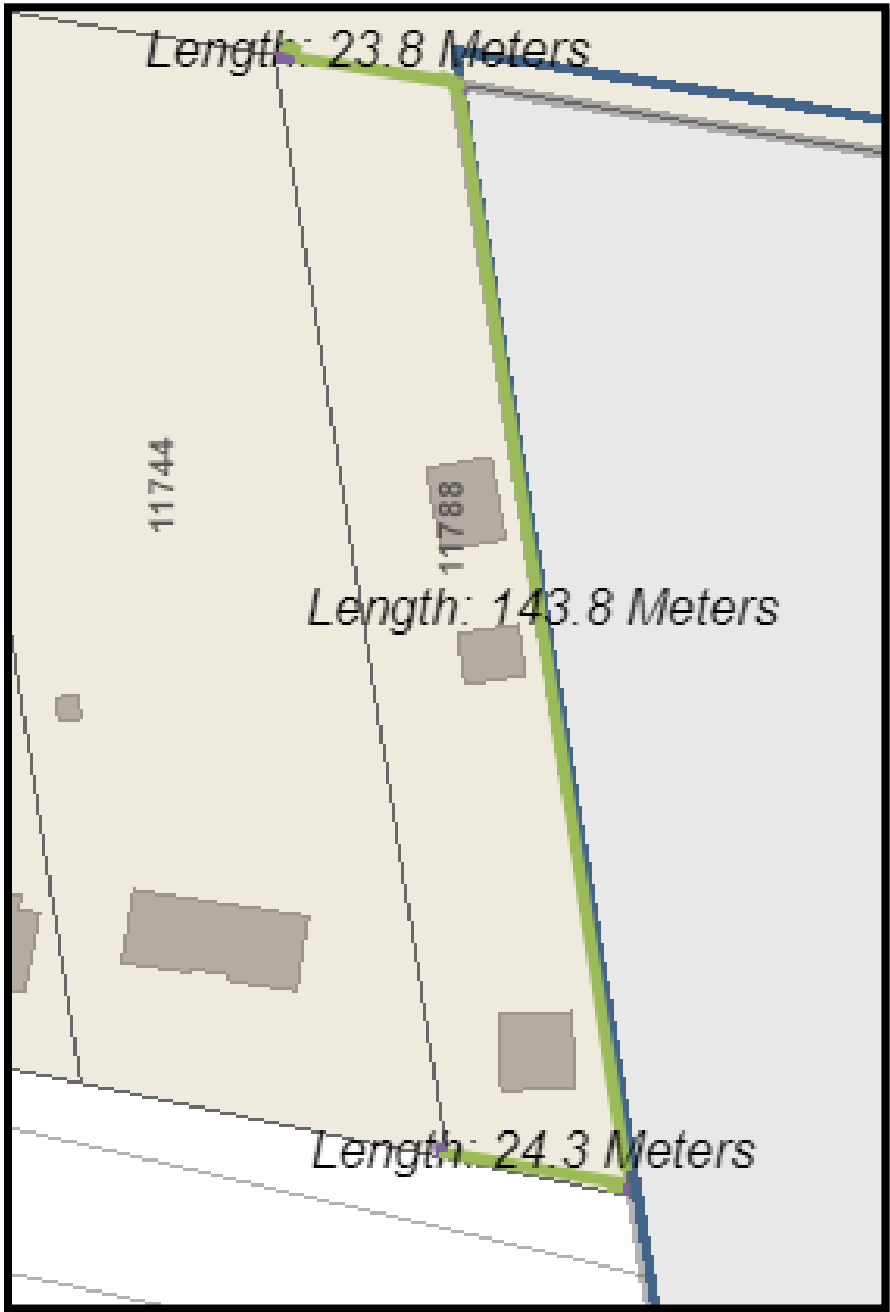
2.1 LEGAL DESCRIPTION AND OWNERSHIP

The subject lands are owned by Desjardins (Windsor) GP Inc. The legal description of the site is: Part of lot 146, Concession 1 Sandwich East as in R1113610; Windsor. PIN NUMBER: 01597-0361 (LT).

2.2 SIZE AND SITE DIMENSION

The subject lands are a long, narrow parallelogram with 22m of frontage on Tecumseh Road East. The area of the site is 3,3385m² (or 3.3385ha). The northern property line abuts the CN Rail track. The eastern property line runs along the boundary for the Town of Tecumseh.

FIGURE 5 – SITE DIMENSIONS



2.3 EXISTING STRUCTURES

Presently on the site is a two-storey detached house with blue and white vinyl siding. The house has a gabled roof which overhangs its front porch. There is a wood deck behind and in front of the house. There are two sheds on site. There is a long asphalt driveway leading from Tecumseh Rd East to a detached white vinyl garage and parking area behind the house. There is a concrete pad behind the house.

There is a wood privacy fence behind the house. Considering the location, the residence and accessory structures were likely a farmhouse and utility sheds for the farm.

All existing structures presently on site will be removed to accommodate the new build.

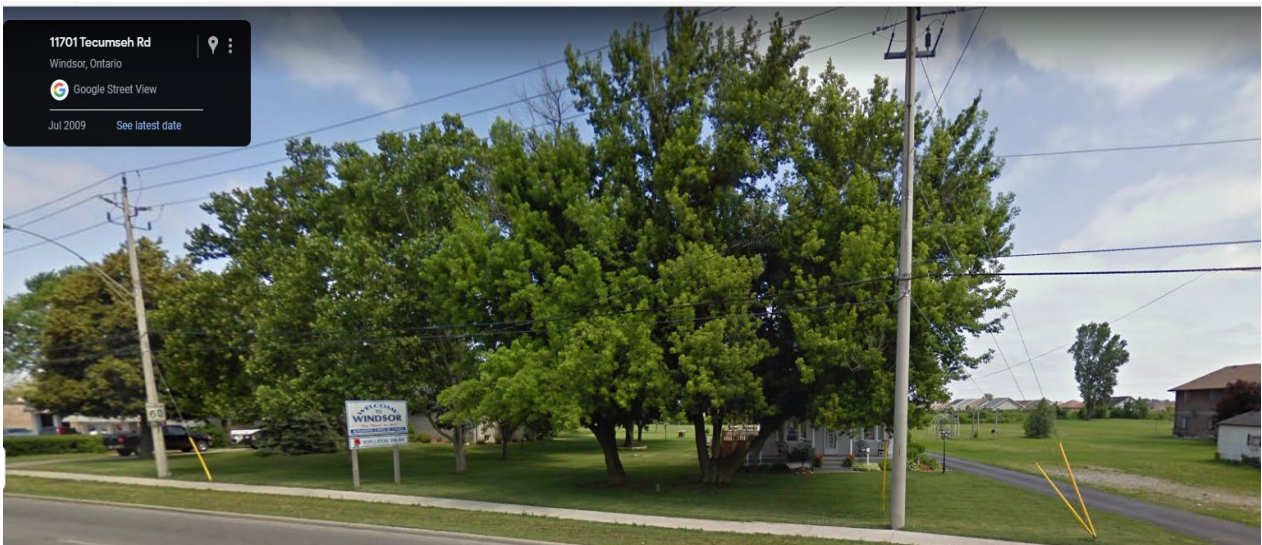
FIGURE 6 – SITE AERIAL, 2021



FIGURE 7 – EXISTING BUILDINGS (2021)



FIGURE 8 – EXISTING BUILDINGS (2009)



2.4 VEGETATION AND TOPOGRAPHY

Most of the site is covered with manicured lawn grass, with a small, landscaped garden around the house. There is a thin line of bush along the northern property of line where the site abuts the CN Rail line.

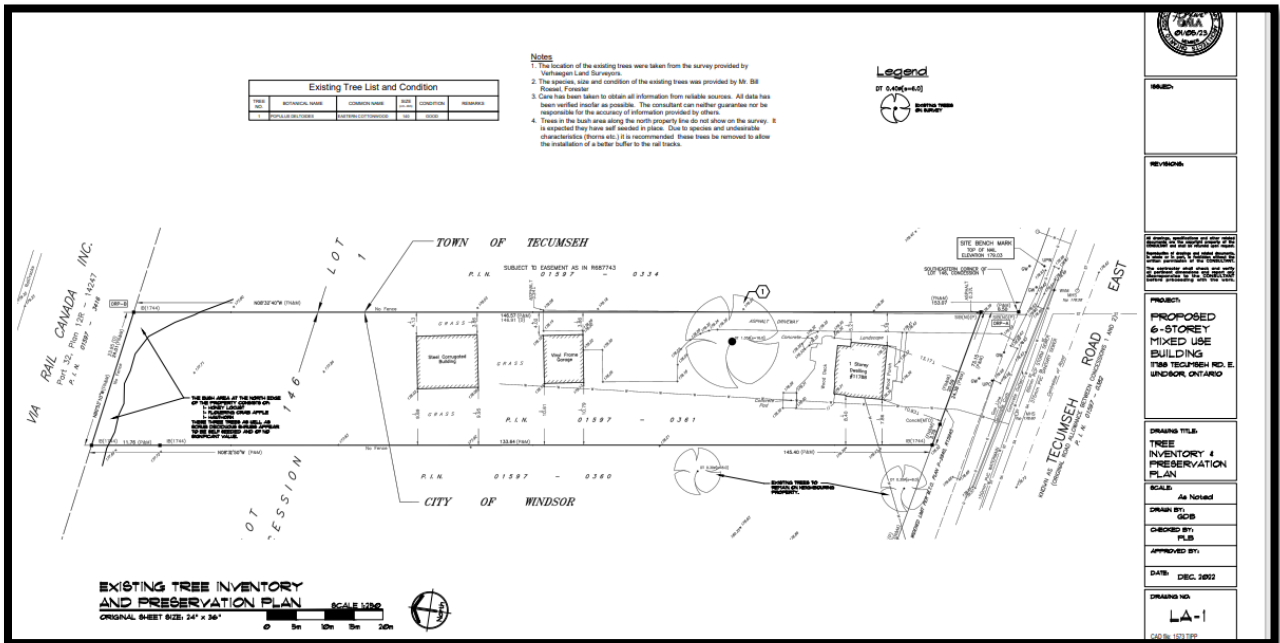
FIGURE 9 – BUSH AREA



A Tree Inventory was performed by Verhaegen Land Surveyors, with the species, size and condition of the existing trees provided by Mr. Bill Roesel, Forester. The Tree Inventory determined one large Eastern Cottonwood, (*populus deltoides*), in good condition is present on the site. The Tree Inventory concluded:

“Trees in the bush area along the north property line do not show on the survey. It is expected they have self-seeded in place. Due to species and undesirable characteristics (thorns etc.) it is recommended these trees be removed to allow the installation of a better buffer to the tracks.”

FIGURE 10 – TREE INVENTORY



As determined by the Tree Inventory, there is no habitat suitable for Species At Risk of flora or fauna on the site. All existing vegetation is proposed to be removed from the site to facilitate the proposed new development, which will include a train derailment berm and landscaping.

The topography of the site is flat, with no ditches, berms, or swales on the site. There are no watercourses, natural hazards, or human made hazards on the site.

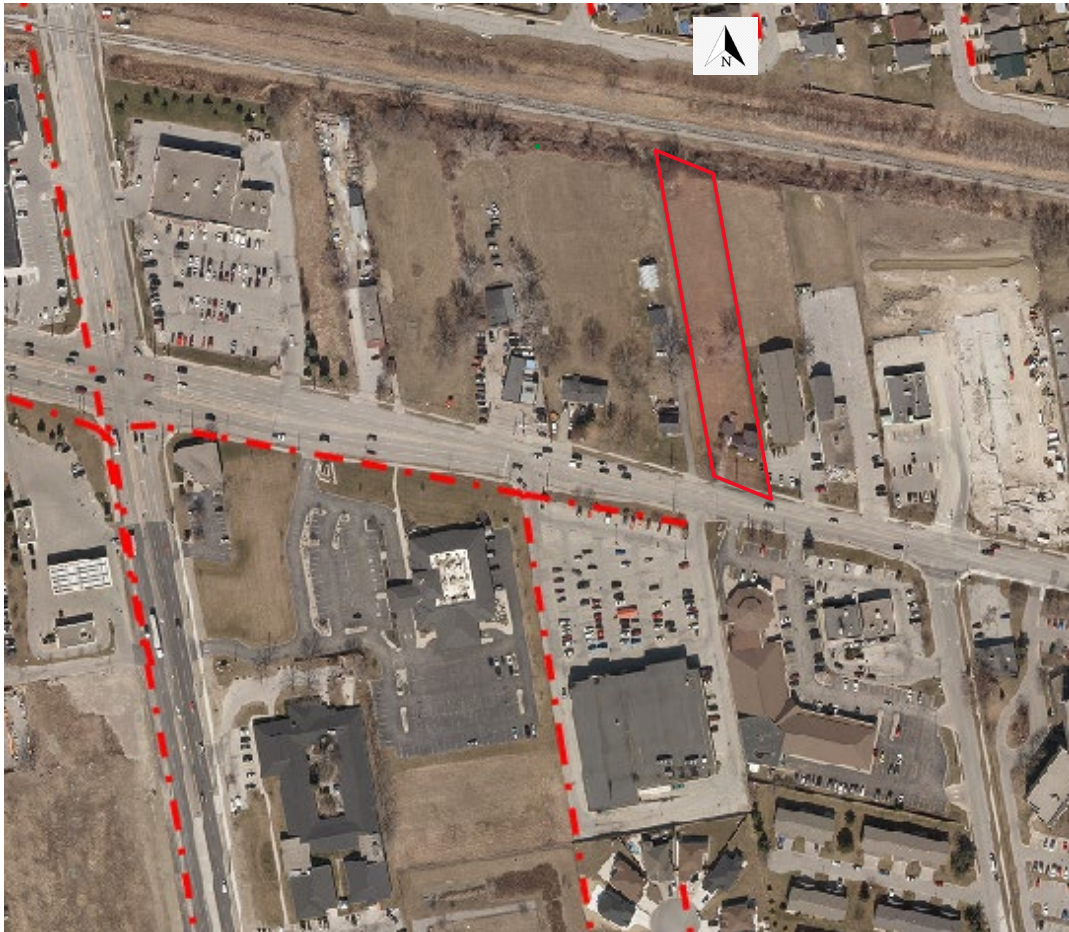
FIGURE 11 – NEIGHBOURHOOD AERIAL



2.5 MUNICIPAL SERVICES

The subject site has access to municipal sanitary sewers and municipal piped water along the south side of Tecumseh Road East.

FIGURE 12 –SANITARY SEWER LINE



Paved municipal sidewalks exist along both sides of Tecumseh Road East. There is access to a multi-use trail running north to south along Banwell Road, 300m west of the subject site. There are 2 Transit Windsor bus stops for the Lauzon 10 route within a 5-minute walk of the site.

2.6 SURROUNDING LAND USES

The existing 'Manufacturing District' zoning of the site has the property in isolation from uses and CD zoning within the neighbourhood. The neighbourhood is an area of transition with older, single detached residences on large lots being replaced with new residential or mixed use commercial/residential development.

The proposed residential development is proposed within a mixed-use neighbourhood that is supported by municipal transit, by active transportation (paved sidewalks and trail) and is within close walking distance to many commercial and institutional uses.

The 'Mixed-Use Corridor' along Tecumseh Road East is comprised of existing low and medium profile residential and commercial buildings from one to three storeys high with a number of 6 storey buildings under construction in the neighbourhood.

The Town of Tecumseh and City of Windsor border runs along the eastern property line of the subject lands.

Located three lots to the west is 11646 Tecumseh Road East that is presently under construction for a 6 storey mixed use building. Property at 11646 Tecumseh Road East is designated 'Mixed Use Corridor' and zoned 'Commercial District 3.10 CD3.10'. The requested ZBA purports to apply the (CD3.10) also apply to the subject lands for consistency in the neighbourhood.

The mixed-use neighbourhood continues to the east of the subject lands as Tecumseh Road East enters the Town of Tecumseh. There is a single storey residential dwelling immediately east of the subject site. The building beside it on the east is a two-storey mixed-use building with commercial space on the ground floor and residential apartments above. Continuing east, the next building is a 2-storey mixed-use building with a commercial restaurant on the first floor and residential dwellings above. Farther east but within sight of the subject lands are three residential apartment buildings of six and seven storeys. One of those already constructed buildings has retail space on the ground floor with residential dwellings above.

Across the street and directly south of the subject lands within the City of Windsor is a large, two storey Metro Grocery Store with surface parking. To the southwest is the Windsor Chapel Funeral Home, a two-storey building with surface parking. To the southeast within the Town of Tecumseh is a two-story building with an Urgent Care Centre, IDA Pharmacy, and Optometrist office.

To the west of the subject site is a single storey detached house with multiple cars parked in the front yard. The next building to the west is Tecumseh Auto Service, a two-storey building, and Steve's Auto Repair, a single storey detached building. In front of these is a parking area for vehicles awaiting repair.

To the north, the subject lands border on the CN Rail line. North of the railway tracks is a neighbourhood of low profile, detached residential houses.

FIGURE 13 – NEIGHBOURHOOD AERIAL A



- a) North –** CN Rail tracks, low profile residential houses
- b) East –** single storey detached house, mixed-use medium profile (6 storey) residential and commercial building, Urgent Care Centre and IDA Pharmacy
- c) South –** two-storey Metro grocery store with surface parking; funeral home.
- d) West –** single storey detached house, Tecumseh Auto Service 2 storey building and Steve’s Auto Repair single storey garage

2.7 NEARBY AMENITIES

The new residential development is proposed within a ‘Mixed-Use Corridor’ that is supported by existing municipal transit and active transportation routes.

The site is within a 5-minute walk of supportive goods and services, including:

- Metro Grocery Store
- IDA Drugstore
- Urgent Care Centre
- Optometrist Office
- Shopper's Drug Mart (Pharmacy)
- Subway Restaurant
- Tim Horton's (Restaurant)
- Canada Post Office
- Sir Richard's Wine and Ale House (Restaurant)
- TD Bank
- Nonna's Pizza and Pasta (Restaurant)

Within a 10-minute walk:

- Goodwill clothing store
- Banwell Community Church
- Palmetto Park
- Southfield Park

Within a 15-minute walk:

- Heron Terrace retirement home
- East Riverside Park

Forest Glade Neighbourhood Schools:

- St. Joseph's Catholic High School – 18-minute walk
- L. A. Desmarais Catholic Elementary School – 16-minute Walk
- Parkview Public Elementary School – 23-minute walk

3.0 DEVELOPMENT PROPOSAL

The applicant is proposing to develop the subject lands with a 6 storey, medium profile, residential building. The first floor consists of 154 m² of interior amenity space at the front of the building and 64 covered car parking spaces including 4 barrier free parking on the ground floor and behind the building. There is a second floor additional amenity space at the front of the building above the ground floor amenity space. The 5 upper floors (floors 2-6) consist of 50 residential apartment units.

The building will have a 6 m front yard setback from Tecumseh Road; a 3 m interior side yard on both east and west sides; and 45.3 m rear yard setback. Within the rear yard there is a 15 m wide vegetation setback from the rear of the parking lot to the rear lot line. The proposed building, parking and the density can be accommodated under the CD3.10 zone with one site specific provision to recognize the gentle density increase.

The residential units will be rental accommodation geared to seniors with features within the units for the benefit and improvement of accommodation for seniors through the Canada Mortgage and Housing Corporation (CMHC). The proposed development is a residential intensification and an infill development on an underutilized site.

The proposed residential rental apartment units will provide an alternative housing form and tenure from the single detached houses more commonly available in Windsor. These units will address the historically low vacancy rate of 1.8% for rental units in the City by providing additional renting housing stock.

The owner intends to provide a 'geared to income' financial approach to the rental apartments with a focus on providing units to senior members of the community. The provision of high quality, rental accommodation will provide alternative housing tenure and style while supporting older neighbours in the adjacent residences to 'age in place'.

The main floor amenity space includes a vestibule, lobby, mail room, elevator and stairs, and multi-purpose rooms that will be used for activities geared to seniors such as visiting pediatricist, massage therapist, etc. The second floor amenity space includes an elevator, stairs, lobby and a large room with a kitchenette for social gatherings for the tenants.

There are like and similar buildings with multiple storeys and other medium profile residential buildings within the immediate neighbourhood making the proposed building comparable and compatible with the neighbourhood.

The building will include several step backs to maximize sunlight and to avoid overpowering the street. Pedestrian entrances will be located at both the east and west sides of the building with access to the public sidewalk along Tecumseh. In my professional opinion, the proposed development will be an attractive, pedestrian oriented building that will be an asset to the neighbourhood while providing for needed alternative housing.

The ZBA purports to change the zoning from 'Manufacturing District (MD1.2)' to '**Commercial District (CD3.10)**' to support the construction of the proposed medium profile, 6 storey building with 154 m² amenity space on the ground floor and additional amenity space on the second floor and 50 senior focused residential rental units in the 5 upper stories. There will be 64 partially covered car parking spaces and 6 bike parking spaces in compliance with the CZB.

The zone (CD3.10) is consistent with other neighbourhood land uses and neighbourhood properties also zoned (CD3.10). This provides for and ensures a compatibility with the neighbourhood of the proposed development.

The proposed building, land use and the majority of site details comply with the 'Commercial District (CD3.10)'. A site specific bylaw provision will be required to address one provision that speaks to the minimum lot area under Commercial District 3.10 (CD3.10) Subsection 16.10.5.2 "for each dwelling unit 85 m²". The lot area of 3,338.5 m² equates to 67 m²/unit and supports a gentle, reasonable intensification that is the only site specific provision to be addressed, indicative that the intensification is consistent with the CZB 8600.

Yard, Landscaping, and Parking

The building is proposed to have setbacks of 6 m for the front yard; 45 m rear yard to the rear lot line shared with CN Rail, and 3 m western and 3 m eastern interior side yards. The yards will be extensively landscaped.

There is a 15 m rear yard of vegetation between the parking lot and the rear lot line. A berm will be constructed at the 15 m rear of the property to ensure the safety of residents and provide for sound buffering and derailment provisions.

The driveway for the building will enter at Tecumseh Road East. The front yard will have 6 bike spaces and the parking is to be located behind the amenity space on the ground floor and at the rear of the building. The majority of the parking will be located under the building.

There will be 64 total parking spaces and 1 loading spaces provided on site:

- 64 residential spaces (covered);
- 6 bike parking spaces
- 1 loading space;
- 4 Barrier Free spaces at the entrance of the building (covered).

FIGURE 14 – VIEW FROM TECUMSEH FACING NORTH-EAST



FIGURE 15 – WEST FACADE



FIGURE 16 – VIEW FROM TECUMSEH FACING NORTH



FIGURE 17 – VIEW OF WEST FACING ENTRY



VIEW OF WEST FACING ENTRY

FIGURE 18 – EAST FACADE



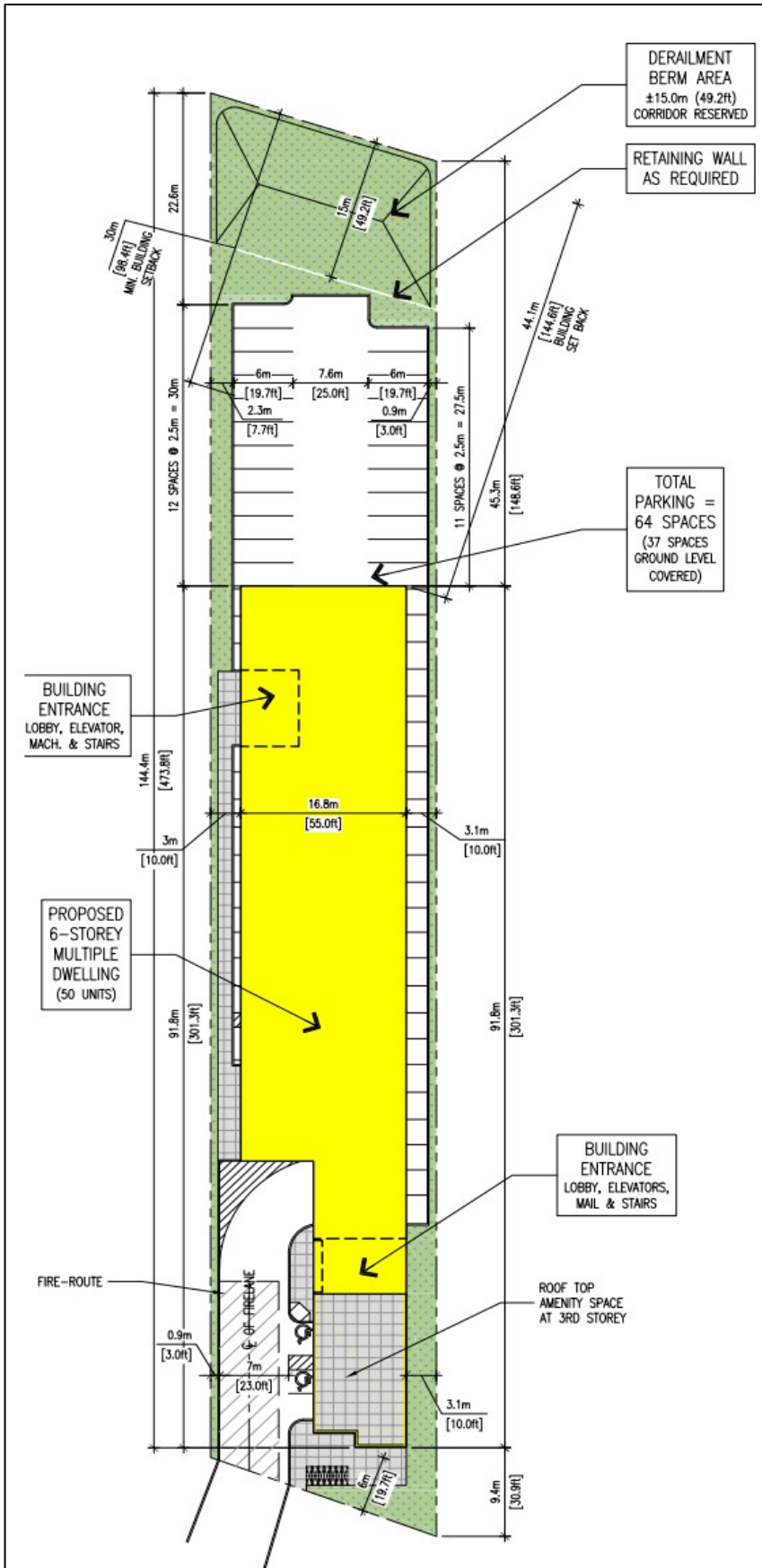
VIEW OF EAST ELEVATION

FIGURE 19 – AERIAL VIEW



AERIAL VIEW

FIGURE 20 – SITE PLAN



Ground Floor

The main floor (see site plan above) consists of amenity space with 154 m² floor area on the front on the east side of the building. The amenity space will provide for support and amenity uses such as mail room and small gathering multi-purpose rooms.

There will be entrances for the 5 floors of residential units identified as floors 2-6 on the west side of the building and will have a lobby area, elevators, and stairs.

There will be a mechanical room and a refuse area on the ground floor. Each of the residential floors will have access to a refuse shoot.

Covered parking will be located behind the front, main floor amenity space and under the second floor of residential. There will be no dwelling units on the ground floor.

Second Floor

The second floor will have an indoor amenity room used for group activities and private functions such as birthday parties. The second floor will also have storage facilities for each of the tenants. The second floor amenity space is an area for special events and activities for the tenants.

The second floor will also have a lobby area, storage area, and refuse shoot. There will be access to elevators and stairs on both the north side and the south side of the building.

There are 5 floors of residential units above the ground floor with a residential entrance behind the front amenity space on the ground floor.

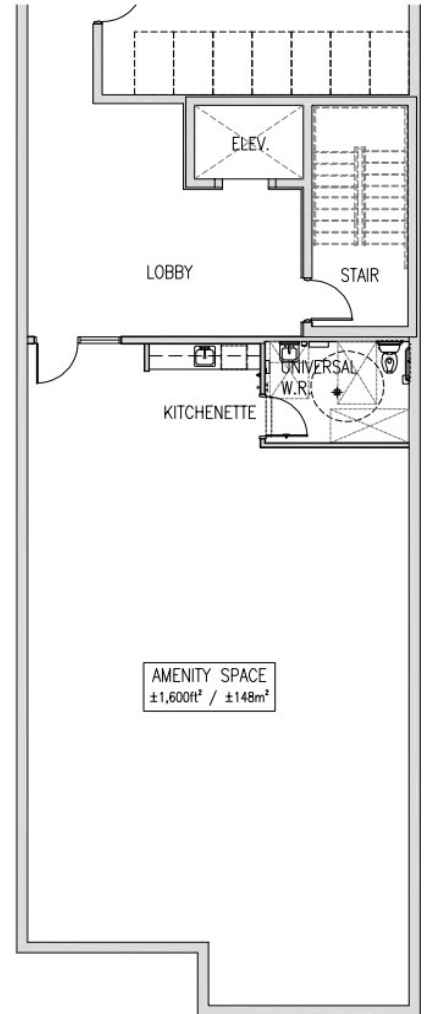
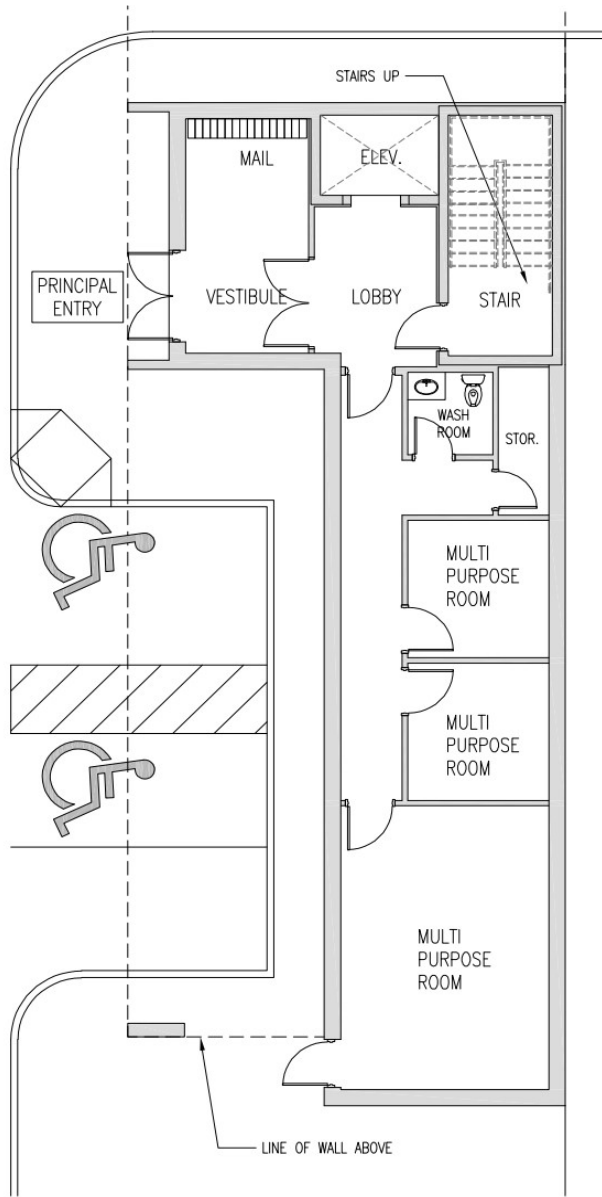
There will be 8 dwelling units on the second floor. Each apartment will have:

- two bedrooms
- 2 full bathrooms
- private balcony
- laundry
- great room with combination kitchen, dining and living area.

Third Floor

The access to the outdoor amenity space is from the third floor. The outdoor amenity space includes landscaping and gathering settings for the residents. The outdoor landscaped patio is only accessible by tenants.

FIGURE 21 – FIRST FLOOR AND SECOND FLOOR AMENITY SPACES



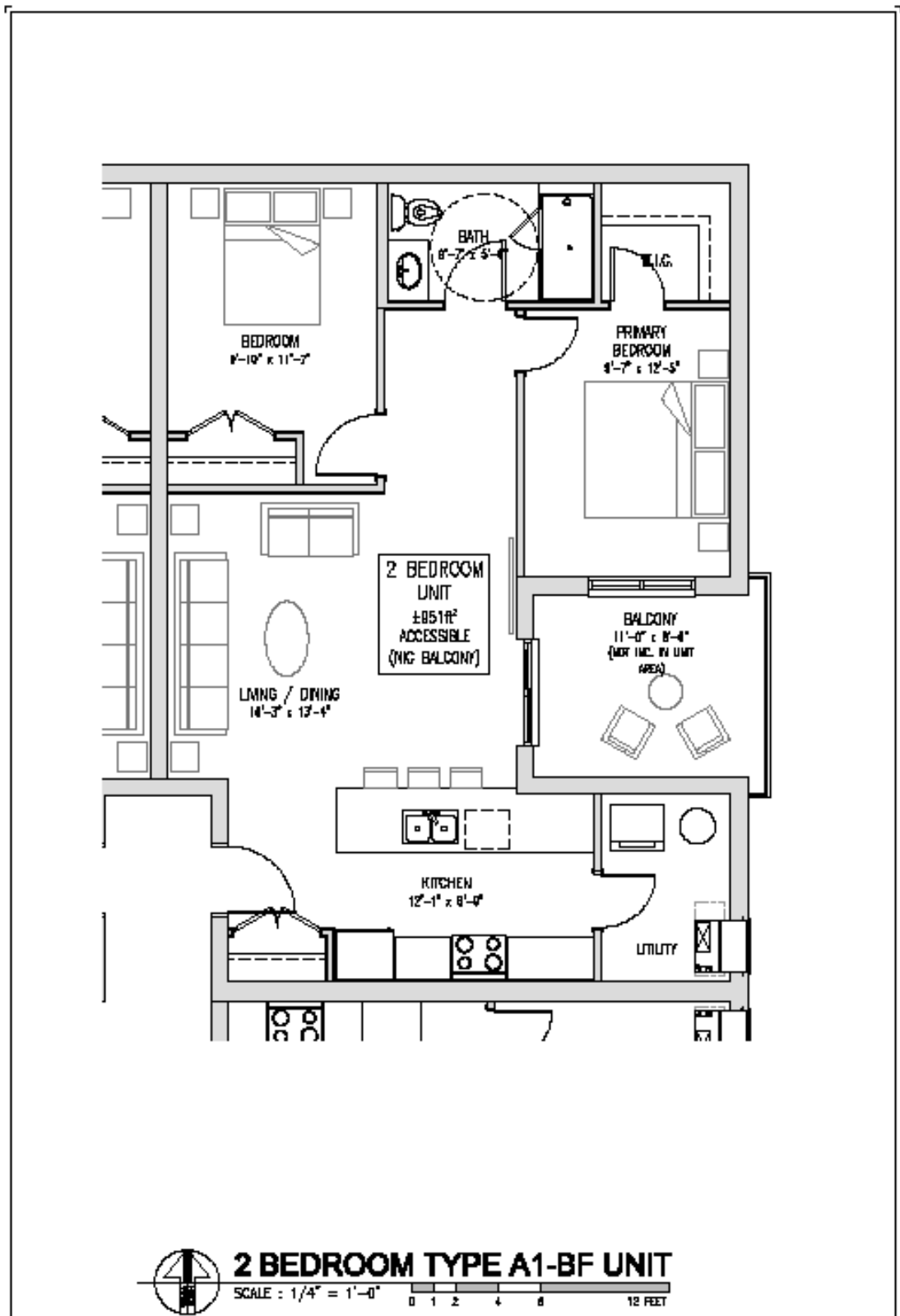
 **AMENITY SPACE PLAN**
SCALE : 1/8" = 1'-0" FIRST FLR

 **AMENITY SPACE PLAN**
SCALE : 1/8" = 1'-0" SECOND FLR

AMENITY GROUND FLOOR

AMENITY SECOND FLOOR

FIGURE 22 – 2 BEDROOM UNIT BARRIER FREE



3.1 VIBRATION STUDY

Akoustic Engineering Limited, 138 Angstrom Crescent Amherstburg, ON N9V 3S3, is a qualified, local engineering firm that undertook a Vibration Study relating to the proposed development.

Summary and Conclusions:

“A vibration assessment of the nearby rail line operations, consisting of ground-borne vibration measurements, was carried out for the proposed 6-story residential condominium development to be located at 11788 Tecumseh Road East, in the City of Windsor. The measured vibration data has demonstrated that the ground vibration levels due to rail traffic on the nearby CP rail line do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada’s criteria of 0.14 mm/s RMS velocity. Given that the measured vibration levels are within compliance to the guideline, and that vibration abatement is not required to reduce the vibration levels at the proposed development,

it is recommended that the development be given approval with respect to vibration impacts from the CN/VIA rail line.”

3.2 SARS REPORT:

Species at Risk (SARS) Report was prepared by Nicole Wajmer, Insight Environmental Solutions Inc., Shelburne, ON

“Based on the results of this SAR Impact Assessment the following conclusions are presented:

1. Insight Environmental Solutions Inc., (IES) was retained by Desjardins General Partnership to undertake a Species at Risk (SAR) Impact Assessment for the proposed multi-use building development of the property located at 11788 Tecumseh Road East, Essex County, Windsor, Ontario
2. The project proposes to construct a six-story multi-use building containing an amenity space up front and 50 residential units on the top five stories with the associated servicing and parking.
3. The Subject Property does not support any natural heritage features nor do any natural heritage features exist within 120m of the Subject Property.

4. The Subject Property is outside of the Essex Region Conservation Authority (ERCA) Regulated Area.
5. A site visit and review of the literature and available data suggests that the only SAR that has potential to occur within the vicinity of the Subject Property based on available habitats is Eastern Foxsnake.
6. IES has recommend that the scattered trees found on mown lawn and all structures be removed outside of the active breeding season for birds and bats as a precautionary measure (collectively outside April 1 – September 30).
7. The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery and SAR mitigation. Based on Species at Risk information gathering efforts conducted by IES it is argued that the project is not likely to contravene Section 9 or Section 10 of the ESA 2007. The proposed development will have no impact on any Endangered or Threatened species or their habitat if the mitigation measures stated in this report are implemented during construction activities.”

3.3 SITE SERVICING STUDY:

Aleo Engineering Limited, 325 Devonshire Road, Suite 500, Windsor ON N8Y 2L3, is a qualified, local engineering firm that undertook a Site Servicing Study relating to the proposed development.

“This functional servicing report has established how the development of this site will be serviced with respect to water distribution, wastewater, and storm drainage without negatively impacting the existing municipal infrastructure.

A summary of the report’s conclusions is the following:

- Water servicing for the development can be provided by the existing 8” diameter municipal watermain along Tecumseh Road East;
- An assessment of the receiving 15” diameter sanitary sewer along Tecumseh Rd. E. determined that there is adequate capacity to accept the additional sewage flows from a five storey 50-unit condominium building. The building sewage will drain to the existing 15” diameter municipal sanitary sewer through a new 8” private sanitary connection.
- Stormwater runoff from the site will drain to the existing 24” diameter concrete pipe municipal storm sewer along Tecumseh Road East.
- Stormwater management design shall follow the latest Windsor/Essex Stormwater Management Standards Manual.”

3.4 ENERGY AUDIT

Energy Audit was prepared by Michael Fawzy, P. Eng. Lead Mechanical Engineer with MEP Design:

“This project includes a 5-floor residential building construction with 50 apartment units in addition to a ground floor amenity spaces with approximately the total of 6,225 square meter (67,000 square foot).

The intent of this energy strategy report is to identify and evaluate the whole building energy efficiency. Several energy efficiency options were considered to improve the building efficiency including the option of rotating the building. The energy modeling results is showing a very minor changes in energy consumption that is not exceed 1% savings with each orientation. See appendix C for energy report results. Building orientation will remain as proposed at the city permit documents.

Additionally, the efficiency of the mechanical and electrical systems are examined to improve the whole building energy efficiency where possible. A high efficiency LED lighting and mechanical systems are selected.

The final energy modeling results is outlined below: Alternative #1: is the proposed building with the total energy consumption of $1,863.4 \times 10^6$ Btu/year Comparing to Alternative #2: is the baseline building (using minimum code requirements) with total energy consumption of $2,307.5 \times 10^6$ Btu/year.

The conclusion is that the total reduction in the proposed building energy consumption is approximately 444×10^6 Btu/year. This represents approximately 19.25% savings on energy consumption and 26 tCO₂e/year (tonnes of equivalent CO₂ emissions per year of operation).

The following report details the information of the inputs and analysis completed. A print out of the energy simulation results is included in Appendix C of this report.”

3.5 TRAFFIC REPORT

Traffic Impact Report was prepared by Aaron Blata, P.Eng. with RC Spencer Associates, 800 University Ave West, Windsor ON N9A 5R9.

“Therefore, based on the results of the technical work, it is the engineer’s opinion that the proposed development will not adversely impact area traffic operations; no on-street improvements are required, and the proposed on-site parking supply could adequately service the proposed development’s peak parking demands.”

3.6 NOISE STUDY:

JJ Acoustic Engineering Ltd. undertook a Noise Report with the following conclusion:

“The results of this Study indicate that the potential environmental impact from road/rail traffic noise sources are significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit. With the mitigation measures provided in Section 6, there will be minimal noise impact from the neighboring buildings to the Site.

JJ Acoustic Engineering Limited (JJAЕ) has prepared this letter of confirmation to for the residential development located at 11788 Tecumseh Road East in Windsor, Ontario (Site), Ontario. This letter confirms that JJAЕ had contacted John Walsh from VIA Rail on March 6, 2024, providing them with a full copy of the JJ-00478 report dated December 4, 2023, for 11788 Tecumseh Road East in Windsor, Ontario.”

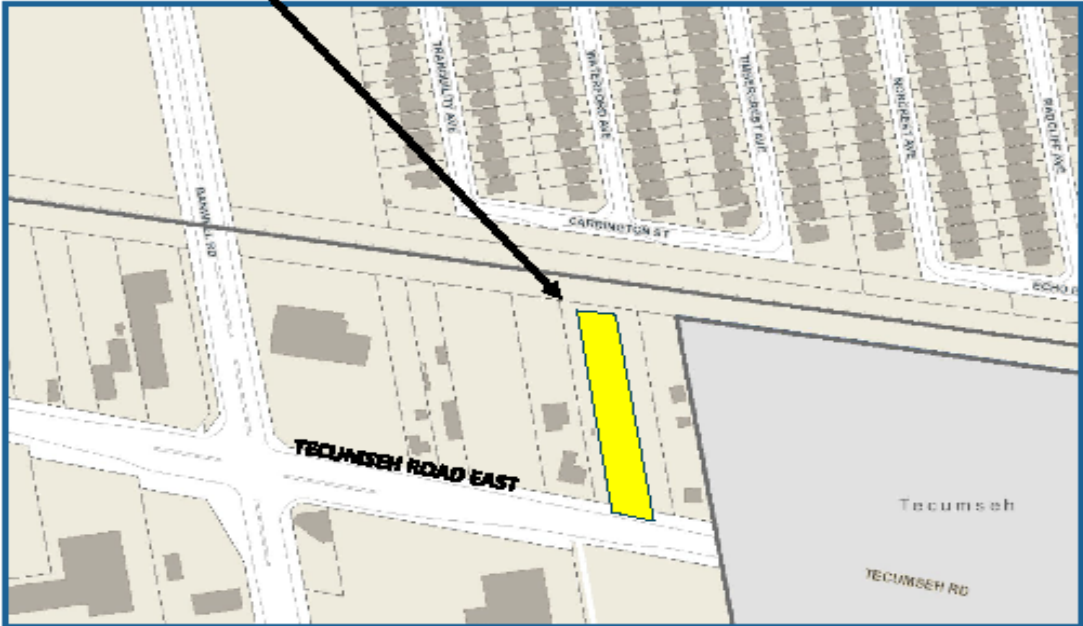
3.7 OPEN HOUSE:

An Open House was held Friday, August 11, 2023 on site at 11788 Tecumseh Road East. There were approximately 50 invitations sent out with 1 person attending. Mr. Pearson lives at 2459 Waterford Ave. His concern was that the building was going to be too tall and shadow his property located in the residential subdivision on the north side of the train tracks. Mr. Pearson left satisfied the 6 storey building will not cast shadows on his residence.

See Open House Notice below.

FIGURE 23 – OPEN HOUSE NOTICE

OPEN HOUSE
FRIDAY, AUGUST 11, 2023 4pm-6pm
11788 TECUMSEH ROAD EAST



We are hosting an Open House Information meeting to discuss the proposed development of the site with a 6 storey building with commercial main floor and 50 residential units above floors. The site is 11788 Tecumseh Road East. You are invited to attend an Open House to ask questions and learn about the project. The developers will be available to answer any of your questions.

CONTACT INFORMATION:

Jen Coutts (owner) Desjardins (Windsor) GP Inc. 519-360-8426	Jackie Lassaline (Planner) Lassaline Planning Consultants 519-563-8814
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4.0 URBAN DESIGN BRIEF

The subject lands have historically been located on the edge of the City of Windsor. As the City of Windsor and the Town of Tecumseh have grown, the neighbourhood has developed and intensified. The subject site has historically been a residential property. Even after the neighbourhood was designated as 'Industrial' on the City of Windsor OP and zoned as 'Manufacturing District (MD1.2)', the subject lands continued in residential use as a single detached house and associated outbuildings.

With the changing needs and demographics of the City of Windsor, OPA No. 159 was adopted. The Tecumseh Road East corridor has now been redesignated with the land use of 'Mixed-Use Corridor' with the intent of redeveloping this neighbourhood as a more pedestrian oriented, mixed-use community.

FIGURE 24 – NEIGHBOURHOOD AERIAL B



Abutting the subject lands on the west is a single story, raised-ranch style detached house with multiple cars parked on the front lawn. This property is presently zoned 'Manufacturing District (MD1.2)' and appears to be associated with the car repair business abutting it on the west. In front of this house there is a three-way intersection and pedestrian crossing with a stoplight entering the parking lots of the grocery store and the funeral home across the street.

FIGURE 25 – ABUTTING HOUSE ON THE WEST



The third property to the west is a vacant lot zoned 'Commercial District (CD3.10)'. These lands are under construction for a 6 storey, mixed use building considered a medium profile mixed-use building. Future development in the neighbourhood is anticipated on a similar size, scale, massing and building type to the proposed development.

FIGURE 26 – THIRD LOT TO THE WEST FROM SUBJECT SITE



FIGURE 27 – LOOKING EAST



Immediately on the east side of the subject lands is an older, single story detached house with white vinyl siding and east of that building is a 2-storey, mixed-use building with an insurance business at the front and residential units at the rear and on the upper storey. The third building to the east is a mixed-use property with a single-story commercial restaurant in the front and a 2-storey residential apartment building in the rear.

FIGURE 28 – BUILDINGS TO THE EAST



As previously discussed, the subject lands border the boundary between the City of Windsor and the Town of Tecumseh. The abutting property on the east is within the Town of Tecumseh. A few properties to the east from the site down Tecumseh Road East and within the Town of Tecumseh are three medium profile residential buildings of six and seven stories.



To the north of the subject site is a CN rail line. There is a low-profile residential neighbourhood to the north. This neighbourhood is separated from the subject site by the rail line. The nearest crossing is at Banwell Road.

Directly south of the subject lands on the other side of Tecumseh Road East is a medium profile, two storey Metro grocery store with a surface parking lot. To the southeast is a medium profile, 2 storey medical building with an Urgent Care centre, IDA Pharmacy, and optometrist clinic. To the southwest is Windsor Chapel Funeral Home, a medium profile, 2-storey building with surface parking.

FIGURE 29 – LOOKING SOUTH



The proposed 6-storey, medium profile building with 50 residential apartments, and 64 car parking spaces is compatible in size, scale and massing with the existing buildings in the neighbourhood. There are already several very similar existing buildings along Tecumseh Road East.

Moreover, the changes to the City's Official Plan in OPA No. 159 express the intent of redeveloping this neighbourhood as a 'Mixed-Use Corridor' to be more pedestrian friendly and to accommodate a variety of uses including medium density residential. The neighbourhood has a variety of supportive commercial businesses as discussed in Section **2.8 Nearby Amenities**.

There is a demonstrated need for alternative housing that is designed for senior tenants in the City of Windsor. Rising interest rates and inflation have led to a residential rental vacancy rate of 1.8% as of October 2022 in the City. It is increasingly difficult for senior residents of a low to moderate household income to find suitable, comfortable housing. The proposed development will feature an alternative style and tenure of housing that is different from the traditional single detached house by adding needed housing stock to the Windsor rental market.

The building will feature a high quality and standard of design. Each apartment will feature bedrooms, full bathrooms, a private balcony, in suite laundry appliances, and an open concept kitchen/ living room/ dining area. The units will provide for features for seniors such as grab bars and other senior supportive housing. Each floor will have access to elevators and stairs at both the north and south ends. Each floor will also offer an indoor amenity area. The building will have 64 spaces of partially covered car parking for residents and visitors in the middle and at the rear of the building, and 1 loading space. There will be a bike rack with 6 spaces at the front of the building.

The minimum permitted setbacks from Tecumseh Road East will help to create a pedestrian oriented streetscape. The property will be landscaped to a high standard, further adding to the visual amenity of the new building. The rear yard of the building will be extensively landscaped and will include a train derailment berm to ensure resident safety.

The subject lands have good access to public transit, with 2 stops for the Lauzon 10 bus route about a 5-minute walk from the site. There is access to a north/south multi-use trail along Banwell Avenue about 300m from the site. There are paved sidewalks along both sides of Tecumseh Road East. The proposed development will encourage residents to use walking, biking, and public transit.

The proposed development of 50 apartment units with 64 parking spaces complies with the Comprehensive Zoning Bylaw 8600 and there are no site specific provisions required to support the development.

5.0 PROVINCIAL POLICY STATEMENT (PPS)

The *Planning Act, R.S.O. 1990, c.P. 13*, as amended, requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS), 2020.

The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and provides direction on matters of provincial interest primarily related to land use planning and development. The policies within the PPS apply province-wide and are an integral part of the Ontario's policy led planning system.

The PPS generally aims to encourage the wise use and management of land and other resources, promote the development of healthy and prosperous communities, protect public health and safety, and protect the natural environment. Specifically, the primary directives of the PPS include:

“Section 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;”

COMMENT:

In my professional opinion, the proposed ZBA to support the development of the site with the new residential building will create an efficient and effective use suited and compatible with the existing neighbourhood.

(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;”

COMMENT:

The medium profile residential building with 64 parking spaces on the ground floor and 50 residential rental apartments on the 5 upper floors will, in my professional opinion, provide for an alternative style and tenure of housing to the standard single detached residential housing. The ZBA will facilitate the provision of a variety and diversity of housing Windsor needed to support a healthy community. The proposed housing supporting senior tenants, in my professional opinion, is consistent with the healthy community policies of the PPS.

“(c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;”

COMMENT:

The property has been in residential use for over 75 years. The noise report provides for mitigation measures such as setback and the berm so the building and sensitive land use are not negatively impacted by the train traffic at the rear of the property. There are no natural heritage concerns associated with the development of the property.

“(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;”

COMMENT:

The subject lands are located within the urban settlement area of the City of Windsor. The new building creates an infilling development on an underdeveloped lot within an established mixed-use neighbourhood. The medium profile development provides a housing tenure and style diversification that is compatible with the neighbourhood. In my professional opinion, the development will support the efficient and effective establishment of an appropriate alternative residential housing in an appropriate mixed-use area.

“(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;”

COMMENT:

The site is within a 5-minute walk of stops for the Windsor Transit Lauzon 10 bus route. The site is within 300m of multi-use trail route along Banwell which connects throughout the municipality. Bike racks will be provided to support the utilization of municipal trails.

Municipal sanitary and piped water services are available to the site. The location will allow for an efficient and effective development while providing for a cost-effective utilization of existing municipal infrastructure. As noted in the Engineering report, there is municipal capacity to accommodate the proposed land use and the development will not result in an expansion of municipal infrastructure.

The proposed development of a medium profile residential building with 50 residential units is an appropriate infill in a ‘Mixed Use Corridor’ neighbourhood that is seeking to intensify.

In my professional opinion, the proposal is consistent with and supports the establishment of alternative housing tenure and style; supports the cost-effective use of the property while minimizing land consumption; and supports the efficient and effective utilization of municipal infrastructure while being neighbourhood compatible.

“(f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;”

COMMENT:

Two interior elevators will enhance the accessibility of the building for older persons and persons with disabilities. Four Barrier Free parking spaces will be provided. Building accessibility will be established in compliance with the OBC for all residential units, consistent with PPS policies.

“(g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;”

COMMENT:

As noted in the Functioning Servicing Report (FSR) there is sufficient capacity available in the municipal infrastructure to accommodate the proposed 50 residential dwelling units. The proposed development, in my professional opinion, is considered an efficient and effective utilization of municipal infrastructure.

“(h) promoting development and land use patterns that conserve biodiversity; and”

COMMENT:

The proposed residential building with 50 apartments will provide for moderate intensification of residential use as infilling within an existing built-up area.

The infill development and residential intensification on an underused lot minimizes the consumption of land resources by maximizing the efficient use of a small footprint of land.

The proposed building relieves development pressure on areas of high-quality habitat by infilling and intensifying an underused lot which holds no habitat suitable for Species At Risk, thereby conserving biodiversity.

“(i) preparing for the regional and local impacts of a changing climate.”

COMMENT:

In my professional opinion, the proposed development is consistent with the PPS in preparing for impacts of a changing climate.

The development will reduce carbon emissions through providing residents with:

- opportunities live in a mixed-use neighbourhood, reducing the need to commute long distances to work
- paved sidewalks
- nearby multi-unit trail along Banwell
- bike racks

COMMENT:

- Indoor amenity spaces and outdoor gathering place
- nearby supportive commercial amenities, reducing the need to travel outside of the neighbourhood
- access to nearby bus routes.

The proposed development will feature appropriate stormwater mitigation strategies to address a 1 in 100 year storm. It is my professional opinion that the multiple dwelling design of the building will conserve energy used for heating and ..

“Section 1.1.3.2 Settlement Areas

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.*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

COMMENT:

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development. The proposal supports active transportation and municipal transit.

In my professional opinion, the proposed residential development is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development within the existing neighbourhood.

“Section 1.1.3.3 Settlement Areas

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

COMMENT:

The subject lands are within a short walking distance to supportive commercial amenities, including a grocery store, pharmacies, and an Urgent Care centre. A public transit line and a trail are along Tecumseh Road out front of the subject property.

The ZBA will support the evolution of an underused property for the establishment of a new medium profile, residential building with 50 residential rental units that will provide needed residential accommodation as alternative tenure and style of housing.

The proposed building will be within a couple lots of a similarly zoned ‘Commercial District (CD3.10)’ property that is under construction for a 6 storey, medium profile mixed-use building. The proposed building is compatible and consistent with a number of 6 storey residential apartment buildings in the neighbourhood.

It is my professional opinion that the proposed is consistent with this policy of the PPS.

COMMENT:

In my professional opinion, the proposed residential development is an efficient, effective development that provides for an alternative housing tenure and style needed within the neighbourhood. The location will support the ‘live work’ concept that will allow residents to reside in the same neighbourhood as many employment opportunities in the nearby retail shops, restaurants, and commercial businesses.

The owner intends to provide a ‘geared to income’ financial approach to the rental apartments with a focus on providing units to senior members of the community. The provision of high quality, rental accommodation will provide alternative housing tenure and style while supporting the aging in place policy initiative of the City.

“Section 1.1.3.4 Settlement Areas

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

COMMENT:

In my professional opinion, the proposed development creates an appropriate residential intensification and infill with a compact form with a 6-storey building on a small footprint of land.

The situation of a train derailment at the north of the site is mitigated with the construction of a train derailment berm. The noise of the active railway is mitigated by providing extensive indoor amenity space on each floor. Noise mitigation features will be incorporated into the design of the building. There are no other public health issues or risks associated with the proposed development.

“Section 1.4.1 Housing

To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- (a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

- (b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

COMMENT:

In my professional opinion the proposed 6-storey, medium profile residential building with 50 units of 'geared-to-income' rental housing will effectively respond to the demand for rental housing in the City. Windsor presently has a historically low rental vacancy rate of 1.8%, and the population of the City is expected to grow. The proposed development will contribute much needed stock of high quality, purpose built rental housing.

“Section 1.4.3 Housing

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- (a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- (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 special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- (c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- (d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- (e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

- (f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*

COMMENT:

In my professional opinion, the proposed development of a six-storey residential building with 50 rental apartment units of ‘geared-to-income’ rental housing through CMHC will provide for a range and tenure of housing more accessible to persons with lower and middle incomes in comparison to single detached homes.

The neighbourhood along Tecumseh Road East has been designated as a ‘Mixed Use Corridor’ and is anticipated to develop with increased density and pedestrian orientation.

The increased density of the proposed development will benefit existing public transit and active transportation networks while utilizing existing municipal infrastructure in a cost-effective manner.

“Section 1.8.1 Energy Conservation, Air Quality and Climate Change

Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- (a) *promote compact form and a structure of nodes and corridors;*
- (b) *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- (c) *focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
- (d) *focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
- (e) *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*

- (f) *promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
- (g) *maximize vegetation within settlement areas, where feasible.”*

COMMENT:

In my professional opinion, the proposed development will:

- Offer an efficient and compact building structure on a small footprint of land
- Promote a pedestrian friendly mixed-use neighbourhood along the Tecumseh Road East ‘Mixed-Use Corridor’ that is compatible with the intent of OPA No. 159
- Promote active transportation with its proximity to the multi-unit trail along Banwell and its proximity to supportive commercial amenities including a grocery store, two pharmacies, and a bank within a 5-minute walk
- Promote existing public transit with being a 5-minute walk to the Lauzon 10 bus route
- Demonstrate a pedestrian friendly streetscape with visually attractive building design and landscaping.

COMMENT:

In my professional opinion, the requested ZBA is consistent with the 2020 PPS by supporting the sound and efficient managed intensification and growth associated with the residential development of the land use for the subject site. The proposed ZBA regulatory framework supports the development of these lands as a medium profile building as a compatible, infilling development for the community. The proposed development, in my professional opinion, the ZBA and authorizing land use is consistent with the Provincial Policy Statement (PPS).

6.0 CITY OF WINDSOR OFFICIAL PLAN

The Official Plan for the City of Windsor is applicable to planning matters for the City. The subject property is located along Tecumseh Road East and is designated as 'Mixed-Use Corridor' in the City's Official Plan under OPA No. 159. The following sections review City policies as they relate to the proposed development:

"3.2.1.2 Neighbourhood Housing Variety

Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands."

COMMENT:

The proposed rental apartment building will be located along the Tecumseh Road East 'Mixed-Use Corridor.' The physical location of the building is an infill development and residential intensification on a lot that has historically been used as low-density residential but until the recent adoption of OPA No. 159 was recognized as 'Industrial' in Windsor's OP.

In my professional opinion, the proposed development will reduce urban sprawl by providing for residential uses in a medium profile building of 6 storeys on a relatively small footprint of land. The neighbourhood is mixed use and supports the walkable, healthy community within the urban area of the municipality.

In my professional opinion, the proposed apartment accommodation will support the live work scenario with the ability for tenants to live within walking distance or located on a major bus route to work.

"3.2.1.4 Community Design

The design of buildings and spaces will respect and enhance the character of their surroundings, incorporating natural features and creating interesting and comfortable places. Streets, open spaces and the greenway system will serve as public amenities connecting and defining neighbourhoods and contributing to Windsor's image. New development in Windsor will accommodate the needs of pedestrians, cyclists and other recreational activities."

COMMENT:

The building has been designed to emphasize the pedestrian. There is a minimal setback from Tecumseh Road East, with pedestrian walkway from the sidewalk with a welcoming entrance on the south/west side of the building. Parking will be visually screened from Tecumseh Rd E by the orientation of the building at the front of the lot, with parking inside the building on the ground floor and at the rear of the building. Bike racks will be located at the front of the building to promote cycling. There will be extensive landscaping. The building design will incorporate step backs on the upper storeys to enhance the visual appeal of the building and to maximize sunlight along the street below. The building is located within a mixed use community and located on a major bus route.

In my professional opinion, the proposed development conforms with the OP policy.

“3.2.3.5 Energy Efficiency

Windsor will encourage the design and construction of energy efficient buildings and landscapes to reduce air, water and land pollution and environmental impacts of energy production and consumption.”

COMMENT:

The new building will be designed in compliance with the OBC and energy efficiencies where possible. The nature of the medium profile building supports energy conservation by providing for moderate density on site. Solar panels and EV charging stations will be included in the design. In my professional opinion the requested ZBA will support an environmentally sound development.

“3.3.2 Corridors

Corridors represent the backbones of the urban network structure. Neighbourhoods gravitate towards these corridors to serve their everyday needs or to connect with larger nodes, commercial centres and employment centres to access a wider range of services and opportunities. Corridors have opportunities for intensification that would provide a wider range of services and opportunities for adjacent neighbourhoods but also more opportunities to live and work in the area.”

COMMENT:

The ZBA will allow for the inclusion of a residential development with 50 rental dwelling units supporting senior accommodation. The building: will have significant indoor and outdoor amenity area for the tenants; is located within walking distance to neighbourhood commercial uses; is within walking distance to a health care facility and drug store and is within a mixed use neighbourhood. The residential apartment will provide for alternative housing tenure and style while accommodating live/work initiative and provide for high quality housing for seniors to age in place while making the rental accommodation accessible.

“3.3.2.1 City Corridors

There are higher density employment and residential opportunities, with a significant amount of retail to support both every day needs, but also needs beyond the day such as furniture and appliance stores, home improvement stores, and stores that carry specialty items....Residential development may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts.”

COMMENT:

The proposed building is 6 storeys with 20 m in height. The height is comparable to other buildings located along Tecumseh Road East. Within sight of the subject lands to the east are 3 apartment buildings of 6 and storeys each. There is a lot 120 m west of the subject site with a zoning of ‘Commercial District (CD 3.10).’ In my professional opinion, the medium density building of 6 storeys is consistent and compatible with the existing neighbourhood.

“4.2.1 Healthy and Liveable City – Planning & Design

- 4.2.1.1 *To consider community health in the planning and design of Windsor and its neighbourhoods.*
- 4.2.1.2 *To provide for activities and facilities which will foster an active lifestyle to improve community health.*
- 4.2.1.4 *To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.*
- 4.2.1.5 *To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.*

4.2.1.6 To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.”

COMMENT:

The requested ZBA will support a healthy lifestyle for residents by encouraging walking and cycling with its proximity to goods and services that residents will need on a regular basis (grocery store, bank, pharmacies, restaurants); its close proximity to a multi-use trail along Banwell; and its inclusion of 6 spaces of bike parking in the front yard.

A live-work lifestyle is supported by the nature of the mixed-use neighbourhood which has many commercial businesses and institutional offices in the same area as residential dwellings, reducing the need for residents to travel to work by car.

COMMENT:

The 50 rental units with a focus on seniors offers a housing style and tenure that addresses the current housing crisis occurring in Windsor, evidenced by the historically low rental vacancy rate of 1.8% in 2022. The proposed development will provide needed alternative, rental housing for seniors to age in place.

In my professional opinion, the proposed development conforms with the healthy community initiative of the City of Windsor policies.

“4.2.3 Quality of Life

4.2.3.1 *To encourage a mix of uses.*

4.2.3.2 *To encourage the location of basic goods and services close to where people live and work.*

4.2.3.3 *To recognize the needs of the community in terms of shelter, support services, accessibility and mobility.*

4.2.3.4 *To accommodate the appropriate range and mix of housing.”*

COMMENT:

The proposed development is located within a 5 minute walk of a municipal transit route and will support the use of the municipal bike trail system. The residential apartment will provide for alternative housing style and tenure in a medium height, 6-storey building that is compatible in height and massing with the neighbourhood. The apartment building will provide neighbourhood senior residents an opportunity to access rental accommodation within their neighbourhood that is comprised of a mixed use neighbourhood with medical facilities, retail stores, restaurants, and commercial businesses.

In my professional opinion the requested ZBA will conform with the ability to provide the neighbourhood and City with alternative residential tenure and style of housing within a mixed use neighbourhood.

“5.3.7.2 Atmospheric Air Quality Policies

Council will contribute to the reduction of air pollution by using the following land use planning approaches:

- (a) increasing opportunities for non-automotive transportation modes including walking, cycling and public transportation in accordance with the Infrastructure chapter of this Plan;*
- (b) regulating development which has the potential to increase atmospheric pollution in accordance with the Land Use chapter of this Plan;*
- (c) improving energy conservation in accordance with the Urban Design chapter of this Plan;*
- (d) locating compatible residential, commercial and employment uses in a manner that reduces distance and vehicle trips as outlined in the Land Use chapter of this Plan.”*

COMMENT:

The location of the proposed residential building on an arterial road with a nearby municipal bus route and trail supports alternative methods of transportation. Bike racks supporting alternative transportation will be provided. The building supports live-work initiative by creating housing within a mixed-use community with many employment opportunities.

In my professional opinion, the location and design of the proposed development will reduce carbon emissions by reducing the need for trips by private vehicle.

“6.1.14 Residential Intensification

To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.”

COMMENT:

As described above, the site is within walking distance of supportive institutional/medical facilities as well as commercial goods and services. The site has excellent access to transit and active transportation routes and many commercial amenities are available in the neighbourhood. In my professional opinion, the proposed development is an appropriate addition of residential intensification to this mixed-use neighbourhood.

“6.2.1.2 Types of Development Profile

For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;*
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height, and;*
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.”*

COMMENT:

In my professional opinion, the proposed six storey development has a Medium Profile.

“6.2.1.3 Types of Development Pattern

For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for:

- (a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and*
- (b) an Undeveloped Area which does not have characteristic lotting or development profile.”*

COMMENT:

The Development Pattern of the subject lands is defined by the Arterial Road Tecumseh Road East to the south, Banwell Rd to the west, the boarder between Windsor and the Town of Tecumseh to the east, and the CN Rail line to the north.

In my professional opinion, the property will develop a lot within an underdeveloped neighbourhood that is transitioning to a mixed-use corridor that includes medium format commercial entities and other medium profile residential developments.

“6.3.2.4 Locational Criteria

Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. New residential development and intensification shall be located where:

- a) there is access to a collector or arterial road;*
- b) full municipal physical services can be provided;*
- c) adequate community services and open spaces are available or are planned; and*
- d) public transportation service can be provided.”*

COMMENT:

The subject lands front on Tecumseh Rd E, an arterial road, and have full access to municipal sanitary sewers and piped water. The subject site is situated in a neighbourhood with a variety of goods and services including a grocery store, urgent care medical centre, two pharmacies and a bank. Multiple outdoor recreational areas are located within a 15-minute walk. Two Windsor Transit bus stops are within a 5-minute walk. In my professional opinion, the proposed residential intensification is appropriately located and is compatible with the surrounding neighbourhood and conforms with this policy of the Official Plan.

“6.3.2.5 Evaluation Criteria for a Neighbourhood Development Pattern

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;*
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;*
 - (iii) within a site of potential or known contamination;*
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and*
 - (v) adjacent to heritage resources.**
- (b) In keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*
- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;*
- (d) provided with adequate off street parking;*
- (e) capable of being provided with full municipal physical services and emergency services; and*
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High-Profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.”*

COMMENT:

The subject site, as discussed above, is an appropriate location for the inclusion of a new medium profile, residential building:

- The subject lands are not within a development constraint area or within a natural heritage area;
- The 50 units of rental apartments focused on seniors will provide for needed alternative housing with access to nearby stores, restaurants, and businesses;
- The proposed development is compatible in size, scale and massing with the existing buildings in the neighbourhood.
- There is the property three lots to the west zoned (CD3.10) with a 6 storey mixed use building under construction on site.
- There are three existing apartment buildings of 6 and 7 storeys to the east in close proximity of the subject site on the western edge of the Town of Tecumseh,
- There are multiple commercial buildings with 2 and 3 storeys and large surface parking lots in the neighbourhood, including a grocery store directly to the south;
- There are medical facilities located directly across Tecumseh Road for walkable access to the new rental apartments for tenants to walk.
- There is sufficient parking on the site to accommodate the proposed residential units;
- A ‘train derailment berm’ will be constructed on the rear setback of the lot
- The site is serviced by municipal water and sewer and there is existing capacity available for the proposed development.

The development, in my professional opinion, conforms with the policy of the OP.

“6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor’s economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes. Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be Medium and High Profile residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings. The following objectives and policies establish the framework for development decisions in all Commercial areas.”

COMMENT:

The proposed development is a medium profile building with 50 residential units with 1, 2, and 3 bedrooms focused on senior accomodation in the 5 storeys above the amenity ground floor unit. The new building is proposed within a the 'Mixed-Use Corridor' of Tecumseh Road East, which continues east into a similar mixed-use area within the Town of Tecumseh.

In my professional opinion, the residential building is an appropriate infill development that is consistent and compatible in size, scale and massing with the existing 'Mixed-Use Corridor' neighbourhood.

“6.5.1.8 Objectives: Residential Intensification

To promote residential intensification with Medium and High-Profile buildings to meet the housing needs of the City in appropriate areas in proximity to municipal services, transit and employment areas.”

COMMENT:

In my professional opinion the proposed 6-storey building satisfies the OP objective of residential intensification in an appropriate area with proximity to municipal services, transit, and employment opportunities.

“6.5.3 Mixed-Use Corridor Policies

The Mixed-Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed-Use uses. Mixed-Use Corridors take the form of mixed-use strips along Arterial and Collector roads within Windsor. These Mixed-Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.”

COMMENT:

In my professional opinion the proposed residential building provides an intensification of land use that is appropriate for its location in a Mixed-Use Corridor.

“6.5.3.1 Permitted Uses

Uses permitted in the Mixed-Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses. Medium and High Profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.”

COMMENT:

In my professional opinion, the proposed 6 storey residential multi-unit building with 50 residential apartments is consistent with the permitted land use of a medium-profile residential building within the OP.

6.5.3.3 Street Presence

Council will encourage Mixed-Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

- (a) no more than four storeys in height, except on lands at an intersection of any combination of the following roads: Class I Arterial Road, Class II Arterial Road, Class I Collector, or Class II Collector Road. The height of buildings shall generally not exceed the width of the road right-of-way abutting the development site; and*
- (b) Notwithstanding the identified maximum building height, the Council may consider additional height, where the Council is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site-specific Zoning By-law Amendment.*
- (c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.”*

COMMENT:

The proposed building will have the minimum permitted setback from Tecumseh Ave East of 6.0m. There are existing buildings in the neighbourhood of a similar size, scale, and massing to the proposed development. Tecumseh Road is a Class II Arterial Road. It is my professional opinion that the 6 storey height of the building is less than the width of Tecumseh Road and therefore conforms with policy (a) of this policy.

Parking is provided behind the ground floor amenity space and is covered by the building for protected parking. There are 64 parking spaces proposed on site in compliance with the parking regulations of the bylaw. There are 6 bike parking spaces at the front of the building to support active transportation. In addition, the property is located on an arterial road with bus stops within close walking distance. Supportive commercial and institutional uses are located directly across Tecumseh Road from the site.

It is my professional opinion that the requested ZBA authorizing the proposed development conforms with the OP policy for height, massing and scale.

“6.5.3.4 Infill & Consolidation

Council shall promote the infilling and consolidation of existing Mixed-Use Corridors.”

COMMENT:

The subject site is presently developed with a low density single detached house. With the recent adoption of OPA No. 159, the subject lands are now recognized as ‘Mixed-Use Corridor.’ The requested ZBA proposes to establish a new regulatory framework from the previous ‘Manufacturing District (MD 1.2)’ to ‘Commercial District (CD 3.10)’ which will satisfy the intent of the OP policy to infill and consolidate existing Mixed-Use Corridors.

Property at 11646 Tecumseh Rd East, three doors down, has recently been rezoned to (CD3.10) and is under construction for a 6 storey mixed use building. The subject requested ZBA to rezone the subject lands (CD3.10) will ensure compatibility in zoning and land use with the Tecumseh Road neighbours.

COMMENT:

In my professional opinion, the new development can be considered an appropriate infilling and intensification of an underdeveloped lot within a transitional neighbourhood. The development will assist in improving the neighbourhood by increasing the use of the site and supporting both the residential and commercial aspects of the neighbourhood.

“6.5.3.6 Locational Criteria

Mixed Use Corridor development shall be located where:

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Roads;*
- (b) full municipal physical services can be provided; and*
- (c) commercial related traffic can be directed away from residential areas.”*

COMMENT:

In my professional opinion the proposed 6-storey building satisfies the OP objective of locational criteria by being located on a Class II Arterial Road, with full municipal services available to the site in an appropriate area with proximity to municipal transit, employment opportunities, and commercial uses within close proximity to service the residential building.

“6.5.3.7 Evaluation Criteria

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed mixed use corridor development 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 described in the Environment chapter of this Plan;*
 - (ii) within a site of potential or known contamination;*

- (iii) where traffic generation and distribution is a provincial or municipal concern; and*
- (iv) adjacent to sensitive land uses and/or heritage resources.*
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*
- (c) capable of being provided with full municipal physical services and emergency services;*
- (d) provided with adequate off-street parking;*
- (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and*
- (f) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter)."*

COMMENT:

It is my professional opinion that the proposal is a feasible development that will provide for a development that is compatible in height, use and massing with the neighbourhood. The traffic report, FSR and other reports support the feasibility of the proposal.

After review and assessment of the policies of the Official Plan, it is my professional opinion that the provision of rental residential development is in keeping with and conforms with the goals and objectives of the OP to provide for sound development and the provision of needed residential accommodation.

"6.5.3.8 Design Guidelines

The following guidelines shall be considered when evaluating the proposed design of a Mixed-Use Corridor development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;*
- (b) the provision of appropriate landscaping or other buffers to enhance:

 - (i) all parking lots, and outdoor loading and service areas; and*
 - (ii) the separation between the use and adjacent sensitive uses, where appropriate;**
- (c) as a general rule, the height of buildings are consistent with the height of buildings which characterize the Mixed-Use Corridor. Where Council deems it desirable that higher profile development be permitted in an existing Mixed-Use Corridor, the development should be built at a human scale by utilizing one or both of the following measures:*

- (i) *treatment of the lower floors of building(s) to provide continuity; and/or*
- (ii) *setting back the upper floors of building(s) from the street to avoid overpowering effects at-grade;*
- (d) *where possible, parking is located in the rear of the property to encourage continuous building facades adjacent to the street; and*
- (e) *measures are taken in site design which provide for ease of access for pedestrians between the public sidewalk and building main entrances in a manner which is distinguishable from access provided for vehicles.*
- (f) *Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.”*

COMMENT:

The medium profile, 6 storey building will be of a similar size and massing to buildings already existing within the neighbourhood. The building will be extensively landscaped to create an attractive street presence. The landscaping will also include a train derailment berm in the rear yard. The parking lot will be screened from view along Tecumseh by its location inside the building and in the rear yard. The building will include several step backs to maximize sunlight and to avoid overpowering the street. Pedestrian entrances will be located on the west side of the building with access to the public sidewalk along Tecumseh. In my professional opinion, the proposed development will be an attractive, pedestrian oriented building that will be an asset to the neighbourhood while providing for needed alternative housing.

“10.2.20 Design Briefs

A Design Brief identifies the character of a street or neighbourhood over a smaller area than an Urban Design Study. Where this Plan requires the preparation of a Design Brief the following steps shall be taken:

“10.2.20.1 The Urban Design Brief should provide a description and analysis of the site and surrounding context. Photographs and a context map showing the subject site in relation to the existing neighbourhood should be included.”

COMMENT:

In my professional opinion, the proposed design and build is compatible with the neighbourhood and will be a positive aspect of the neighbourhood.

“10.2.20.2 The Urban Design Brief should provide an analysis of the design rationale for the building, landscape, and site design elements of the proposed development and explain why the proposed development represents the optimum design solution. Discussion should consider the following:

- i) How the design of the proposed development meets the intent of the City’s applicable urban design guidelines and policies;*
- ii) How the design addresses existing site conditions and constraints such as lot size, grading, or natural heritage features;*
- iii) How the design of the proposed development integrates with the existing neighbourhood and enhances its function and aesthetics; and,*
- iv) How the design of the proposed development will influence and integrate with future development in the neighbourhood.”*

COMMENT:

The design of the proposed building is pedestrian oriented, with 2 pedestrian entrances on either side of the building, and visual screening of the parking area. The design includes a train derailment berm as a feature in the rear yard landscaping. The building is similar in height, scale, and massing to other existing buildings in the neighbourhood.

In my professional opinion, the proposed development is consistent with the intent of the OPA No. 159 to develop Tecumseh Rd E as a ‘Mixed-Use Corridor’ and will encourage future development with a pedestrian orientation by increasing the density of the neighbourhood in a manner that is supported and sustainable.

“10.2.20.3 The Urban Design Brief should include a written description, plans, elevations, diagrams, and/or photographs to illustrate the design choices of the proposed development and site design. Depending on the scale of the development proposal explain how the applicable design considerations have been addressed:

- i) Street and block pattern (e.g., connectivity, pedestrian access);*
- ii) Lot sizes;*
- iii) Building orientation and site layout;*
- iv) Built form, height, scale, and massing;*
- v) Building articulation and detailing;*
- vi) Building materials;*
- vii) Setbacks from adjacent properties and the street;*
- viii) Building step back (if applicable);*

- ix) *Building transition to adjacent neighbourhoods;*
- x) *Heritage considerations (if applicable);*
- xi) *Location of parking (surface or underground), driveways, ramps, drop-off areas;*
- xii) *Access to transit;*
- xiii) *Bicycle parking/storage;*
- xiv) *Location of servicing, garbage, organics, and recycling storage and collection, and loading areas;*
- xv) *Streetscape elements (e.g., boulevard design, landscaping, street furniture, public art, signage, lighting, etc.); and,*
- xvi) *On-site landscaping and buffering.”*

COMMENT:

The proposed 6-storey residential building has a 6 m setback from Tecumseh Road East. There are pedestrian entrances on the north side and at the front of the building which will connect with the paved sidewalks along Tecumseh Rd. E. The parking lot is visually screened from the road by its position inside the ground floor and at the rear of the building. A bike rack with 6 spaces in front of the building will promote cycling. The building will have access to 2 bus stops within a 5 minute walk along Banwell Road, and to a major north/south multi-use trail along Banwell.

The building will be compatible in size, scale, and massing with the existing neighbourhood.

Private balconies will add to the attractiveness of the building. The lot will be extensively landscaped, including a train derailment berm that will be constructed on the rear setback. The ground floor will feature an indoor area for storage of refuse. Each floor will have a garage shoot. The ground floor will have an indoor storage area.

The building will have two indoor amenity areas: ground floor entrance and above on the second floor. Each unit will have balconies on each of the five residential floors. The accessibility of the building will be enhanced by placement of elevators on both the north and south sides of the building. There will also be two staircases.

In my professional opinion, the proposed apartment building is an attractive and environmentally responsible design that is compatible and consistent with its neighbourhood.

COMMENT:

In my professional opinion, the requested ZBA conforms with the relevant policies of the Official Plan for the City of Windsor based on the evaluation noted above. The proposed development is consistent with the intent of the Official Plan to develop Tecumseh Rd East as a 'Mixed-Use Corridor.'

7.0 CITY OF WINDSOR ZONING BYLAW

The subject lands are zoned 'Manufacturing District (MD1.2)' in the CZB 8600 for the City of Windsor. A mixed-use building is not permitted in the regulatory framework presently applied to the subject lands.

Permitted uses for the 'Manufacturing District (MD 1.2)' include:

"Ambulance Service, Building Materials Recycling Store, Bulk Storage Facility, Business Office, Contractor's Office, Equipment Rental Shop, Food Catering Service, Food Processing Facility, Laundry Plant, Manufacturing Facility, Medical Appliance Facility, Micro-Brewery, Public Parking Area, Repair Shop - Heavy, Repair Shop - Light, Self-Storage Facility, Towing Service, Warehouse, Water Transportation Facility, Welding Shop.

"Any of the following ancillary uses: Automobile Sales Lot, Car Wash Automatic, Car Wash Coin Operated, Club, Food Outlet – Drive Through, Food Outlet – Takeout, Gas Bar, Health Studio, Restaurant, Restaurant with Drive-Through, Retail Store – Equipment and Supplies, Veterinary Office, Wholesale Store. Any of the following existing uses: Transport Terminal. Any use accessory to any of the above uses, including a Caretaker's Residence or a Retail Store."

Permitted uses for the 'Commercial District (CD 3.10)' designation include:

"Business Office, Child Care Centre, Commercial School, Food Outlet – Takeout, Hotel, Medical Office, Medical Appliance Facility, Micro-Brewery, Personal Service Shop, Place of Entertainment and Recreation, Place of Worship, Professional Studio, Public Hall, Repair Shop – Light, Restaurant, Retail Store.

9 or more dwelling units in a Combined Use Building with any of the above uses; Multiple Dwelling with 9 or more dwelling units; Residential Care Facility; Any use accessory to any of the above uses. An Outdoor Storage Yard is prohibited."

Located three lots to the west is 11646 Tecumseh Road East, a 6 storey mixed use building that is presently under construction. Property at 11646 Tecumseh Road East is zoned 'Mixed Use Corridor' and zoned 'Commercial District 3.10 CD3.10'. The requested

ZBA has requested the (CD3.10) also apply to the subject lands for consistency and compatibility in the neighbourhood, consistent with the neighbourhood.

A few properties to the east in Tecumseh are a couple of the 6 storey residential apartment building comparable in size and massing to the proposed building and units.

A Zoning By-law Amendment (ZBA) is requested to rezone the site as 'Commercial District (CD 3.10)' to establish a consistent regulatory framework for the site, and to support the proposed development of a 6-storey residential building with 50 residential apartment units, 64 parking spaces of partially covered car parking, and 6 bike parking spaces.

The proposed building, land use and the majority of site details comply with the 'Commercial District (CD3.10)'. A site specific bylaw provision will be required to address one provision that speaks to the minimum lot area under Commercial District 3.10 (CD3.10) Subsection 16.10.5.2 "for each dwelling unit 85 m²". The lot area of 3,338.5 m² equates to 67 m²/unit and supports a gentle, reasonable intensification that is the only site specific provision to be addressed, indicative that the intensification is consistent with the CZB 8600.

The Comprehensive Zoning Bylaw 8600 requires 62 parking spaces for 50 residential units. There are 64 parking spaces proposed and 6 bike parking spaces at the front of the building in compliance with the Bylaw. The property is located on an arterial road with bus stops and significant retail commercial, medical and institutional uses directly across Tecumseh and within a short walking distance.

PROVISIONS	COMMERCIAL DISTRICT (CD 3.10)	PROPOSED DEVELOPMENT
PERMITTED USES	See Appendix A	Multi-unit building with 50 dwelling units
LOT AREA	85 m²/unit = 4,250 m²	3,338.5 m²
LOT FRONTAGE	18 m minimum	22 m
BUILDNG HEIGHT	20 m	20m
FRONT YD DEPTH	6 m	6 m
REAR YD DEPTH	30 m	44 m
SIDE YARD	3.0 m	3.0 m
LANDSCAPED OPEN SPACE	30% minimum	33.2%
CAR PARKING	Res. Building 50 units=1.25 sp/unit TOTAL = 62 spaces required	64 spaces provided
BARRIER FREE PARKING	Type A 2% of parking sp. = 2 sp. Type B 2% of parking sp. = 2 sp.	2 spaces Type A 2 spaces Type B
LOADING SPACES	Floor area over 1000m ² to 7500m ² = 1 space	1 space provided
BIKE PARKING	20 or more spaces: 2 for first 19 spaces plus 1 for each additional 20 spaces = 4 bike parking spaces	6 spaces provided

COMMENT:

After review and evaluation of the CZB for the City of Windsor, it is my professional opinion that the proposed site development will be consistent with the 'Commercial District (CD 3.10)' regulations once the site specific bylaw is passed.

It is therefore my professional opinion that a ZBA to establish the (CD 3.10) zone regulatory framework for the subject lands complies with the CZB for the City of Windsor.

8.0 SUMMARY AND CONCLUSIONS

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law 8600, in my professional opinion the proposed By-law Amendment (ZBA) is consistent with polices of the PPS, OP, and the regulations found in the Zoning By-law.

The proposed building, land use and the majority of site details comply with the 'Commercial District (CD3.10)'. A site specific bylaw provision will be required to address one provision that speaks to the minimum lot area under Commercial District 3.10 (CD3.10) Subsection 16.10.5.2 "for each dwelling unit 85 m²". The lot area of 3,338.5 m² equates to 67 m²/unit and supports a gentle, reasonable intensification that is the only site specific provision to be addressed, indicative that the intensification is consistent with the CZB 8600 and makes sound planning.

The proposed building, parking and the density can be accommodated without the need for a site specific exemption, indicative that the 50 unit building is an appropriate building and density for the site. In addition, it is my professional opinion that the proposed Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Rationale Report dated April 25, 2024.

In summation, the Zoning Bylaw Amendment (ZBA) will appropriately establish a regulatory framework under the 'Commercial Residential District 3.10 (CD3.10)' zone. The ZBA provides a good solution for the provision of needed alternative residential accommodation and compatible development within an existing neighbourhood, while supporting a diversity of housing tenures and styles within the municipality on major municipal transit route.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the City of Windsor Official Plan;
- 3) maintains the intent of City of Windsor CZB 8600 and when the ZBA is passed, the development will comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.

Jacqueline Lassaline
Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX A – ‘COMMERCIAL DISTRICT (CD.310)’

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

16.10.1 Permitted Uses

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>
<i>9 or more dwelling units in a Combined Use Building with any of the above uses</i>	
<i>Multiple Dwelling with 9 or more dwelling units</i>	
<i>Residential Care Facility</i>	
Any use accessory to any of the above uses. An <i>Outdoor Storage Yard</i> is prohibited.	

16.10.5 Provisions

- | | | |
|-----|---|----------------------|
| .1 | Lot Frontage – minimum | 18.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>building</i> containing only non-residential uses | 400.0 m ² |
| | For each <i>dwelling unit</i> | 85.0 m ² |
| .4 | Building Height – maximum | 20.0 m |
| .8 | Landscaped Open Space Yard – minimum | 30.0% of lot area |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses. | |
| .16 | A <i>Multiple Dwelling</i> shall be located above grade, at the rear of non-residential use. | |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. | |
| .20 | Building Setback – minimum | |
| | a) From an <i>exterior lot line</i> abutting Tecumseh Road East, for that part of the building having a <i>building height</i> of 10.0 m or less | 0.0 m |
| | b) From an <i>exterior lot line</i> abutting Tecumseh Road East, for that part of the building having a <i>building height</i> of more than 10.0 m: | 6.0 m |
| | c) From an <i>interior lot line</i> where a habitable room window faces the <i>interior lot line</i> | 6.0 m |
| | d) From an <i>interior lot line</i> where a habitable room window does not face the <i>interior lot line</i> | 3.0 m |
| .90 | <i>Parking spaces</i> shall be prohibited in the <i>front yard</i> and in any <i>side yard</i> within 6m of the <i>exterior lot line</i> . | |