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# Planning Justification Report

Zoning By-law Amendment

4100 7<sup>th</sup> Concession Rd.  
Concession 7 PT Lot 16;  
RP 12R16826 Part 2  
City of Windsor

Date:

**October 2019**

Revised: December 2019

Prepared For:

**MAA Ashapuri Enterprises Inc.**

Prepared by:

**Bezaire Partners**

302-180 Eugenie St. West

Windsor ON N8X 2X6

V: 519 966 6844

M: 519 816 6844

E: [pbezaire@bezaire.ca](mailto:pbezaire@bezaire.ca)

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## 0.0 EXECUTIVE SUMMARY

Bezaire Partners (Bezaire) has been retained by **MAA Ashapuri Enterprises Inc.** (MAE) to prepare a Planning Justification Report (PJR) in support of a Zoning By-law Amendment for the 3.04 Acre (1.23ha) parcel of land located at the southeast corner of 7<sup>th</sup> Concession Rd. and Baseline Rd., (Subject Lands) in the City of Windsor. Bezaire will also prepare an application and coordinate a submission for Site Plan Control.

The site was annexed from the Town of Tecumseh and is designated Business Park in the City of Windsor Official Plan and Hamlet Commercial Zone (CH) in the Sandwich South Zoning Bylaw 85-18.

The **City of Windsor Lauzon Parkway Improvements Environmental Assessment Study** (Lauzon EA), Plate 2, provides for the installation of a roundabout at the intersection of CR42, 7<sup>th</sup> Concession Rd. and Baseline Rd (See Figure 2). The installation of the roundabout will require a significant land conveyance from the Owner to the City of Windsor. Additional conveyances are required along Baseline Rd. and 7<sup>th</sup> Concession Rd. The resulting developable area of the site is too small to implement the owner's program. The proposed building will therefore be 4 storeys high. Because the existing zoning by-law prohibits buildings taller than 34.45 ft. (10.5m), the owner was faced with the decision to either seek site specific relief from the maximum height provision in By-law 85-18 (see Appendix 2) or move to a zoning category under City of Windsor By-law 8600 (see Appendix 3) that would allow the proposed uses including the proposed building height.

Through pre-consultation with Windsor Airport, we understand that the subject site is outside the airports Obstacle Limitation Scope (OLS). Therefore, the height restriction is 150', well-above the proposed building height of 40 to 50 ft. The site also falls on the very edge of the Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) 25 contour which does not require special consideration. **However, the planning department ultimately requested a noise study to ensure there would be no adverse effects from either the airport or the rail corridor which is about 300m to the west.**

The existing zoning (Section 10.2.3 of By-law 85-15) only allows for hotel development for properties fronting on County Rd. 42 (CR42) or Provincial Highway No. 3. However, since most other re-zonings in the area have moved to a zoning category within By-law 8600 the City expressed a preference for this site to be handled in the same way. The new zoning would provide for the proposed uses and increased maximum building height.

**BACKGROUND STUDIES:** Background studies have been completed resulting in strategies for Stormwater Management, Sanitary Servicing, Water Servicing, Traffic Impact, Market Impact, **Noise**, and Planning Justification. It was determined that the site has no sanitary service connection. Following discussions with Public Works, the municipality will install a sanitary sewer along Baseline Rd. which will provide service for all of the properties along Baseline between 7<sup>th</sup> Concession Rd. and 8<sup>th</sup> Concession Rd. There will be an environmental benefit of removing the residential properties from old septic systems.

While an existing storm connection extends to the front of the site along Baseline, the eventual outfall is to the 6<sup>th</sup> Concession Drain at a point 115m south of Baseline Rd. which is the subject of a current drainage review for the area. However, we understand that this proposal can be approved because of its relatively small impact on the drain and

with the proviso that we "over-control" the site run-off. The site is within the ERCA regulated area.

Final details of the project will be worked out through the Site Plan Control Process. The application for site plan control is being submitted concurrent with the application to amend the zoning By-law.

Based on this review, it is our opinion that the proposal is consistent with the policies of the PPS and the City of Windsor Official Plan. In addition, it is our opinion that the proposed Zoning By-law Amendment is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report October 2019.

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## 1.0 BACKGROUND

### 1.1 INTRODUCTION

Bezaire Partners (Bezaire) has been retained by the MAA Ashapuri Enterprises Inc. (MAE) to prepare a Planning Justification Report (PJR) in support of a Zoning By-law Amendment for the lands located at the southeast corner of 7<sup>th</sup> Concession Rd. and Baseline Rd., (Subject Lands) in the City of Windsor. The Subject Lands are identified as 4100 7<sup>th</sup> Concession Rd. and described legally as Concession 7 PT Lot 16; RP 12R16823 Part 2.

The purpose of the Zoning By-law Amendment is to facilitate the development of an 87-unit Hotel at this location (See Figure 1).

The Subject Lands are currently regulated by the Sandwich South Zoning By-law 85-18 and are zoned Hamlet Commercial (CH). To permit a hotel development, this application proposes to amend the zoning on the Subject Lands from Hamlet Commercial (Ch) under the Sandwich South Zoning By-law 85-18 to the Commercial CD3.3 zone under the City of Windsor Zoning By-law 8600. The location of the Subject Lands within the context of the Sandwich South Zoning By-law 85-18 is shown on Figure 7.

This PJR has been prepared for submission to the City of Windsor and includes the following:

- An introduction and general description of the subject lands and surrounding land uses;
- A description of the proposed Zoning By-law amendment;
- A review of the Provincial and Municipal policy framework in relation to the proposed development and an assessment of consistency and compliance with the Provincial Policy Statement 2014, The Official Plan and zoning by-law
- An analysis of the site characteristics which make the site appropriate for the proposed use.

As part of this planning analysis, the following documents were reviewed:

1. The Provincial Policy Statement (2014) (PPS)
2. The City of Windsor Official Plan (OP)
3. The Sandwich South Zoning By-law 85-18 (85-18)
4. The City of Windsor Zoning By-law 8600 (8600)

5. City of Windsor Lauzon Parkway Improvements Class Environmental  
 Assessment Study (Plate 2)

**1.2 APPLICATION INFORMATION**

<b>Location:</b> City of Windsor at southeast corner of 7 <sup>th</sup> Concession and Baseline Rd.		
<b>Ward:</b> 9	<b>Planning District:</b> Sandwich South	<b>ZDM:</b> T12
<b>Roll Number:</b> 3739-090-010-02500-0000		
<b>Applicant/Registered Owner:</b> MAA Ashapuri Enterprises Inc.		
<b>Planner:</b> Paul Bezaire <i>OALA RPP MCIP</i> – Bezaire Partners		
<b>Project Manager:</b> Wincon Construction Inc.		
<b>Background Reports Submitted:</b> Stormwater Servicing Strategy (OP 10.2.7), Stormwater Management Plan (OP 10.2.4) Sanitary Servicing strategy (OP 10.2.7), Traffic Impact Study (OP 10.2.8), Market Impact Assessment (OP 10.2.10), Architectural Site Plan, and this Planning Justification Report (OP 10.2.13)		
<b>Subconsultants:</b>		
<b><u>Civil Engineer</u></b> Aleo Associates Inc. 804 Erie St. East Windsor ON N9A 3Y4	<b><u>Transportation Impact</u></b> Paradigm Traffic Solutions 150 Pinebush Rd. #5A Cambridge ON N1R 8J8	<b><u>Market Impact</u></b> HVS Consulting and Valuation 6 Victoria Street Toronto ON M5E 1L4
<b><u>Architect</u></b> J. P. Thomson Architects 2001 Provincial Rd. #6a Windsor ON N8W 5V7	<b><u>Landscape Architecture</u></b> Bezaire Partners 302-180 Eugenie St. W Windsor ON N8X 2X6	<b><u>Noise Assessment</u></b> Akoustik Engineering Limited 10630 Tecumseh Rd. East Windsor ON N8R 1A8

A conceptual plan has been submitted with this application to illustrate how the lands are intended to be used including the general layout and orientation of the hotel, parking areas, access points, and circulation routes through the site. Within this report, rationale is provided in accordance with Section 10.2.13 of the Official Plan Volume I to justify the proposed re-zoning for the Subject Lands

An initial pre-consultation meeting was held with Dillon Consulting resulting in a lettered dated April 15, 2019 outlining a list of issues to be addressed as part of the application for a Zoning amendment. See Appendix 1.

Additional meetings were held with Bezaire Partners and representatives of Planning, Public Works and Traffic.

Details related to the design of the Subject Lands for the hotel will be finalized through the site plan approval process for which a concurrent application is being made.

### 1.3 SITE INFORMATION

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Business Park	By-law 85-18 CH – Hamlet Commercial	Vacant	Vacant
FRONTAGE	DEPTH	AREA	SHAPE
984.2 ft. /300m	441.95 ft. /134.7m	3.04 A /1.23ha	Rectangular
MUN. ADDRESS	LEGAL DESCRIPTION		
4100 7 <sup>TH</sup> CONCESSION	Concession 7 PT Lot 16; RP 12R16823 Part 2.		
<i>All measurements are approximate</i>			

### 1.4 NEIGHBOURHOOD CHARACTERISTICS

The Subject Lands comprise an area that is 3.04 Acres (1.23ha) with frontage along 7<sup>th</sup> Concession. The Lands are within the City Boundary / Settlement Area and on the western edge of the Baseline Road Residential Corridor as identified on Schedule A of the City of Windsor Official Plan Volume I. The Subject Lands are relatively flat and are currently vacant although occasionally used for storage. Much of the topsoil has been removed from the site and replaced with granular material making the site inappropriate for agriculture and in need of restoration to permit site development.

### 1.5 SURROUNDING LAND USES.

The extended neighbourhood that surrounds the subject site is generally defined by the E.C. Row Expressway to the north, 8<sup>th</sup> Concession to the east, Hwy 401 to the south, and Division Rd to the west. The neighborhood is characterized by the presence of restaurants, office buildings, and retail shopping centers along the primary thoroughfares and residential areas along the secondary roadways. The business and entities in the area include a Canadian Tire, a Home Depot, and they Costco. The hotels in the vicinity include the Travelodge Windsor. The restaurants located near the subject site included Tim Horton's, Cora's breakfast and lunch, and an Applebee's; The proximity of these restaurants is considered supportive of the operation of a limited service lodging facility. *(From HVS Market Study)*



The lands immediately surrounding the site are shown in Figure 5 and described as follows:

- Immediately to the south: a single unit residential property (zoned Hamlet Commercial CH-4)
- Immediately to the east: an area of single unit homes (zoned Residential RH) with agricultural uses south of that.
- Immediately to the north: A commercial lube shop (zoned Hamlet Commercial CH) with Windsor Airport beyond.
- Immediately to the west: A vacant property with commercial development beyond (zoned Manufacturing M1)

The largest and most significant land use in the immediate vicinity of the property is Windsor International Airport (Airport) to the north.

The diversity of uses results in the site being situated in a mixed-use area with residential and agricultural uses to the south and east and commercial uses to the north and West. The most prominent feature of the area is the oddly configured intersection at 7<sup>th</sup> Concession Rd at Baseline Rd. However, that intersection will be replaced with a roundabout (See Figure 2) which will then be the most obvious feature. We note that roundabout installation isn't based on a schedule but on warrants (demand). The juxtaposition of an airport, residents, and agricultural uses within a very small area is noted.

#### **1.6 CITY OF WINDSOR LAUZON PARKWAY IMPROVEMENTS CLASS ENVIRONMENTAL ASSESSMENT STUDY (LAUZON PARKWAY CLASS EA)**

The Lauzon Parkway Class EA has recommended that a roundabout be constructed at the intersection of County Rd. 42, Baseline Rd., and 7<sup>th</sup> Concession. Figure 2 shows the location of the roundabout relative to the site and identifies a substantial conveyance from the subject property for this purpose. Additional conveyances will be required along Baseline Rd. and 7<sup>th</sup> Concession Rd.

The conveyances required for the future roundabout and road widenings results in considerably less land that can be utilized for development. This can be accommodated by increasing the height of the building to four stories resulting in a smaller footprint.

## 1.7. DEVELOPMENT PROPOSAL

MAE proposes to construct an 87-unit Hotel with four storeys and surface parking. A possible second phase may include a separate restaurant with additional parking as required but is not part of the current application. However, the Transportation Impact Study considered that possibility as part of its analysis to ensure that the recommendations are appropriate for the full build-out.

Because of the proposed roundabout, access to the site has been kept a good distance from the intersection. One access is from Baseline Rd. and one is from 7<sup>th</sup> Concession. The access lanes interconnect to allow for a smooth flow of traffic for the site, loading, waste handling and fire access. In addition, two access points will allow some of the vehicles (northbound on 7<sup>th</sup> Concession and westbound on Baseline) to have easy access to the south without having the maneuver through the roundabout.

The Subject Lands are currently zoned Hamlet Commercial under the Sandwich South Zoning By-law 85-18. This zone permits a wide range of uses. (See Appendix 2 for Sandwich South Zoning By-law 85-18 Section 10 Hamlet Commercial Zone (CH) Regulations as well as Section 10.2.3 which outlines specific regulations for Highway Commercial uses).

The existing zoning however restricts hotel development to properties fronting on County Rd. 42 (CR42) or Provincial Highway No. 3. While the subject site is on Baseline Rd., it is only 125.9 feet (38.4m) (the length of a driveway) from CR42. When the roundabout planned for the intersection of CR42, Baseline Rd., and 7<sup>th</sup> Concession Rd. is completed, the site will arguably be on CR42. However, since most other re-zonings in the area have moved to a zoning category within By-law 8600 the City expressed a preference for this site to be handled in the same way. The new zoning would provide for the proposed uses and increased maximum building height.

To facilitate development of the site, a Zoning By-law Amendment is being sought to rezone the site from the Hamlet Commercial district in the Sandwich South Zoning By-law 85-18 to a Commercial CD3.3 district in the City of Windsor Zoning By-law 8600. The Commercial CD3.3 zone permits both a hotel and restaurant use. A hotel is defined in Bylaw 8600 as follows:

*“HOTEL means a building used primarily for the sleeping accommodation of the travelling public. It may also include as an accessory use, any of the following: fitness centre; gift shop; health*

*studio; meeting room; newsstand; one dwelling unit; personal service shop; restaurant. A motel is a hotel.”*

The zoning bylaw is attached at Appendix 3. A copy of the preliminary concept plan for the site is provided at Figure 3. The concept uses substantial setbacks, screening fence and landscaping to mitigate the effect of the four-story building on the adjacent residential properties. The property to the south has the advantage of additional setback and landscaping on their own property

## 2.0 PROVINCIAL POLICY STATEMENT (PPS)

The PPS provides a vision for land use planning in Ontario that encourages the efficient use of land, resources and public investment in infrastructure and public service facilities. A mix of land uses is encouraged to provide choice and diversity. A variety of transportation modes is promoted to facilitate pedestrian movement and reduce reliance on the automobile. Generally, the PPS encourages development that will provide long term prosperity, environmental health and social well-being. To follow is a discussion of how this development proposal is consistent with the broader objectives of the PPS.

The PPS provides policy direction on matters of provincial interest to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. Section 3(5) of the Ontario Planning Act requires that any planning related decision of Council or a planning board be consistent with the PPS. Consequently, the following analysis of the requested amendments is provided.

The PPS is intended to be read in its entirety and all relevant policies are to be applied to each situation. On a comprehensive basis the proposed redevelopment is consistent with the relevant themes of the PPS and specific policies, which include:

<b>1.0: BUILDING STRONG HEALTHY COMMUNITIES</b>	
<b>Section 1.1: Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</b>	
1.1.1(a)	promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

1.1.1(b)	accommodating an appropriate range and mix of residential (including second units, 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;
1.1.1(c)	avoiding development and land use patterns which may cause environmental or public health and safety concerns;
1.1.1(e)	promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
<b>Response: the proposal takes advantage of the nearby Windsor Airport and provides a service of direct benefit to travelers. It imposes no public health and safety concerns.</b>	
<b>Section 1.1.3: Settlement Areas</b>	
1.1.3.1	Settlement areas shall be the focus of growth and development, and their vitality and regeneration should be promoted.
<b>Response: The existing site is located within a settlement area and is an appropriate use of the existing site because of its proximity to CR42 and Windsor Airport. The development encourages and supports tourism.</b>	
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
<b>Response: This new development is adjacent to the built-up area consisting of industrial and commercial development along CR 42. The hotel adds to the diversity of the area. While not a huge hotel in terms of numbers of rooms, the four-story configuration makes for an efficient use of land public infrastructure</b>	
<b>Section 1.2.6: Land Use Compatibility</b>	
1.2.6.1	Major facilities and sensitive land uses should be planned to ensure they are appropriately design, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.
<b>The Ministry of the Environment considers a hotel to be a “noise sensitive commercial purpose building” since it includes one or more habitable rooms used as sleeping facilities. Two sources of noise were considered: noise emanating from the airport and noise from the rail corridor which is just within 300m of the site. A noise study was prepared and is discussed in more detail at Section 3.10 a. Area Operating Area and 3.10 b. Railway Yard and Corridor. Recommendations will mitigate adverse effects.</b>	
<b>Section 1.3: Employment</b>	

1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> <li>a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs:</li>   <li>b) providing opportunities for a diversified economic base, including maintain a range and choice of suitable Sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.</li> </ul>
1.3.2.1	<p>Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.</p>
<p><b>Response: The proposal provides for new employment in the service sector as well as facilitating business travel for those supporting local business.</b></p>	
<p><b>Section 1.6: Infrastructure and Public Service Facilities</b></p>	
1.6.3	<p>Before consideration is given to developing new infrastructure and public service facilities:</p> <ul style="list-style-type: none"> <li>a) the use of existing infrastructure and public service facilities should be optimized; and</li> <li>b) opportunities for adaptive re-use should be considered, wherever feasible</li> </ul>
1.6.6.1	<p>Planning for sewage <i>and water services</i> shall:</p> <ul style="list-style-type: none"> <li>a. direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:           <ul style="list-style-type: none"> <li>1. <i>municipal sewage services and municipal water services</i>; and</li> <li>2. <i>private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available</i>;</li> </ul> </li> <li>b. ensure that these systems are provided in a manner that:           <ul style="list-style-type: none"> <li>1. can be sustained by the water resources upon which such services rely;</li> <li>2. is feasible, financially viable and complies with all regulatory requirements; and</li> <li>3. protects human health and the natural environment;</li> </ul> </li> <li>c. promote water conservation and water use efficiency;</li> <li>d. integrate servicing and land use considerations at all stages of the planning process; and be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5</li> </ul>

1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, where feasible.
1.6.6.7	Planning for stormwater management shall: minimize, or, where possible, prevent increases in contaminant loads; minimize changes in water balance and erosion; not increase risks to human health and safety and property damage; maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.
<b>Response: The proposal utilizes existing infrastructure for water and storm and helps develop sanitary infrastructure where there is a proven need. The storm runoff will be overcontrolled to just less than zero discharge.</b>	
1.6.7.3	As part of a <i>multimodal transportation system</i> , connectivity within and among <i>transportation systems</i> and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.
<b>Response: The proposal provides accommodations near the airport reducing vehicle trips to locations away from that mode of transportation.</b>	
1.6.9.2	<i>Airports</i> shall be protected from incompatible land uses and development by:  prohibiting new residential <i>development</i> and other sensitive land uses in areas near <i>airports</i> above 30 NEF/NEP;  a. considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the <i>airport</i> ; and  b. discouraging land uses which may cause a potential aviation safety hazard.
<b>Response: The proposal is located on lands near the airport but indicated as less than the 30 NEF/NEP threshold. In fact, the site is just slightly within the 25 NEF/NEP threshold. A Noise study will be provided.</b>	



In our opinion, the proposed development is consistent with the policies of the PPS. In accordance with the PPS, lands have been designated under the City of Windsor Official Plan in order to meet the needs of the community. With respect to the development of the Subject Lands, the hotel is intended to meet the current and future needs of patrons of Windsor Airport, as well as businesses located in the Business Park who will have the opportunity for out-of-town employees and prospective customers to stay nearby.

### 3.0 CITY OF WINDSOR OFFICIAL PLAN (OP)

#### 3.1 LAND USE

The site is currently designated Business Park in Section 6.4.4 of the Official Plan providing for business and industrial uses of similar quality and character to locate together in highly visible areas.

Permitted Ancillary Uses include:

- Convenience stores, gas bars, service stations, personal services, restaurants, warehouse, wholesale store, financial institutions provided that they meet the following criteria:

1. Are designed to serve the employees from the Business Park

**Certainly, employees from the business park will be welcome to utilize this facility including employees from out of town and patrons of their businesses and Windsor Airport, which is contiguous to the Business Park. Others will include residents of the area who can welcome family and friends to stay nearby and close to the airport.**

2. Has Access to an Arterial or Collector Rd.

**The site has access to both an arterial and collector Rd.**

- Hotels or motels provided that they meet the following criteria:
  1. Are located adjacent to a Controlled Access Highway, Class 1 or Class 2 Arterial Road or Class 1 Collector Road

**The site has access to a Class 2 Arterial Road.**

2. Located at or near the periphery of a Business Park

**The edge of the subject site is on the border of the Business Park.**

3. The proponent demonstrates to the satisfaction of the municipality that any market impacts on other commercial areas is acceptable.

**A Market Impact Assessment has been provided.**

4. The evaluation criteria established in policy 6.5.3.7 are met.
  - a. The site is not within or adjacent to an area identified on Schedule C: Development Constraint Area except that it is in the Airport Operating Area which is dealt with elsewhere in this report.
  - b. The site is not contaminated.
  - c. The Transportation Impact Study revealed no major concerns with respect to traffic
  - d. 2 single residential units are located adjacent to the site. Ample setbacks, screening fences and landscaping are used to mitigate any impact.
  - e. No secondary plan has been prepared for this area
  - f. Full municipal services an emergency services are available
  - g. Off street parking has been provided L exceeds the by-law requirement
  - h. A market study has been prepared to assess impacts on other commercial areas

### **3.2 LOCATIONAL CRITERIA**

Section 6.4.4.3 indicates criteria to be met for a Business Park development to proceed.

*"6.4.4.3 Business Park development shall be located where:*

*(a) the business park use can be sufficiently separated and/or buffered from sensitive land uses;*

*(b) the site will be accessible and highly visible from Controlled Access Highway or a Class I or Class II Arterial Road;*

*(c) full municipal physical services can be provided;*

*(d) business park related traffic can be directed away from*



*residential areas;*

*(e) public transportation service can be provided; and*

*(f) there is access to designated truck routes.”*

**All criteria have been addressed as noted below:**

- **The nearest sensitive land uses are the residential homes to the east and south of the property. The proposed site plan maximizes the separation distance and utilizes landscaping to mitigate any adverse effects.**
- **The site will be accessible at the start from a class 2 collector and a class 2 arterial. However, once the roundabout is constructed, access will essentially be to County Road 42**
- **The site will have the benefit of full municipal services**
- **The area has been studied under an Environmental Assessment process which has established traffic patterns for the area. This includes a proposed roundabout which will mitigate the impact of traffic generated.**
- **Future public transportation due to proposed location of hospital and we anticipate it will be readily available to the public.**
- **There will be easy access to County Road 42 which is a designated truck route.**

### **3.3 EVALUATION CRITERIA**

Section 6.4.4.4 indicates criteria to be met for a Business Park development to proceed.

*“6.4.4.4 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed business park 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 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 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; and*

*(e) compatible with the surrounding area in terms of scale,  
massing, height, siting, orientation, setbacks, parking and  
landscaped areas."*

**All criteria have been addressed as noted below:**

- **The site is not located within or adjacent to an area identified on Schedule C: Development Constraint Area in the official plan. It is however near the Airport Operating Area but outside of NEF30.**
- **The site is not located to a source of nuisance such as noise, odour, vibration and dust except that is within or adjacent to the Airport Operating Area and the affects are mitigated due to separation.**
- **There is no known or potential contaminants on or near the site.**
- **The transportation Impact Study prepared for the project shows no concerns other than the need for left-turn lanes on both Baseline and 7<sup>th</sup> Concession.**
- **The proposal is adjacent to residential uses but has maximized the separation distance and utilized landscaping to mitigate any adverse effects.**
- **There are no known heritage resources on the site.**
- **This is no secondary plan or guideline plan in place.**
- **Full physical municipal services are available except for a sanitary connection which is being installed by the department.**
- **The amount of parking provided exceeds the bylaw by 15% (100 spaces provided, 87 required)**
- **The site is not in the vicinity of any area identified**
- **Massing, height siting orientation setbacks, parking**

### 3.4 DESIGN GUIDELINES

Section 6.4.4.5 indicates criteria to be met for a Business Park development to proceed.

*"6.4.4.5 The following guidelines shall be considered when evaluating the proposed design of a Business Park development:*

*(a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;*

*City of Windsor Official Plan □ Volume I □ Land Use 6 - 24*

*(b) the massing and scale of buildings, and the extent to which their orientation, form and siting help to enhance the well landscaped setting of the business park;*

*(c) the provision of functional and attractive signage;*

*(d) 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;*

*(e) motorized vehicle access is oriented in such a manner that business park related traffic will be discouraged from using Local Roads where other options are available;*

*(f) loading bays and service areas are located to avoid conflict between pedestrian circulation, service vehicles and movement along the public right-of-way;*

*(g) pedestrian and cycling access is accommodated in a manner which is distinguishable from the access provided to motorized vehicles and is safe and convenient; and*

*(h) the design of the development encourages and/or accommodates public transportation services.*

*(i) The design of the development encourages the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to enhance the visual appearance of business parks in Windsor. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007"*

**All criteria have been addressed as noted below:**

- **The proposed building has been located and oriented on the site to maximize opportunities for green space.**
- **Signage has not yet been established.**
- **A landscape plan has already been provided as part of the application for site plan control. The plan shows ample buffering the parking lot and sensitive land uses such as the adjacent residential properties.**
- **The site is located on collector and arterials with easy access/egress to County Rd. 42**
- **A site plan has been submitted which identifies loading spaces at the rear of the building and away from pedestrian building access points.**
- **While public transportation is not readily made available by the municipality, it is expected to change with the construction of the proposed new hospital.**
- **There are no woodlots, vegetation and drainage corridors on the site.**

### **3.5 STORMWATER MANAGEMENT PLAN**

A Stormwater Management Plan has been prepared in accordance with the Storm Sewer Functional plan presented as part of this application.

### **3.6 SANITARY SEWER STUDY**

There is presently no sanitary connection to the site. City of Windsor Public Works identified that the property is assessed into the 8<sup>th</sup> Concession Sanitary Sewer and the nearest connection would be along either County Rd. 42 or Baseline Rd. to the 8<sup>th</sup> Concession Sewer. Ultimately, the City has agreed to install this sewer as a city-initiated local improvement subject to approval by City Council. See the detailed sanitary servicing report by Aleo Associates Inc.

### **3.7 STORM SEWER STUDY**

There is presently a 24 in. (600mm) diameter concrete storm sewer along Baseline Rd. The sewer flows easterly and outlets to the 6<sup>th</sup> Concession Municipal Drain at a point south of Baseline Rd east of municipal address 3765 Baseline Rd. The municipal Drain is subject to a current review and there is a freeze on applications to connect to this system. Through pre-consultation however, it was deemed that that this application could be approved because of its relatively small size and impact on the drain provided a storm servicing strategy and Stormwater Management Plan is prepared to "overcontrol" retention on the site. See the

detailed Storm Servicing Strategy and Stormwater Management Plan by Aleo Associates Inc.

### **3.8 TRANSPORTATION IMPACT STUDY**

A Transportation Impact Study was prepared for the proposed development. The report supports the development and recommends two left-turn lanes, one on west-bound Baseline Rd. and one on southbound 7<sup>th</sup> concession Rd. The location and design of these lanes is impacted by the final design of the roundabout (See Figure 2).. For this reason, we recommend that the left turn lanes be installed as part of the roundabout installation project. At that time, we anticipate that the municipality will want to closely examine the proposed lanes carefully to ensure that there is no conflict with the roundabout facility

### **3.9 MARKET IMPACT ASSESSMENT**

A Market Impact Assessment was prepared for the project and concludes that:

*"The Windsor-Essex region is experiencing a period of economic strength and expansion, led primarily by the automotive manufacturing industry, the food processing sector, and the emerging ICT sector. The outlook for the market area is generally positive."*

The report analyzes the impact of the development on other hotel properties:

*"The proposed subject hotel is not expected to compete with any hotels on a primary basis because of the distance between the subject site and the existing hotel supply. However, we have identified 8 area lodging facilities that are expected to compete with the proposed subject hotel on a secondary basis"*

### **3.10 DEVELOPMENT CONSTRAINTS:**

#### **a. Airport Operating Area - Schedule C**

The site is located within the Airport Operating Area and falls within the section identified as NEF 25 in terms of noise exposure forecast. (See Figure 9)

Transport Canada uses a Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) system to provide a measurement of the actual and forecasted aircraft noise in the vicinity of airports. This system factors in the subjective

reactions of the human ear to specific aircraft noise stimulus: loudness, frequency, duration, time of occurrence, tone, etc.

The subject site lies on the edge of the NEF 25 zone. Transport Canada notes that there may be annoyance caused by aircraft noise and recommends that developers be made aware of this. The threshold for limiting residential development is for areas above the NEF 30. (Transport Canada, May 1996 – Windsor Annexed Lands Master Planning Study – Background Reports Summary, Stantec Consulting p. 8.2 and 8.3)

The official plan includes the following policies:

*7.2.10.2 (a) New sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada;*

**The site is outside the 30NEP/NEF areas and just on the edge of h 25NEP/NEF area.**

*7.2.10.2 (b) Redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided the proponent successfully completes a noise study to:*

*(i) Support the feasibility of the proposal;*

*(ii) Identify and implement appropriate mitigation measures (refer to Procedures chapter);*

**A noise study has been completed and requires mitigation measures which have been incorporated into the building design.**

*7.2.10.2 (c) Redevelopment of existing residential uses and other sensitive land use in areas above 30 NEF/NEP may only be considered if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;*

**The site is outside the 30NEP/NEF areas and just on the edge of h 25NEP/NEF area.**

*7.2.10.2 (d) Land uses which may cause a potential aviation safety hazard are discouraged;*

**There has been no suggestion that there is a potential for aviation safety concerns. In particular, the building does not exceed the maximum height permitted.**

*7.2.10.2(e) Other land uses may be permitted within the Airport Operating Area provided the proponent completes a noise study to support the feasibility of the proposal and, if feasible identify and implement appropriate mitigation measures.*

**A noise study has been completed and requires mitigation measures which have been incorporated into the building design.**

*7.2.10.3 Council shall ensure that new development in the vicinity of the Windsor Airport includes appropriate noise and vibration abatement measures in accordance with established off-airport land use planning practices.*

**A noise study has been undertaken and the recommended measures are contained therein.**

**b. Archeological Assessment - Schedule C-1**

The site is identified as a low potential for Archeological Resources. No assessment was required.

**c. Roads and Bikeways - Schedule F**

The property sits at the intersection of 7<sup>th</sup> Concession, a Class 2 Collector with require ROW width of 30m, and Baseline Rd., a Class 2 Arterial or Collector (map and table are different) with a required ROW of 24m. Land conveyances for the future widening of both roads are required.

**d. Railways - Schedule F1**

The official plan includes the following policies:

*7.2.8.8 (a) All proponents of a new development within 300 metres of a rail corridor, may be required to complete a noise study to support the proposal, and if the need for mitigation measures is determined by such study, shall identify and recommend appropriate mitigation measures, in accordance with the Procedures chapter of this Plan;*

**A rail corridor is located approximately 300 metres west of the site. A noise study has been undertaken and the recommended measures are contained therein.**

*7.2.8.8 (b) All proponents of new development, located within 75 metres of a rail corridor, shall complete a vibration study to support the proposal, and if the need for mitigation measures is determined by such study, shall identify and recommend appropriate mitigation measures, in accordance with the Procedures chapter of this Plan;*

**The site is not within 75 metres of the rail corridor.**

*7.2.8.8 (c) All proponents of new development adjacent to a rail corridor will consult with the appropriate railway company prior to the finalization of any noise or vibration study required by this Plan;*

**The proponent consulted with the railway company prior to the finalization of the noise study.**

*7.2.8.8 (d) All proponents of new development abutting a rail corridor shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality, in consultation with the relevant public agency and the appropriate railway company*

**The site does not abut the rail corridor.**

#### **4.0 SANDWICH SOUTH ZONING BY-LAW 85-18**

4.1. **General:** At the time the Subject Lands were brought into the City of Windsor's City Boundary in 2002, the lands were under the jurisdiction of the Town of Tecumseh. After the transfer, they remained subject to the Town of Tecumseh, Sandwich South Zoning By-law 85-18 (See Appendix 2). Subject Lands are currently zoned Hamlet Commercial (CH) as shown in Figure 7

City staff has confirmed that the Subject Lands will be brought into the City of Windsor Zoning By-law 8600 through this application process. We propose that the site be regulated under Commercial CD3.3.ss

- 4.2. **Compliance with Zoning By-law regulations:** The proposal complies with the by-law in general except as noted:
- a. The site does not front on Country Road 42 or Provincial Highway 3
  - b. The proposed height exceeds the maximum building height

#### **5.0 CITY OF WINDSOR ZONING BY-LAW 8600**

5.1. **General:** Several Commercial Zoning Districts include a hotel and restaurant as a permitted use. These include the following: CD3.1, CD3.2, CD 3.3, CD 3.5, CD 3.6, CD3.7 and, CD4.3. Having reviewed the zoning of similar facilities in Windsor, we propose to use CD3.3.

#### **5.2. Compliance with Zoning By-law Regulations**

<b>CD 3.3 Regulations</b>	<b>Required</b>	<b>Proposed</b>
---------------------------	-----------------	-----------------



Maximum Building Height	20m	14.4m
Maximum Gross Floor Area – Bakery or Confectionary	500m <sup>2</sup>	N/A
Maximum Gross Floor Area – Workshop (Percent of the GFA of the Retail Store or Whole Store)	200%	N/A

<b>Section 24 Regulation</b>	<b>Required</b>	<b>Proposed</b>
Required Parking Spaces (one per guest room)	87	100
Required Accessible Parking Spaces Type A – 1.5%	2	2
Type B - .5 space plus 1.5%	2	2
Required Bicycle Parking Spaces – 2 for first 19 plus 1 for ea. Additional 20 spaces.	7	7
Required Number of Loading Spaces	2	2
Parking Area Separation Any street	3m	3m
An interior lot lines	.9m	3m
A building wall with main pedestrian entrance	2m	N/A

## 6.0 PLANNING ANALYSIS

### 6.1. DOCUMENTS

In developing a professional planning opinion for the proposed use, I have reviewed the following:

- Provincial Policy Statement (2014)
- City of Windsor Official Plan Policies
- City of Windsor Zoning By-law 8600 (See appendix 3)
- Sandwich South Zoning By-law 85-18 (See appendix 2)
- Transportation Impact Study
- Site Servicing Study – Sanitary and Storm
- Stormwater Management Report
- Market Impact Analysis
- Architectural Site Plan (See Figure 2)

## 6.2. ANALYSIS

The proposed development of a hotel within an area designated in the OP as a Business Park must comply with established criteria. We suggest that this requirement should be viewed in context with the proximity of the site to the Windsor Airport. The proposed use is focused on providing service to the patrons of the airport, some of whom would be patrons or employees of businesses within the business park, friends and family visiting existing residential properties, and visitors or to the city of Windsor in general. The use supports tourism and lies near the edge of the Business Park.

The property will be developed with full municipal services, all of which are existing except for the sanitary sewer. This sewer has already been planned by the municipality to serve the area along Baseline Rd. between 7<sup>th</sup> and 8<sup>th</sup> Concessions and its installation will serve to reduce the negative environmental consequences of the many septic tank systems in the area.

In order to mitigate impact on the municipal drain, a stormwater management plan has been prepared which will overcontrol runoff to just more than zero.

The OP restricts development of sensitive land uses within the NEF/NEP 30 (noise) boundary. The site is located just inside the limit of NEF/NEP 25 as set out by Transport Canada for lands within the Operating Area of Windsor Airport. In fact, the noise contour bisects the site and the building itself might be located outside of boundary. Nevertheless, **The city ultimately requested a noise study which has been provided and the recommendations of such have been incorporated into the building plans.**

The building is air conditioned which means that there is no need to open windows which mitigates noise. We note that the area is in line with existing residences to the east.

For all these reasons, I find that the proposal complies with the City of Windsor Official Plan, and the Provincial Policy Statement.

The current zoning doesn't provide for the construction of a hotel unless it is located on County Road 42 or Provincial Hwy #3. While the subject site is not on either, it is so close to County Road 42, that the distance could be compared to a driveway in terms of length. Practically speaking, the development is on CR42.

Further, the future installation of a roundabout at the northwest corner of the site will effectively mean that the site will have frontage on County Road 42.

The roundabout together with additional conveyances along Baseline and 7<sup>th</sup> Concession Rds. impacts the development program by reducing the site area

available for development. However, the owner will be able to achieve their development goal by constructing a building of 4 stories rather than 3. The proposed building height complies with the requirements of Windsor Airport. A four-story building however isn't allowed under the current zoning.

Since most other re-zonings in the area have moved projects and sites to a zoning category within By-law 8600 the City Planning expressed a preference for this site to be handled in the same way. We propose to regulate this site under CD3.3. The by-law would provide for the proposed uses and sufficient maximum building height and comply fully with the zoning.

The Transportation Impact Study recommends the installation of left turn lanes on westbound Baseline Rd and southbound 7th Concession Rd. We propose that the installation and design of these lanes is closely tied to the design and installation of the roundabout and should be installed at that time and as part of that project.

Details of the proposed development will be considered under Site Plan Control. An application for this is being made concurrent with the application to amend the zoning.

## 7.0 PLANNING CONCLUSIONS

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

In addition, it is our opinion that the proposed Zoning By-law Amendment is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report October 2019. The proposal complies with the proposed zoning.

It is for these reasons that it is my professional planning opinion that the proposed amendments to the Zoning By-law represent "good planning".

Respectfully Submitted,



**Paul Bezaire** *OALA RPP MCIP*  
**Registered Professional Planner**

## Figures

Site Location Plan - **Figure 1**

Proposed Roundabout - **Figure 2**

Proposed Site Plan - **Figure 3**

Site Photographs - **Figure 4**

Existing Land Uses - **Figure 5**

Site Survey - **Figure 6**

Existing Zoning Map - **Figure 7**

Official Plan Designation - **Figure 8**

Schedule C – Development Constraints - **Figure 9**

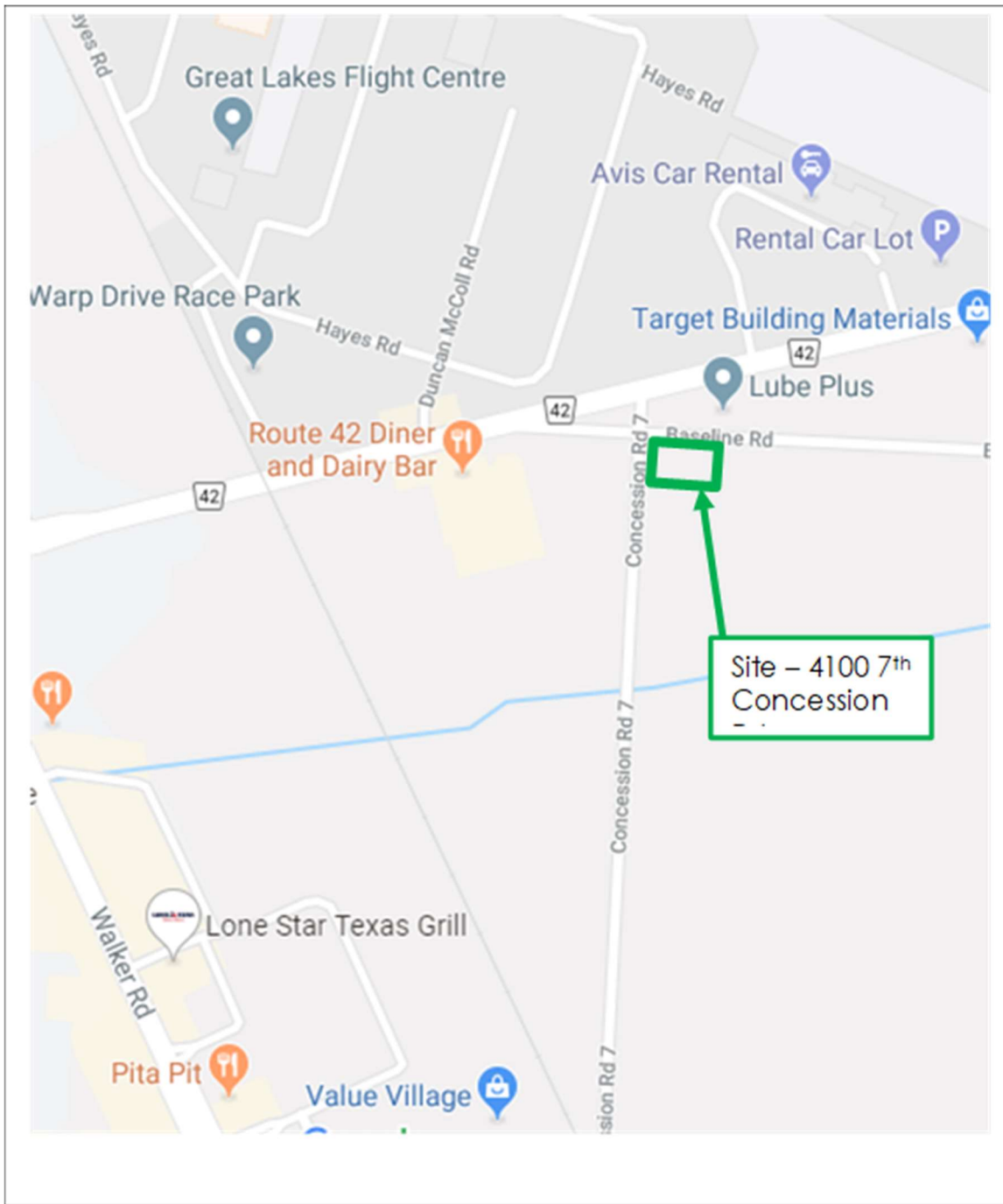


Figure 1: Location Map

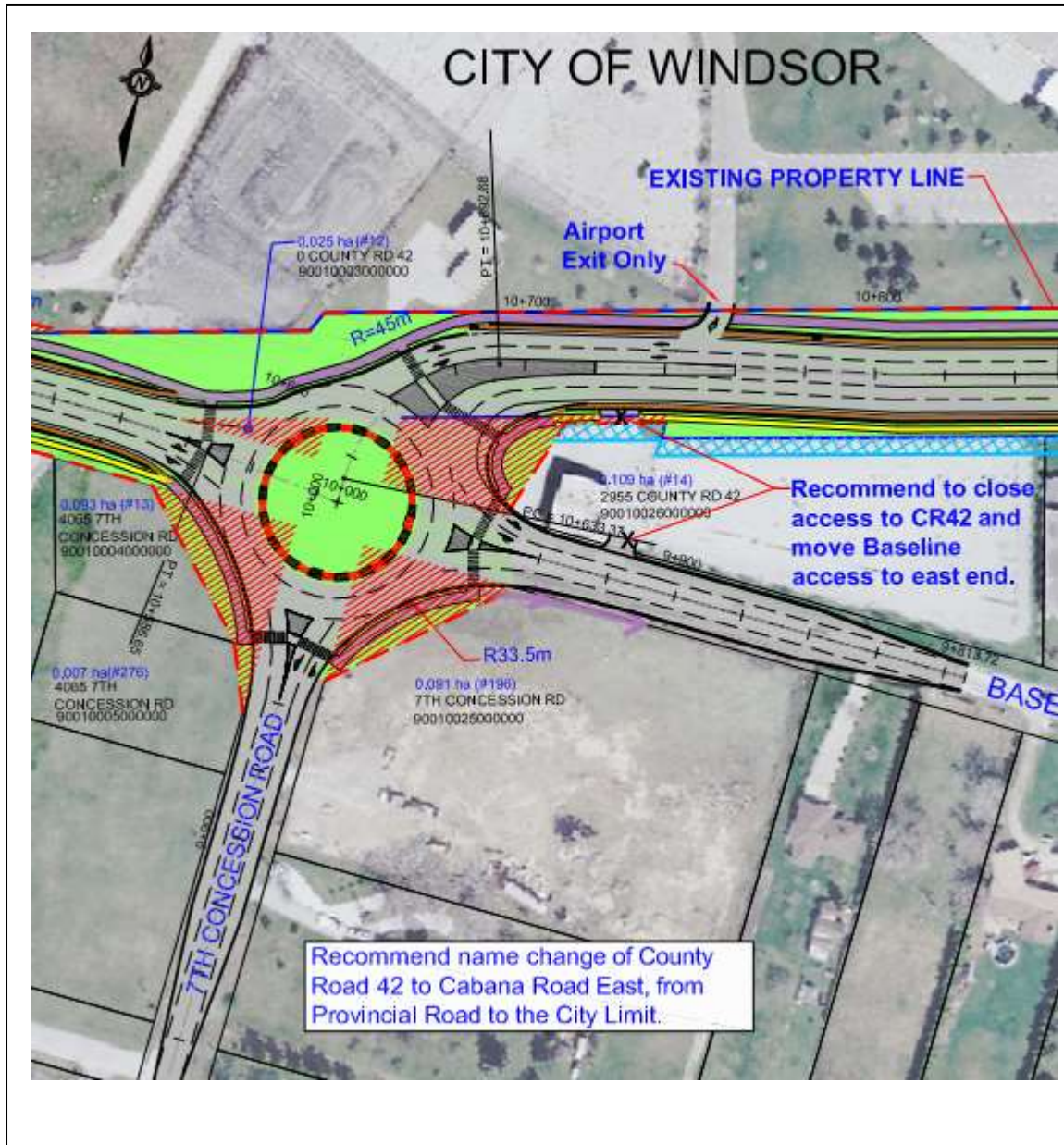


Figure 2: Lauzon Parkway Improvement EZ – Portion of Plate 2



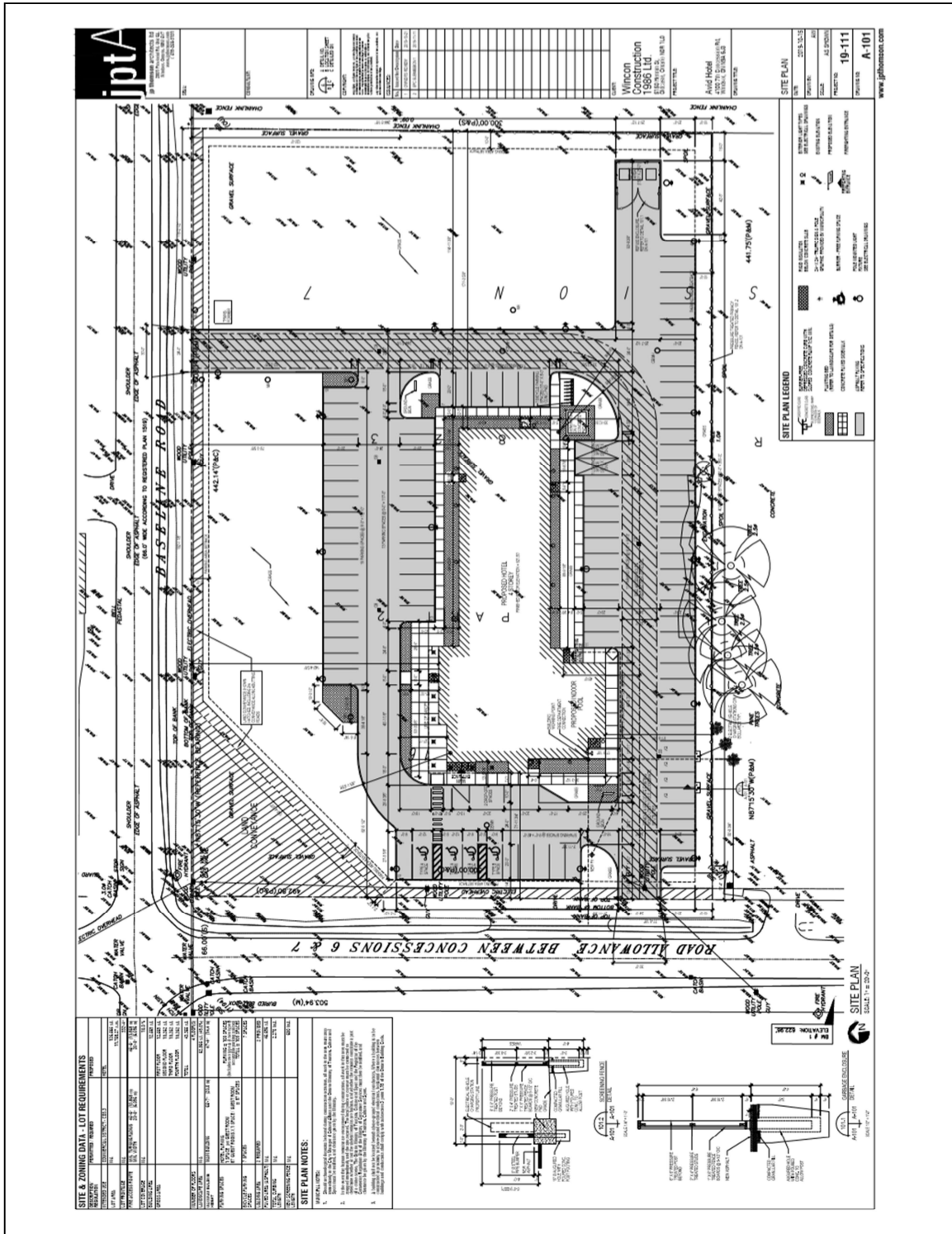


Figure 3 Proposed Site Plan





**From 7<sup>th</sup> Concession Looking East**



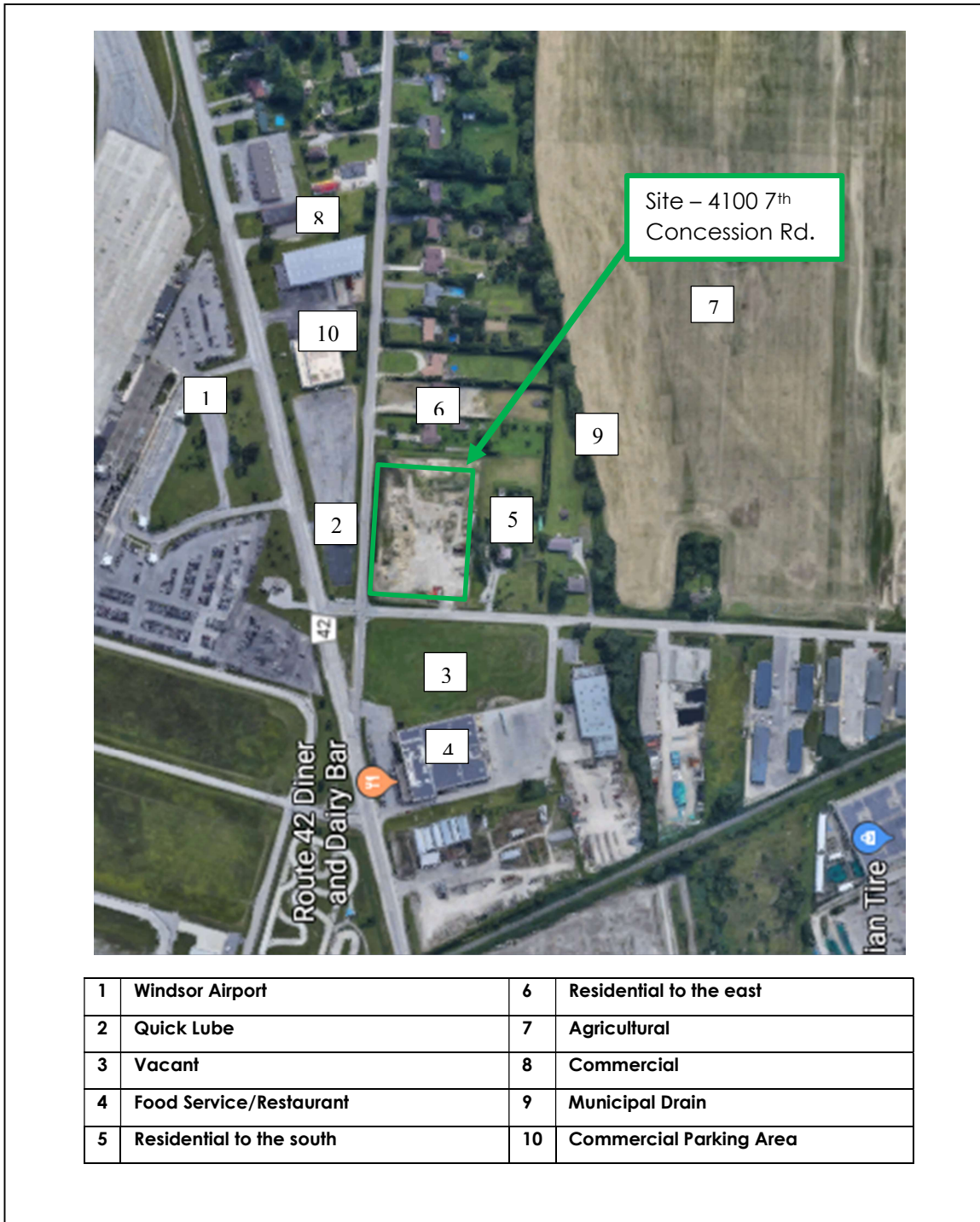
**From Baseline Looking South**



**From 7<sup>th</sup> Concession Looking East Along Property Line**

**Figure 4 Site Photographs**





**Figure 5** Aerial Photograph Showing Surrounding Land Use

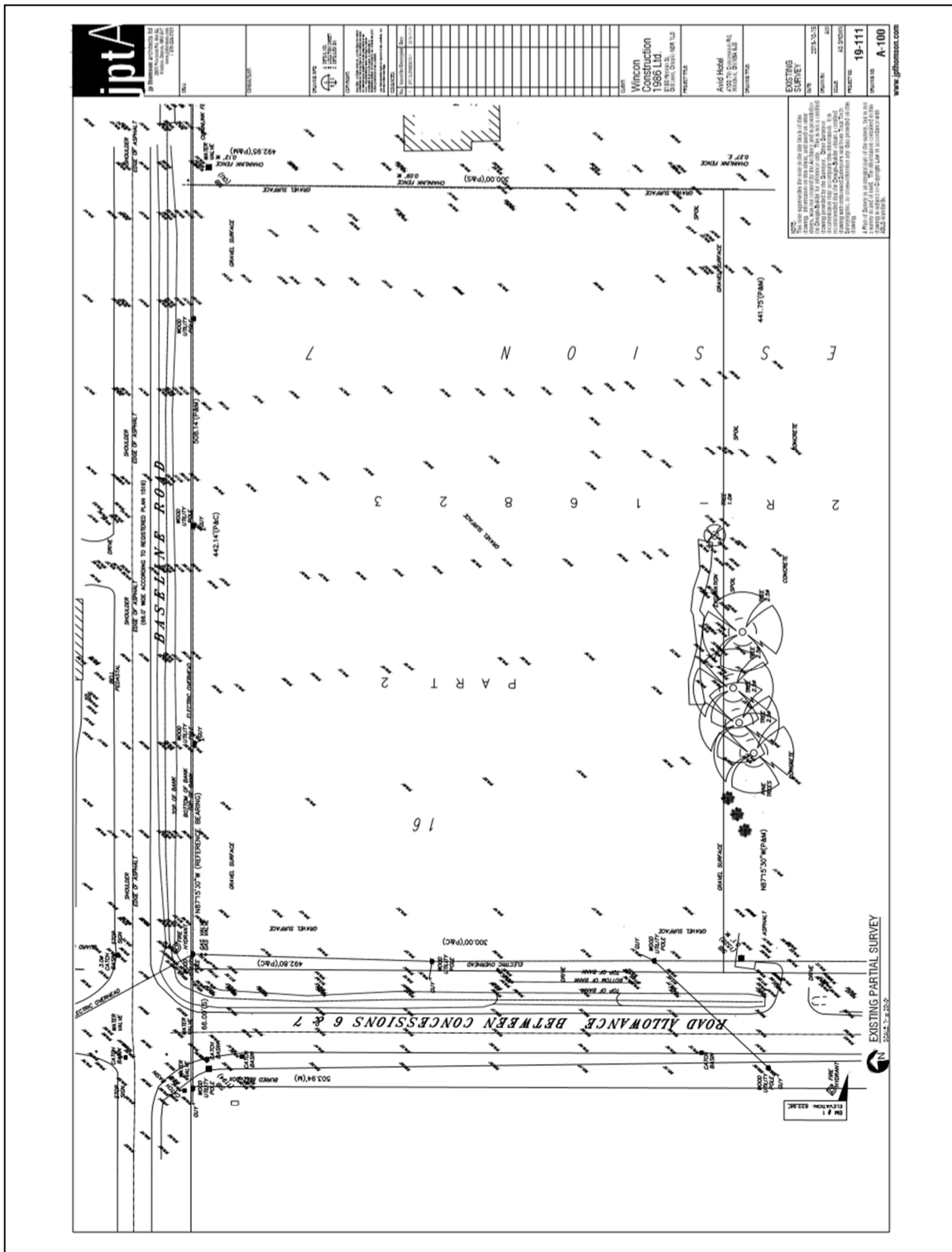


Figure 6: Site Survey



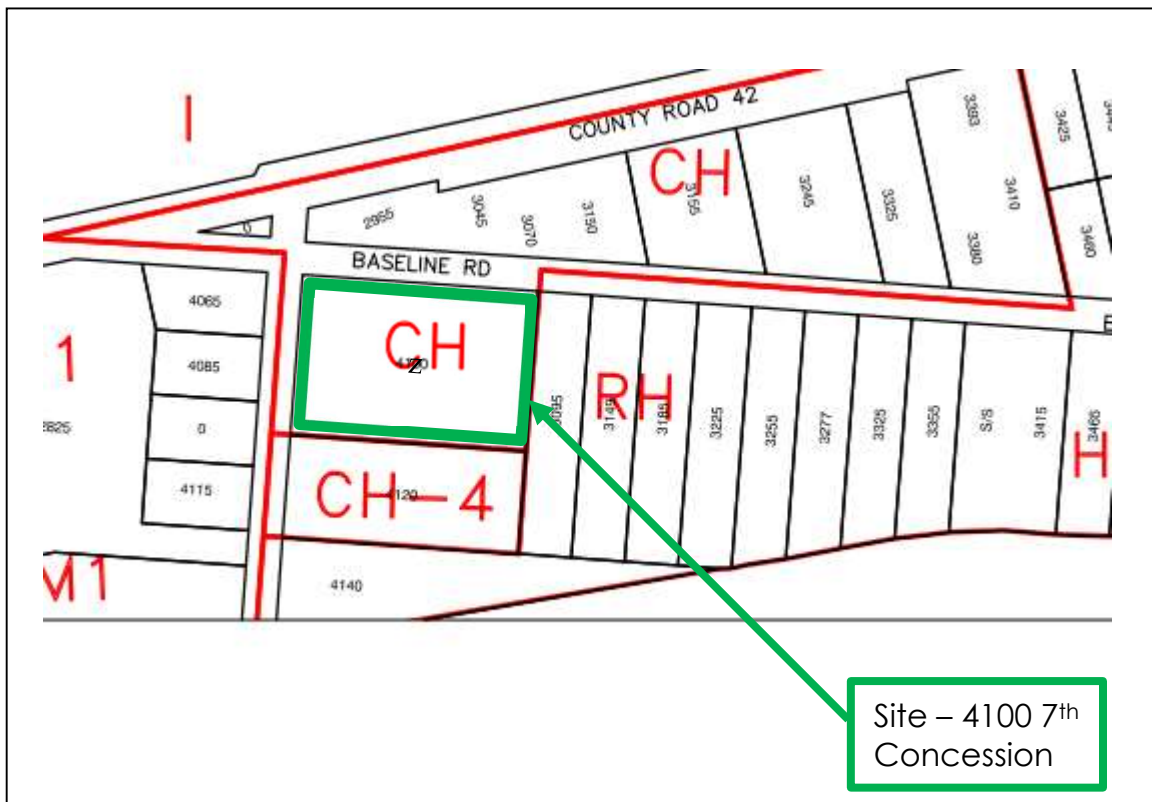


Figure 7: City of Windsor (Former Town of Tecumseh) Zoning Map By-law 85-18

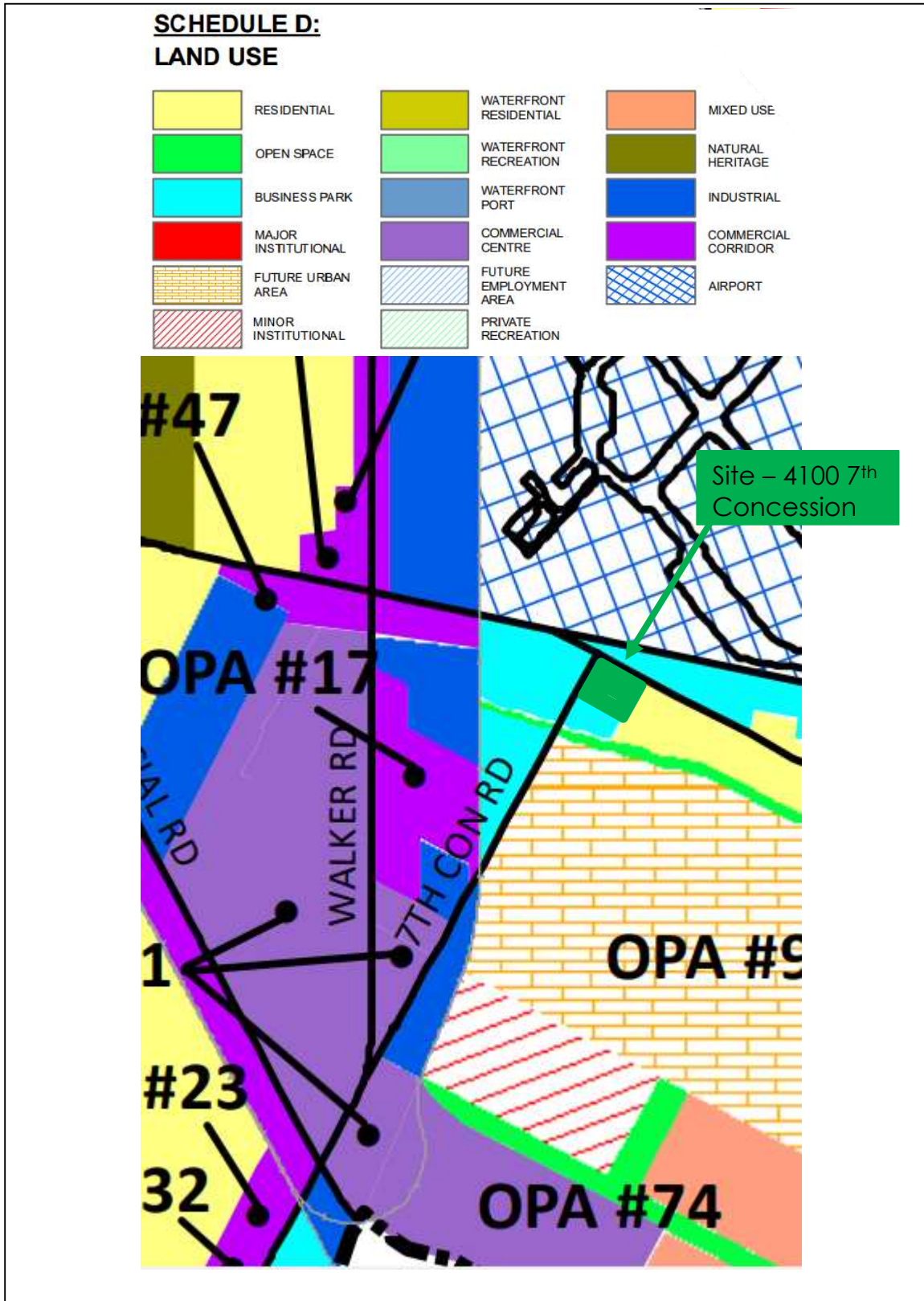


Figure 8: Excerpt from Schedule D of the City of Windsor Official Plan

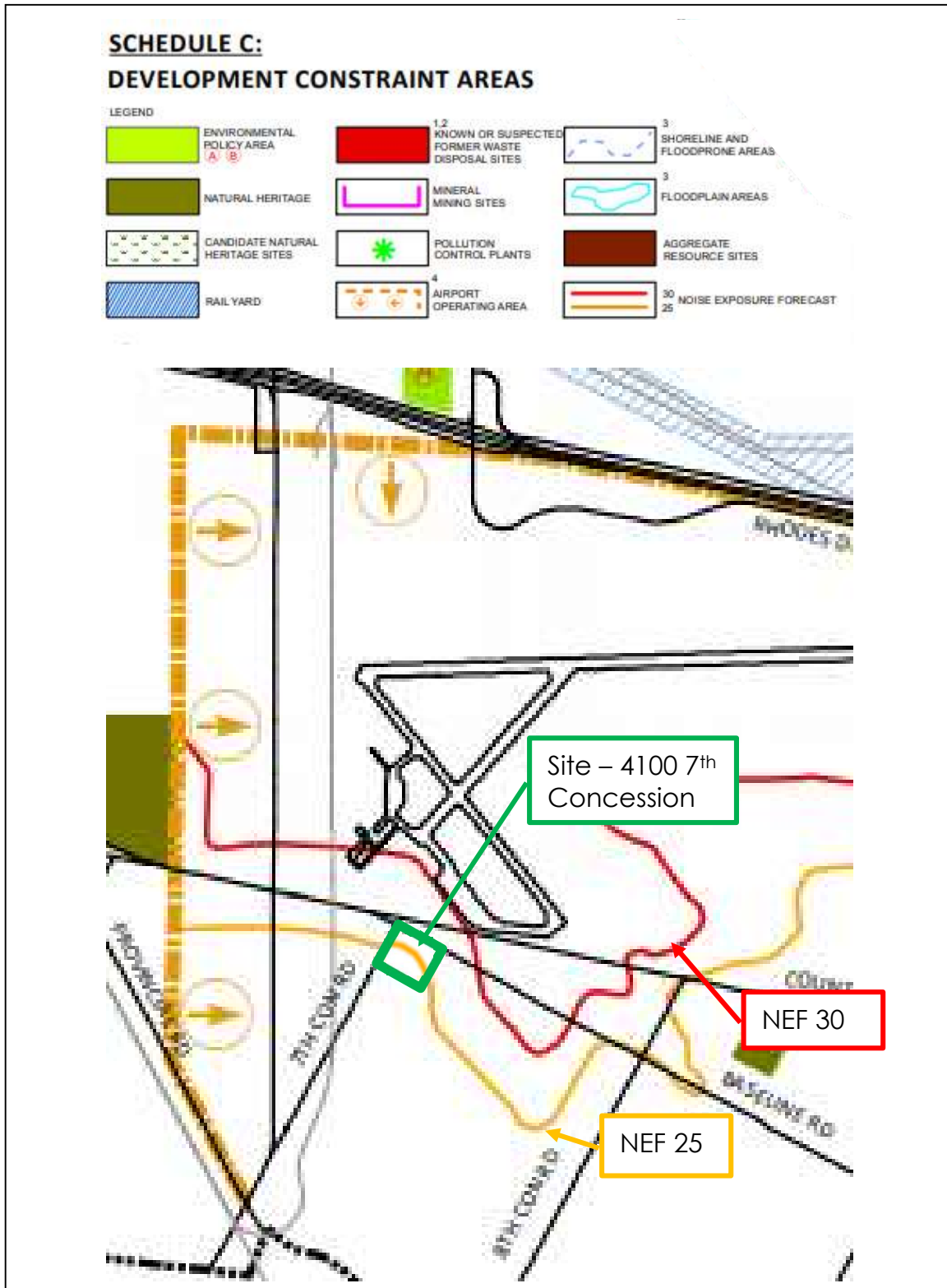


Figure 9: Excerpt from Schedule C Development Constraints-City of Windsor Official Plan

## Appendices

**Results of Initial Pre-consultation – Appendix 1**

**Sandwich South By-law 85-18 – Appendix 2**

**City of Windsor By-law 8600 – CD3.3 – Appendix 3**

**Email from Windsor Airport – Appendix 4**