



WEST HANTS REGIONAL MUNICIPALITY REPORT

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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 11, 2024

Subject: WLUB Map Amendment: Portion of PID 45058872, Windsor; File #24-05

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of a portion of the subject lot to the General Commercial (GC) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and will hold a Public Hearing to consider amending Schedule A of the Windsor Land Use By-law to rezone a portion of PID 45058872 in Windsor from the Two Unit Residential (R-2) zone to the General Commercial (GC) zone as shown in the report #24-05 to the Planning and Heritage Advisory Committee dated April 11, 2024.

BACKGROUND

A completed application was received on January 31, 2024, from Ezra Edelstein on behalf of the owner 4331187 NOVA SCOTIA LIMITED (The August House Inn) which includes Ezra Edelstein, Colette O'Hara and Laura MacLachlin.

The application requests Council to consider rezoning a portion of the subject lot from the current Two Unit Residential (R-2) zone to the General Commercial (GC) zone to enable

additional amenity space for guests of the August House Inn. Most of the subject property is already zoned General Commercial, and the request is to extend this commercial zone to the full extent of the property. Previously this property had been two separate lots, in common ownership, but within different land use zones. These two lots have been consolidated into one larger lot which created the split zoning shown on *Figure 2* which the owners have applied to change, to ensure consistency for the entire property.

DISCUSSION

The subject lot is the former Cocoa Pesto restaurant and Inn, which was recently purchased and renovated by the applicant and business partners in 2022 to establish the 11-bedroom August House Inn. The Inn is located at 494 King Street. The proposed rezoning applies to a portion of the property, located behind the Inn, which is addressed as 523 Albert Street which is approximately 5,060 sq. ft. in area (approximately 470 sq. m.). This location had previously included an accessory structure that provided storage for the former use. This area is intended to be repurposed to provide additional amenities for the guests of the August House Inn.

The total subject lot is approximately 18,868 sq. ft. (1,752.9 sq. m.) in size and has approximately 103.6 ft. (31.6 m) of road frontage on King Street and approximately 210 ft. (64 m) of road frontage on Albert Street. The site includes an 11-bedroom Inn with pedestrian access on King Street and vehicular access and parking on Albert Street. The site has 10 off-street parking spaces. The subject lot is designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (*Figure 1*). The subject lot is currently split zoned between General Commercial (GC) zone and Two Unit Residential (R-2) on Schedule A of the Windsor Land Use By-law (WLUB) (*Figure 2*). The rezoning request is to extend the General Commercial (GC) zone to cover the entire property.

The property includes the 11-bedroom Inn and a residential accessory building currently under construction in the area of the rezoning. This accessory building was permitted under the existing Two Unit Residential (R-2) zoning and is intended to provide indoor and outdoor lounge areas, saunas, and patio space to the guests of the August House Inn.

Surrounding Context

The subject property is in an area where residential and commercial uses mix. While Albert Street is primarily residential, the surrounding neighborhoods include low to medium density residential development, institutional uses like churches, community centres and park spaces, and nearby commercial uses including restaurants and retail stores. The location is outside of the Architectural Control Districts.

Document Review

The intention of the Residential designation is outlined in Section 5 of the WMPS. The intentions for the Commercial designation are outlined in Section 8, where certain policies enable commercial opportunities within other designations.

WMPS 8.3 General Commercial *The General Commercial zone is intended to encompass commercial uses outside of the Town Centre which do not fall within local commercial or highway commercial categories. The zone encompasses local shopping centres (20,000 ft² (1,858 m²) or less of floor space) and other free-standing commercial enterprises, but does not include many of the automobile-related uses and those which require large areas for outdoor display which are more appropriate in the Highway Commercial zone. Certain general commercial uses, depending on their nature and size, may be compatible with residential areas. For this reason, Council will consider permitting new general commercial uses by rezoning in any designation...*

The WMPS recognizes that the residential areas can accommodate a certain scale of commercial uses through a site specific rezoning amendment enabled by the following policy:

Policy 8.3.2 *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria:*

...

The subject lot can be considered for the requested rezoning to General Commercial (GC) through this policy. The criteria that relate to this policy are reviewed in detail in Attachment A. In summary, the proposed rezoning meets the eligibility criteria as:

- The property has direct access to an arterial road (King Street);
- The proposed use will not conflict with adjacent uses;
- The building's scale, design and traffic generation is compatible with the area, and the rezoning will not increase the number of bedrooms in the existing Inn. The rezoning will only provide additional amenity space for the guests;
- 10 parking spaces are existing, and additional spaces may be required at the permitting stage;
- Landscaping, greenspace, and buffering are all included in the proposed site design to help enclose the amenity space; and
- The property is not located within any of the Architectural Control Districts.

General Criteria

WMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB (Attachment A). In summary, the proposed rezoning meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and

- the Development Officer, Public Works Engineering division, Manager of Building and Fire Inspection Services, and the Municipal Road Authority have no concerns with the proposed rezoning which have not been addressed in this report.

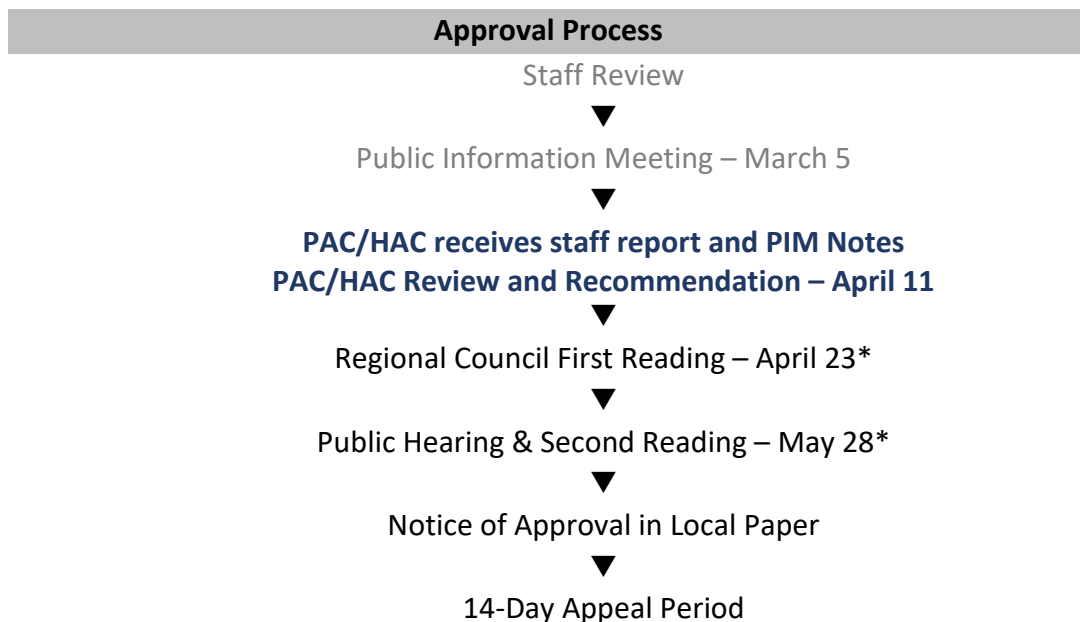
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The 2014 Windsor Municipal Climate Change Action Plan (MCCAP) does not recognize the area to be at risk as illustrated on the simulated flooding extent maps, as the property is elevated above the low-lying areas of nearby Stannus Street.

Property owners are responsible for ensuring that the lot is suitable for the proposed use.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the intent of the Residential designation, Commercial designation, and the general amendment criteria of the WMPS and is consistent with the intent, objectives, and policies of the WMPS. As a result, it is reasonable to amend the zoning of PID 45058872 to extend the General Commercial (GC) zone to cover the portion that is currently zoned Two Unit Residential (R-2).



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WLUB map amendment as drafted or as specifically revised by direction of PAC/HAC; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract - Current
Figure 3	Windsor Zoning Map Extract – Proposed
Attachment A	Policy Summary for General Commercial rezonings & WLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Figure 1 - Windsor GFLUM Extract

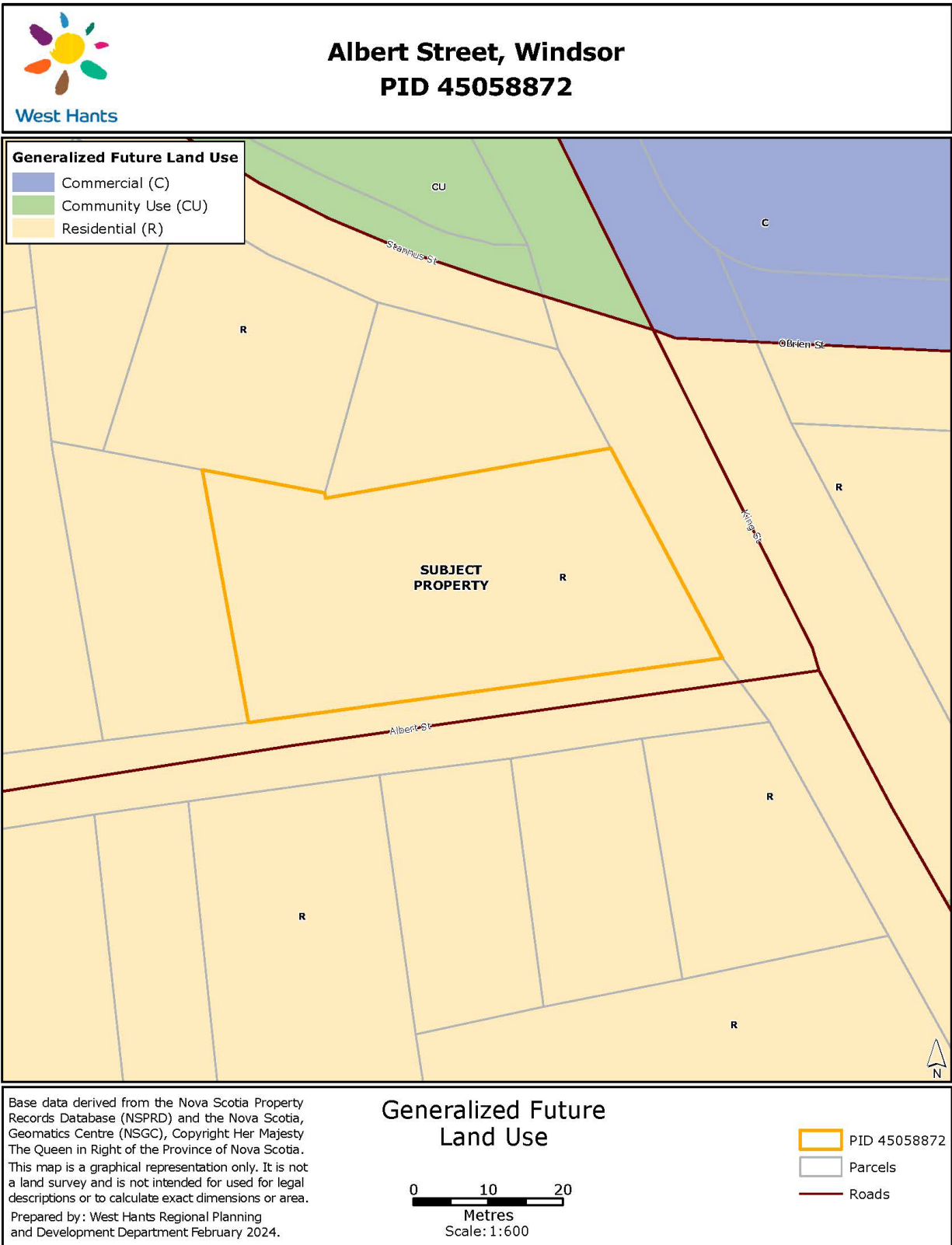


Figure 2 - Windsor Zoning Map Extract - Current

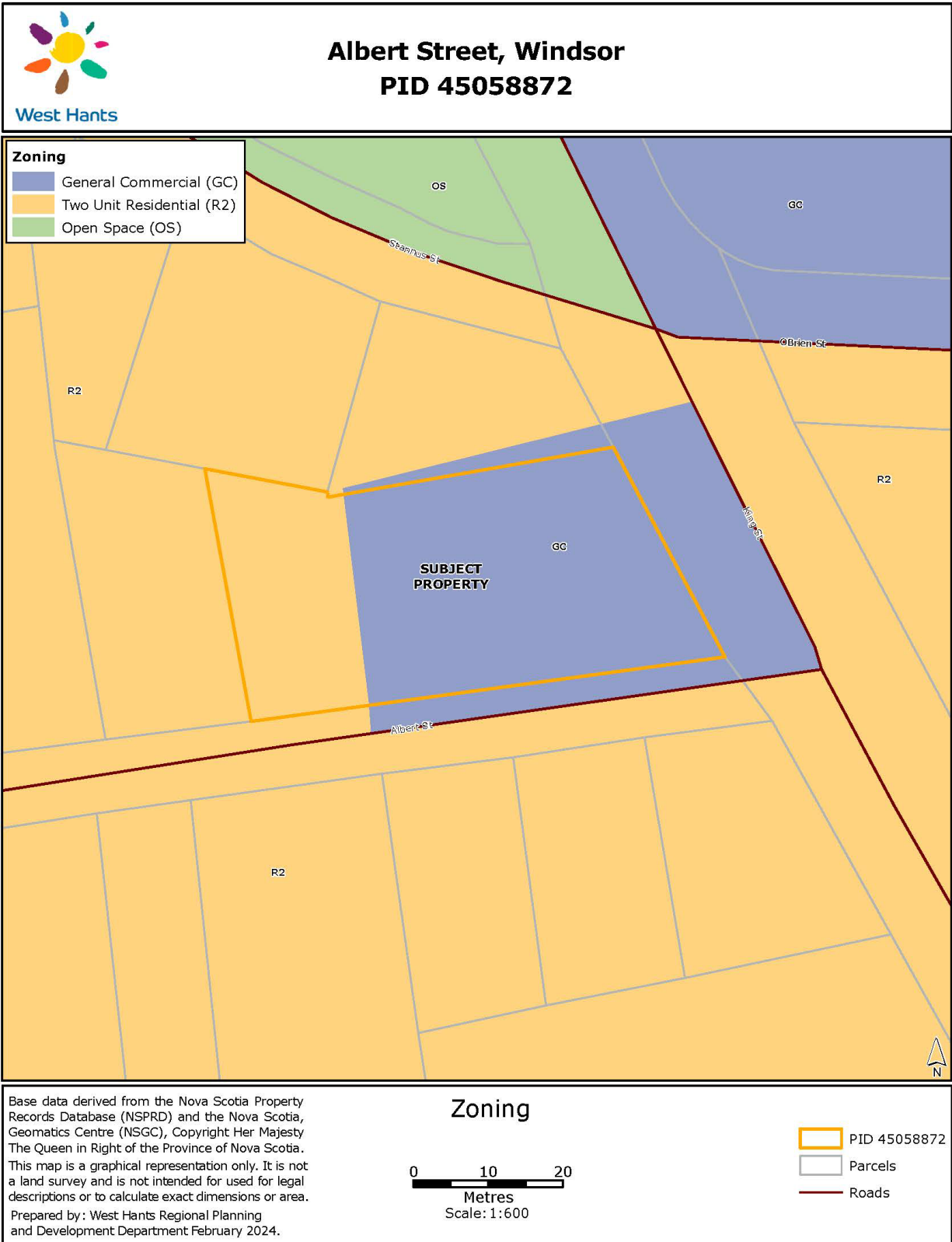


Figure 3 - Windsor Zoning Map Extract - Proposed



Attachment A - Policy Summary for General Commercial rezonings & WLUB Amendments

Policy 8.3.2 *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria:*

<p><i>(a) the proposed use has direct access to;</i></p> <ul style="list-style-type: none"> <i>(i) an arterial road as shown on the Transportation Map (Map 2), or</i> <i>(ii) a major collector road shown on the Transportation Map (Map 2) provided a traffic impact study is submitted to the Town which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing streets as determined by the Traffic Authority; (Amendment WMS 09-01 Effective June 9, 2009)</i> 	<p><i>The property has direct frontage on an arterial road (King Street) as shown on the Transportation Map (Map 2).</i></p>
<p><i>(b) the proposed use will not conflict with adjacent uses; where located in the Residential designation, particular attention is paid to compatibility in terms of building scale and design and traffic generation;</i></p>	<p>The proposed use will not conflict with adjacent uses. The building’s scale, design and traffic generation are all reasonable consistent with the neighborhood. The rezoning will not increase the number of bedrooms in the Inn, but will provide additional amenity space for the guests.</p>
<p><i>(c) required parking can be provided;</i></p>	<p>10 parking spaces are already provided on-site for the Inn. Additional spaces may be required at the permitting stage.</p>
<p><i>(d) traffic flow and pedestrian safety will not be adversely affected;</i></p>	<p>The Municipal Traffic Authority has no concerns with the traffic flow or pedestrian safety with the current arrangement of driveways, parking, or sidewalks.</p>
<p><i>(e) adequate landscaping, green space and buffering will be provided;</i></p>	<p>Landscaping, greenspace, and buffering are all included in the proposed site design to help enclose the outdoor amenity spaces.</p>

<i>(f) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual, if the proposed development is located in an Architectural Control District;</i>	The property is not located within an Architectural Control District.
<i>(g) any other matter which may be addressed in a Land Use By-law; and</i>	All relevant matters have been addressed in this report.
<i>(h) the provisions of Policy 16.3.1.</i>	Reviewed below

Policy 16.3.1 In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	Municipal sewer and water services are available in this area. Public Works Engineering division has confirmed the services are adequate to serve the subject lot under the proposed General Commercial (GC) zoning.
<i>(ii) the adequacy of school facilities;</i>	Not applicable.
<i>(iii) the adequacy of fire protection;</i>	The subject lot is located within the Windsor Fire District. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning change would create any new issues with adequacy of emergency equipment or response time.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Municipal Traffic Authority has indicated they have no concerns with the surrounding road network.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.

<p><i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Municipal Traffic Authority has indicated they have no concerns with the surrounding road network and the movement of automobiles. There is no active rail transportation in the vicinity. There are sidewalks on both King Street and Albert Street that are well connected to the larger pedestrian infrastructure network.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer recognized the site was relatively tight due to the existing buildings and parking, but had no concern with the adequacy or shape of the lot for the proposed use and rezoning. The lot has adequate lot area, and the shape of the lot provides flexibility as it is a corner lot that fronts on both King Street and Albert Street.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The rezoning would not create any unusual development patterns as it is located within an existing neighborhood. The Development Officer had no concerns.</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>The subject lot is relatively flat with no identified watercourses. The property is not located within any protected Marsh areas.</p>
<p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met. This includes the Windsor Outdoor Fires By-Law which may apply to the proposed outdoor amenity space.</p>
<p><i>(g) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B - Public Information Meeting Notes

March 5 – 19, 2024

WLUB Map amendment: Portion of 523 Albert Street (PID 45058872), Windsor; File 24-05

Meeting date and time	A public information meeting was held on March 5, 2024 beginning at 6:18 p.m. in Council Chambers, 76 Morison Drive, Windsor
Attending	In attendance: Chair: <ul style="list-style-type: none">• Councillor Murley Four (4) members of staff: <ul style="list-style-type: none">• Director of Planning and Development, Sara Poirier• Senior Planner, Mark Fredericks• Planner, Alex Dunphy• Planning Administrative Assistant Vanessa Lake Applicants: <ul style="list-style-type: none">• Colette O’Hara• Laura MacLachlin Council members: <ul style="list-style-type: none">• Mayor Zebian Six (6) members of the public attended the meeting.
Applicants Colette O’Hara and Laura MacLachlin, on behalf of Ezra Edelstein Property Portion of 523 Albert Street (PID 45058872) in Windsor	Planner Fredericks outlined the request to rezone a portion of the property located behind the August House Inn, to the General Commercial (GC) zone. This area was recently consolidated into a larger property and the owners have requested that the General Commercial (GC) zone be extended to include this land. The intention is to provide additional amenity space for the guests of the Inn, including indoor and outdoor lounge spaces. Colette O’Hara and Laura MacLachlin made a presentation describing the history of the August House and the vision for the 11 room Inn as well as tourism for the Region. They discussed the intention of the area to be rezoned to provide saunas, firepits and, indoor and outdoor seating to offer their guests with more things to do during their stay and provide outdoor ceremony space for weddings which they

	host throughout the year. They intend to limit the hours of this area and minimize the impact on surrounding properties with fencing and buffering elements in the landscape.
Comments	No comments were made during the public information meeting. No comments were received following the meeting during the comment period.
Adjournment	There being no further business, the meeting adjourned at 6:36 p.m.