



## 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: 1781 King Street, Windsor (PID 45162005); File #23-34

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### LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

### RECOMMENDATION

To enable the rezoning of the subject lot to the Two Unit Residential (R-2) 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 PID 45162005 at 1781 King Street in Windsor from the Agriculture (AG) zone to the Two Unit Residential (R-2) zone as shown in the report #23-34 to the Planning and Heritage Advisory Committee dated April 11, 2024.

### BACKGROUND

A completed application was received on February 13, 2024, from Chrystal Fuller on behalf of the owner, Brison Developments. The application requests Council to consider rezoning the subject lot from the current Agriculture (AG) zone to the Two Unit Residential (R-2) zone to support future residential uses.

## **DISCUSSION**

The lot is currently designated Residential on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS) (*Figure 1*). The subject lot is zoned Agriculture (AG) on Schedule A of the Windsor Land Use By-law (WLUB) (*Figure 2*). The designation indicates the future intention of the land to be used for residential purposes. The agricultural zoning reflects a historic activity where the land was once used for agriculture but is no longer actively farmed.

The property currently includes a single unit dwelling and a detached garage/accessory building addressed as 1781 King Street with a large field behind these structures. The property also includes a gravel access road that extends from the end of Irven Drive to the shared driveway that provides access to King Street. No agricultural uses are actively occurring on the subject property or any adjacent property.

The subject lot is approximately 5 acres in size and Development Officers have confirmed the property can meet the zone requirements of the proposed Two Unit Residential (R-2) zone.

### ***Surrounding Context***

The subject property is close to the former town boundary where Windsor meets Garlands Crossing. This area is rapidly changing and accommodating new development proposals positioned near Avon View High School, and various commercial uses on King Street. The surrounding mixture of housing includes various residential forms in the Crossing community, and nearby zoning also includes institutional and commercial zoning.

### ***Document Review***

The Residential designation is outlined in Section 5 of the WMPS. The Residential designation is intended to accommodate various forms of residential development, appropriately scaled to each neighborhood with multi-unit development being considered by development agreement. The Two Unit Residential (R-2) zone has been applied to existing residential areas and to land anticipated for future residential development.

Section 6 of the WMPS discusses Agriculture in the former Town of Windsor and describes the intention of these areas.

***WMPS Section 6.0*** ...Council wishes to encourage and facilitate the ongoing operation of the active farms in Windsor as long as the owners wish to continue to farm; however, because of the shortage of developable, serviced land within the Town boundaries, Council will consider rezoning agriculturally zoned land for other uses, provided the proposed development will not have a negative impact on adjacent active farms. No new land will be zoned for agricultural use and no new intensive livestock operations will be permitted.

The WMPS goes on to establish rezoning policies including the following:

***Policy 6.0.10*** It shall be the policy of Council to permit lands zoned Agriculture to be considered for other uses by amendment to the Land Use By-law subject to Policy 16.3.1.

*In considering such a rezoning, Council shall have regard to the potential impact of the new development on adjacent active farms..*

The subject lot is zoned Agriculture, but does not include active agricultural uses on it or on any adjacent property, so a rezoning for other uses can be considered within this policy as the impact of the rezoning for residential development is not expected to have a negative impact on any active farms.

### **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 rezoning are anticipated; and
- the Development Officer, Public Works Engineering division 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 on the simulated flooding extents maps, as this area is located further inland. The subject lot is near a watercourse and wetland but these features are on nearby properties and are not expected to be impacted by the rezoning as the subject lot is elevated and distanced from these areas.

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

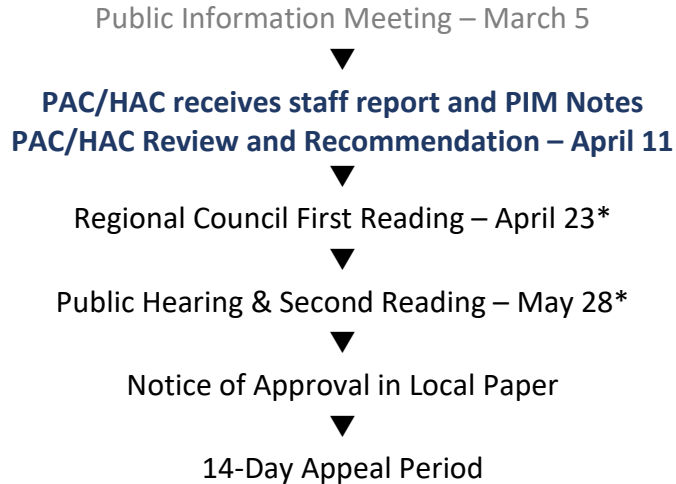
### **NEXT STEPS**

As noted above, the proposed amendment has been considered within the context of both the intent of the Residential designation, Agriculture policies 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 45162005 from the Agriculture (AG) zone to the Two Unit Residential (R-2) zone.

### **Approval Process**

Staff Review





\*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 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

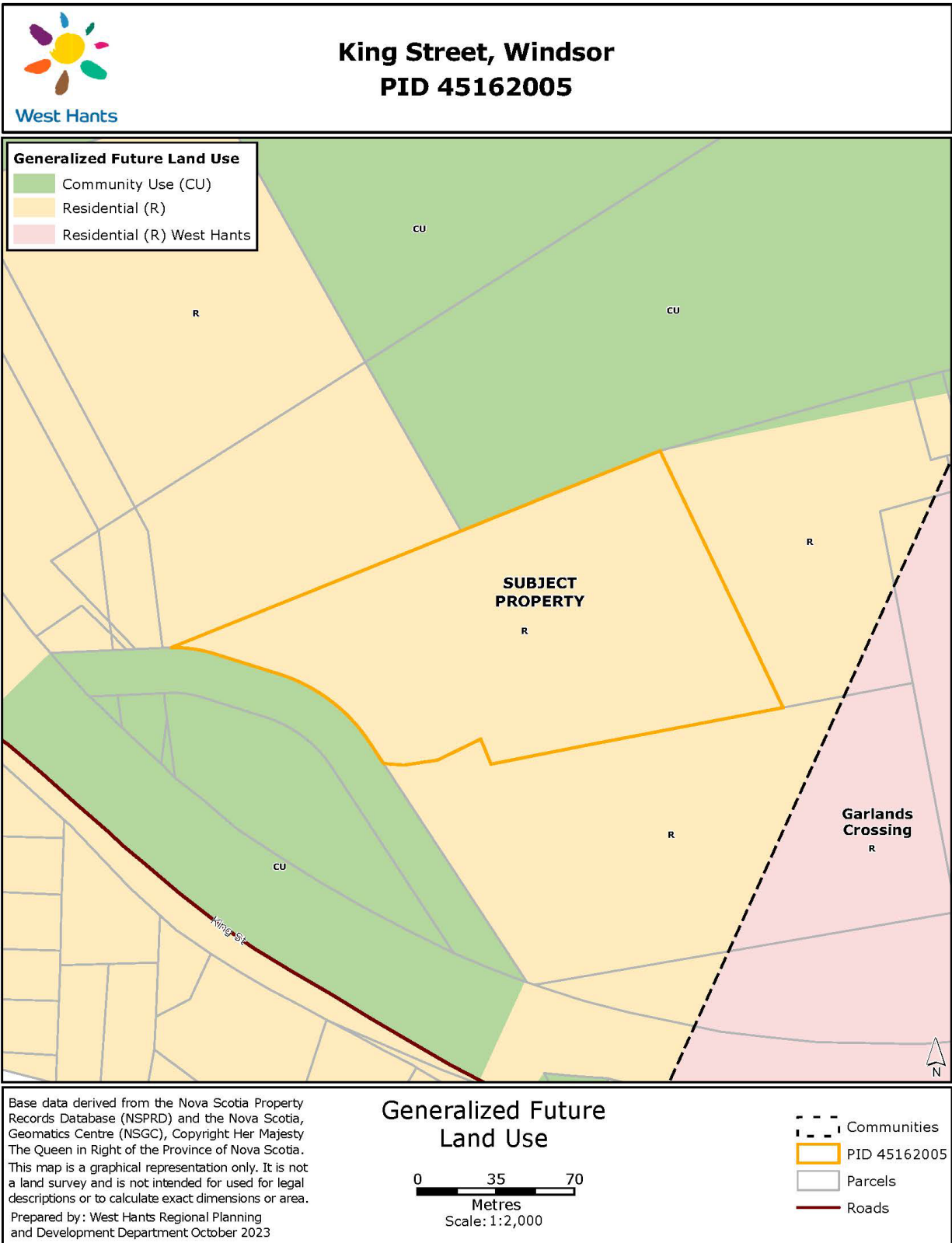


Figure 2 - Windsor Zoning Map Extract - Current

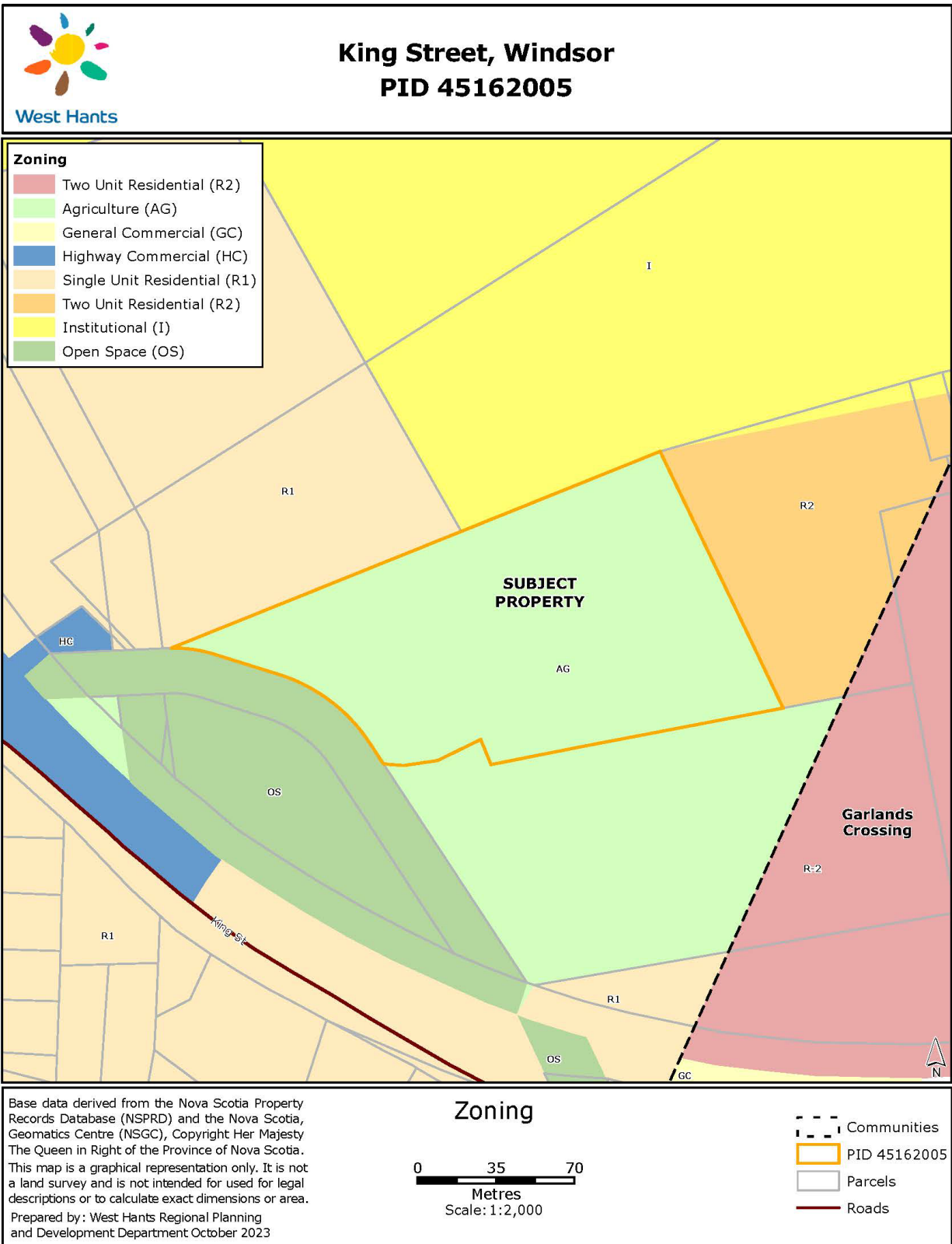
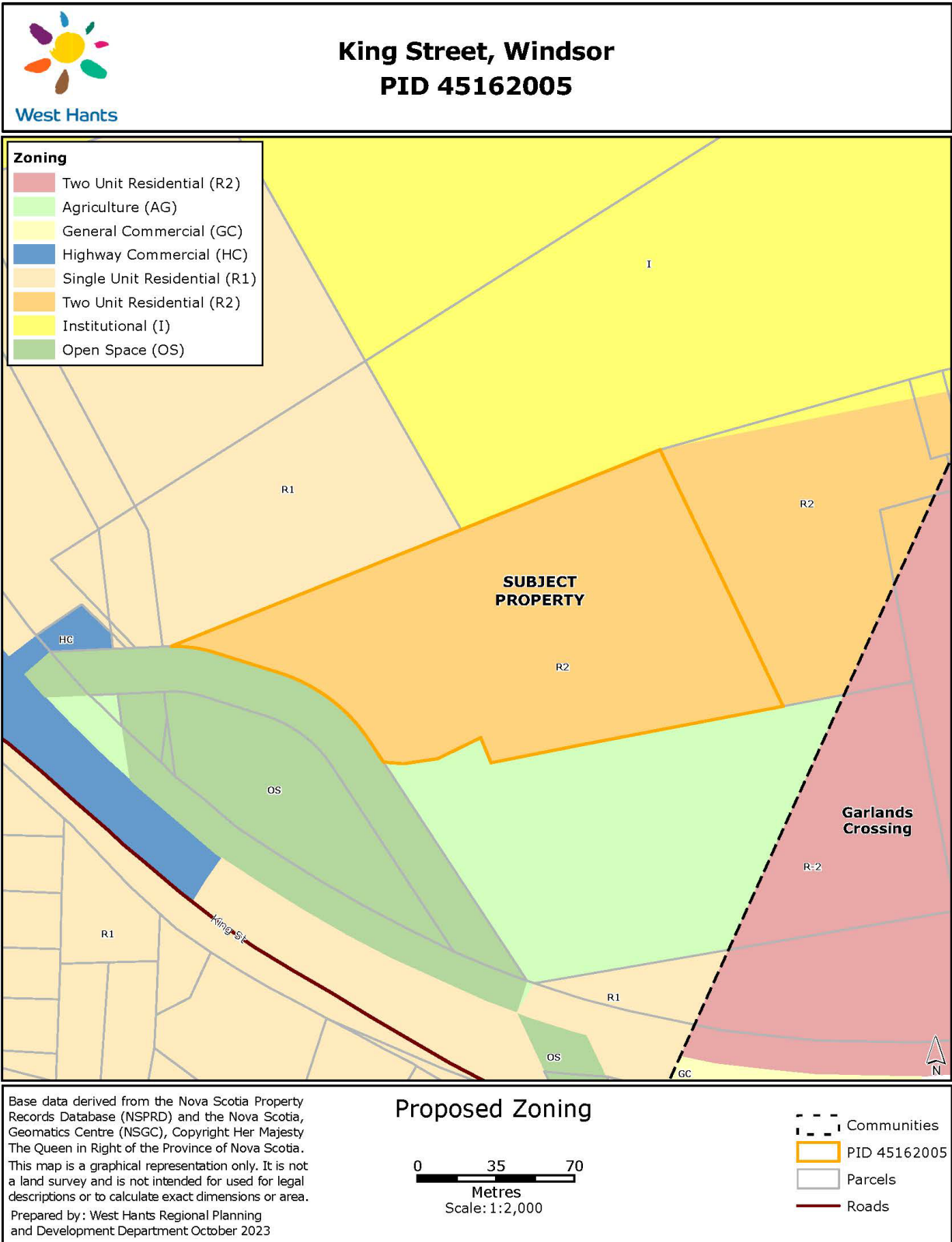


Figure 3 - Windsor Zoning Map Extract - Proposed



## Attachment A - Policy Summary for WLUB Amendments

**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. Municipal Public Works Engineering division has confirmed the services are adequate and have capacity to serve the subject lot under the proposed Two Unit Residential (R-2) zoning.
<i>(ii) the adequacy of school facilities;</i>	The proposed rezoning could represent a change in school population. The elementary and high school are both within walking distance. It is staff's understanding that these schools are prepared to accommodate any increase in student population.
<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 subject lot has an existing driveway access to King Street and a potential connection from Irven Drive. The Municipal Traffic Authority has indicated they have no concerns with the current driveway or the surrounding road network. For future development of building lots, the property owners would be required to construct a new public street to provide access to the land.
<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.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	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 some streets with sidewalks and others without sidewalks, but the collector roads that

	would connect the subject lot to shopping, recreation or employment areas include sidewalks.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer had no concern with the lot or the proposed residential rezoning. The lot has adequate lot area and road access through a shared driveway.
<i>(d) the pattern of development which the proposal might create;</i>	The rezoning would not create any unusual development patterns. This rezoning represents an extension of the Crossing and Payzant Drive areas where a variety of residential development has been focused.
<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>	The subject lot is gently sloping towards the south with no identified watercourses within the property. The property is not located within any protected Marsh areas.
<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>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

## Attachment B - Public Information Meeting Notes

March 5 – 19, 2024

WLUB Map amendment: 1781 King Street (PID 45162005), Windsor; File 23-34

Meeting date and time	A public information meeting was held on March 5, 2024 beginning at 6:36 p.m. in Council Chambers, 76 Morison Drive, Windsor
Attending	In attendance: Chair: <ul style="list-style-type: none"><li>• Councillor Murley</li></ul> Four (4) members of staff: <ul style="list-style-type: none"><li>• Director of Planning and Development, Sara Poirier</li><li>• Senior Planner, Mark Fredericks</li><li>• Planner, Alex Dunphy</li><li>• Planning Administrative Assistant Vanessa Lake</li></ul> Applicants: <ul style="list-style-type: none"><li>• Chrystal Fuller</li></ul> Council members: <ul style="list-style-type: none"><li>• Mayor Zebian</li></ul> Six (6) members of the public attended the meeting.
<b>Applicants</b> Chrystal Fuller on behalf of the owner, Brison Developments  <b>Property</b> 1781 King Street (PID 45162005) in Windsor	Planner Fredericks outlined the request to rezone the property at 1781 King Street from Agriculture (AG) to Two Unit Residential (R-2) to prepare the land for future residential development. The enabling and general policies were described, and the rezoning process was outlined before the Chair opened the floor to public comments.  The applicant did not make a formal presentation in relation to this rezoning request.
Comments	Grant Burgess lives close to the subject lot and operates a trucking and excavation business from the adjacent property. Mr. Burgess has a shared driveway and a sewer easement that are within the property at 1781 King Street. He has concerns about these and how they may be maintained or changed in relation to this rezoning.  David Pemberton shared his concerns around King Street and the surrounding area as this could increase traffic in an area

	<p>that is already very busy with vehicle traffic, high school student pedestrian traffic, and in an area where no sidewalks are provided.</p> <p>Cathy Pemberton shared her concerns around the King Street area becoming even busier and highlighted the lack of sidewalk infrastructure to support safe walking networks.</p> <p>No comments were received following the meeting during the comment period.</p>
Adjournment	There being no further business, the meeting adjourned at 6:56 p.m.