

City Council Meeting

Date: Monday, February 27, 2023

Time: 4:00 o'clock p.m.

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Angelo Marignani

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 – Councillor Jim Morrison

ORDER OF BUSINESS

| Item # | Item Description |
|--------|------------------|
|--------|------------------|

| | |
|----|--------------------------|
| 1. | ORDER OF BUSINESS |
|----|--------------------------|

| | |
|----|---|
| 2. | CALL TO ORDER - Playing of the National Anthem |
|----|---|

READING OF LAND ACKNOWLEDGEMENT

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomie. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

| | |
|----|--|
| 3. | DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF |
|----|--|

| | |
|----|--------------------------------|
| 4. | ADOPTION OF THE MINUTES |
|----|--------------------------------|

| | |
|----|--------------------------------|
| 5. | NOTICE OF PROCLAMATIONS |
|----|--------------------------------|

Proclamations

"Heritage Week" – February 20, 2023 – February 26, 2023

"Stand with Ukraine Day" – February 24, 2023

"Nutrition Month" – March 2023

"International Women's Day" – March 8, 2023

"Transit Operator and Worker Appreciation Day" – March 18, 2023

Illumination

"Stand with Ukraine Day" – February 24, 2023 to February 26, 2023

| | |
|----|-------------------------------|
| 6. | COMMITTEE OF THE WHOLE |
|----|-------------------------------|

| | |
|----|---|
| 7. | COMMUNICATIONS INFORMATION PACKAGE (This includes both Correspondence and Communication Reports) |
|----|---|

8. **CONSENT AGENDA**

- 8.1. Meadowbrook Development Community Garden - Ward 8 (**C 14/2023**)
- 8.2. Award of Proposal No. 10-23 Bicycle/Scooter Sharing Program - City-wide (**C 22/2023**)
- CONSENT COMMITTEE REPORTS
- 8.3. Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2 (**SCM 13/2023**) & (**S 124/2022**)
- 8.4. Housing and Homelessness Advisory Committee 2022 Annual Report (**SCM 31/2023**) & (**SCM 332/2022**)
- 8.5. Diversity Committee 2022 Annual Report (**SCM 32/2023**) & (**SCM 2/2023**)
- 8.6. Windsor International Diaspora African Festival - WIDAFEST 2023 - Ward 3 (**SCM 33/2023**) & (**S 10/2023**)
- 8.7. Windsor Accessibility Advisory Committee 2022 Annual Report (**SCM 34/2023**) & (**SCM 1/2023**)
- 8.8. Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10 (**SCM 40/2023**) & (**S 105/2022**) & (**AI 1/2023**)
- 8.9. Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22 ZNG/6926 - Ward 2 (**SCM 41/2023**) & (**S 7/2023**)
- 8.10. Rezoning – Hussain Alameri – 3857 Wyandotte Street East Z-033/22: ZNG/6868 - Ward 5 (**SCM 42/2023**) & (**S 1/2023**)
- 8.11. Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7 (**SCM 43/2023**) & (**S 13/2023**)
Clerk's Note: Administration submitting the **attached** Additional Information Memo dated February 13, 2023 re: Report S 13-2023: File Nos.: OPA 156 (OPA-6702) & ZBA-010-22 (ZNG-6701); Applicant: Maple Leaf Homes Ltd.; Ward 7 (**AI 2/2023**)
- 8.12. Request for Demolition of Greenhouses at Lanspeary Park - 1250 Langlois Avenue (Ward 4) (**SCM 44/2023**) & (**S 14/2023**)
- 8.13. Heritage Videos (2) presented by Heritage Planner featuring the Strathcona Building located at 1958-1998 Wyandotte Street East, and the Walker Power Building turntable at 325 Devonshire Road (**SCM 45/2023**)
- 8.14. Request for Heritage Alteration Permit for Willistead Manor, 1899 Niagara Street (Ward 4) (**SCM 46/2023**) & (**S 11/2023**)

- 8.15. 749 and 753 Walker Road, Semi-Detached Houses - Heritage Permit Request (Ward 4) **(SCM 47/2023) & (S 12/2023)**
- 8.16. Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3 **(SCM 48/2023) & (S 6/2023)**
- 8.17. Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884 **(SCM 49/2023) & (S 143/2022)**
- 8.18. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by The Walker Power Building Inc. for 325 Devonshire Road (Ward 4) **(SCM 50/2023) & (S 88/2019)**
- 8.19. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Lakefront Heights Inc. for southern part of 10835 Riverside Drive East (Ward 7) **(SCM 51/2023) & (S 149/2022)**
- 8.20. Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4) **(SCM 52/2023) & (S 3/2023)**
- 8.21. Amendment to Sign By-law 250-04 for 5515 Maplewood Drive, File No. SGN-005/22 - Ward #1 **(SCM 53/2023) & (C 220/2022)**
- 8.22. Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide **(SCM 54/2023) & (C 225/2022)**
- 8.23. North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7 **(SCM 55/2023) & (C 5/2023)**
- 8.24. Minutes of the International Relations Committee meeting held November 23, 2022 **(SCM 58/2023) & (SCM 331/2022)**

9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**

10. **PRESENTATIONS AND DELEGATIONS**

11. **REGULAR BUSINESS ITEMS (Non-Consent Items)**

- 11.1. Impacts of Bill 108 and Bill 109, More Homes for Everyone Act, 2022 – Subsequent Changes to the Development Application Process, City Wide **(C 18/2023)**
- 11.2. Impacts of Bill 23, More Homes Built Faster Act, 2022 – Informational Report **(C 19/2023)**

- 11.3. Municipal Housing Targets and 13,000 Homes Pledge - City Wide (**C 21/2023**)
- 11.4. Proposed Closure of the Windsor Star production plant by Postmedia (**SCM 59/2029**)
- 11.5. Exemption to Demolition Control By-law 9198-Howard-Erie Neighbourhood Improvement Program Area (**S 23/2023**)
- 11.6. High Intensity Needs Funding Program Attestation Requirement-City Wide (**C 16/2023**)

12. **CONSIDERATION OF COMMITTEE REPORTS**

- 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)

13. **BY-LAWS** (First and Second Reading)

14. **MOVE BACK INTO FORMAL SESSION**

15. **NOTICES OF MOTION**

16. **THIRD AND FINAL READING OF THE BY-LAWS**

17. **PETITIONS**

18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Community Services Standing Committee
Wednesday, March 1, 2023
9:00 a.m., Council Chambers

Development & Heritage Standing Committee
Monday, March 6, 2023
4:30 p.m., Council Chambers

Committee of Management for Huron Lodge
Wednesday, March 15, 2023
9:00 a.m., Via Zoom Video Conference

21. **ADJOURNMENT**



Subject: Meadowbrook Development Community Garden - Ward 8

Reference:

Date to Council: February 27, 2023

Author: Karina Richters

Supervisor, Environmental Sustainability and Climate Change

(519) 255 6100 x 6127

krichters@citywindsor.ca

Asset Planning

Report Date: 2023-01-24

Clerk's File #: APM2023

To: Mayor and Members of City Council

Recommendation:

- I. That Council **APPROVE** the request of Windsor Essex Community Housing Corporation (WECHC) to use the property legally described as Part Lot 125 (McNiff's), Concession 2, designated as Part 8 on Plan 12R-838, subject to LT14791 and, known municipally as 0 Meadowbrook Lane (the "**Licensed Lands**"), in order to facilitate the installation of a community garden operation on the following conditions:
 - 1) Use of .23 acre (.09 hectare) Licensed Land, as depicted in the sketch attached as appendix 'A', for use as a community garden;
 - 2) The term of the license is from March 1, 2023 to Nov 30, 2033;
 - 3) WECHC is obligated to take the Licensed Land in as is condition, and to construct and maintain their improvements on the Licensed Land at their expense;
 - 4) The City makes no representations or warranties as to the soil condition or the Licensed Land's suitability for use as a community garden;
 - 5) Property taxes for the Licensed Lands will be the responsibility of the WECHC;
 - 6) The fee for the Licensed Land is \$1.00, payable in advance;
 - 7) The licensed area is to be kept free of pests and animals;
 - 8) The use of pesticides and herbicides is prohibited;
 - 9) The use of uncomposted manure and fertilizer is prohibited;

- 10) Liability insurance in the amount of \$2,000,000 with "The Corporation of the City of Windsor" named as an additional insured, in accordance with the Purchasing Bylaw, and satisfactory in form and content to the Manager of Risk and Insurance;
 - 11) The WECHC agrees to indemnify and hold harmless The Corporation of the City of Windsor, its affiliates, officers, employees, councillors, and assigns [collectively the "City"], from and against any and all losses, damages, costs, and expenses, and all claims, demands, actions, causes of action, suits, proceedings and liability, including all claims made by any third party under or relating to this license, for bodily injury or property damage howsoever arising, unless caused by the City's negligence;
 - 12) The City is not responsible in the case of vandalism or theft;
 - 13) WECHC must provide plans and specifications of the facility for review and approval to the satisfaction of the Executive Director of Parks and Facilities;
 - 14) The storage of motor vehicles, tractors, fuel and chemicals is prohibited;
 - 15) WECHC will maintain the Licensed Lands not under cultivation by controlling weeds and grass on a regular basis;
 - 16) The balance of the terms and conditions of this license, except as noted herein, are the standard requirement in other municipal licenses, and;
- II. That Council Clerk **BE AUTHORIZED** to execute a license agreement, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks and Facilities, and in financial content to the City Treasurer.

Executive Summary:

N/A

Background:

On November 17th, 2014 City Council approved the Community Gardens on Municipal Property Policy (M397-2014). The policy approved a structure and process for community gardens on City-owned property and requirements to apply for a community garden on City-owned property.

At its February 22nd, 2021 meeting, Council approved an update to the Community Gardens on Municipal Property Policy (B17/2022) to improve access for the Community. The policy provides an updated streamlined process for community gardens in pre-approved parks but approval from Council is still required for other park locations as well as vacant City-owned lands, such as the Licensed Land.

Community gardens are an important tool for the development of healthy communities and quality of life improvements of residents. People can grow healthy and nutritious

food while having a positive impact on the environment. The City of Windsor supports and encourages the development of community gardens on municipally owned lands.

These gardens also enhance habitat for bees, birds and other animals, foster community spirit and interaction and create a thriving neighbourhood gathering place. They increase the absorption of stormwater into the ground as well as provide education to the community about growing food.

Discussion:

Windsor Essex Community Housing Corporation (WECHC) has partnered with Community Living Windsor, Hiatus House and Family Services Windsor-Essex to address additional housing needs in a collaborative, dynamic environment that will promote health, efficiency and safety.

The Canada Mortgage and Housing Corporation (CMHC) under the National Housing Strategy aims to “promote diverse communities and create a new generation of housing that is mixed-income, mixed-use, accessible and sustainable”. The Meadowbrook development, currently being built by WECHC, is a mixed-income housing development approach that provides a more financially viable building offering housing to individuals with a range of income levels.

To further support their tenants, WECHC is looking to develop 0 Meadowbrook Lane as a Community Garden. The Community Gardens can offer many benefits including: opportunities for free fresh fruits and vegetables reducing food insecurity; improved sense of community; and physical activity. Community gardens are encouraged in the 2017 Environmental Master Plan Objective C10: Support education, engagement, and local food production.

Attached in Appendix A is the current draft site plan for the Community Garden. The garden will provide space for resident gardeners, greenspace for public use, as well as raised beds to accommodate wheelchair accessibility. The Licensed Land is approximately 11.8 m (38 ft) wide by 38 m (125 ft) long and is zoned RD3.4.

The property at 0 Meadowbrook Lane (CON 2 PT LOT 125; RP12R838 PART 8) is zoned RD3.4, which does not allow for any new building developments. A community garden is permitted at this location.

Should the recommendation be approved, WECHC will pay a fee of \$1.00, plus HST. WECHC is responsible for all landscaping, maintenance and repair at the Leased Lands. WECHC will also be responsible for any utility service connections and utilities at the Leased Lands, if required.

Risk Analysis:

No significant or critical risks exist from signing these licence agreements. There are currently 8 community gardens operating on City property in good standing with the City of Windsor.

The City has established Community Garden guidelines, and requires a coordinator and back up coordinator to sign a Code of Conduct and Gardener waivers assuming all risks associated with use of the community garden, and releasing and indemnifying the City from any claims or actions resulting from their use of the community garden.

Climate Change Risks

Climate Change Mitigation:

Negligible greenhouse gas emissions can be attributed to the establishment of new community gardens. Locally produced food produces fewer transportation emissions, as well as those generated by additional processing and refrigeration.

Climate Change Adaptation:

Green infrastructure such as community gardens can reduce urban heat islands, increase storm water retention, and create food security, increasing resilience to climate change, as well as provide ecosystem services to endangered species such as native bees and butterflies.

Financial Matters:

No investment is required from the City as WECHC will fund the construction of the community garden.

There is currently \$5000 dedicated to community gardens as part of the Environmental Master Plan Operating budget. Any necessary support from the City would be covered by these existing funds.

Consultations:

Denise Wright – Lease Administrator

Aaron Farough – Legal Counsel

Connor Cowan – Zoning Coordinator

Conclusion:

The addition of a community garden at the Meadowbrook site reinforces the commitment that the City has already made in establishing healthy, affordable and sustainable development, and reinforces the promise to establish Responsible Land Use objectives in the Environmental Master Plan.

Planning Act Matters:

N/A

Approvals:

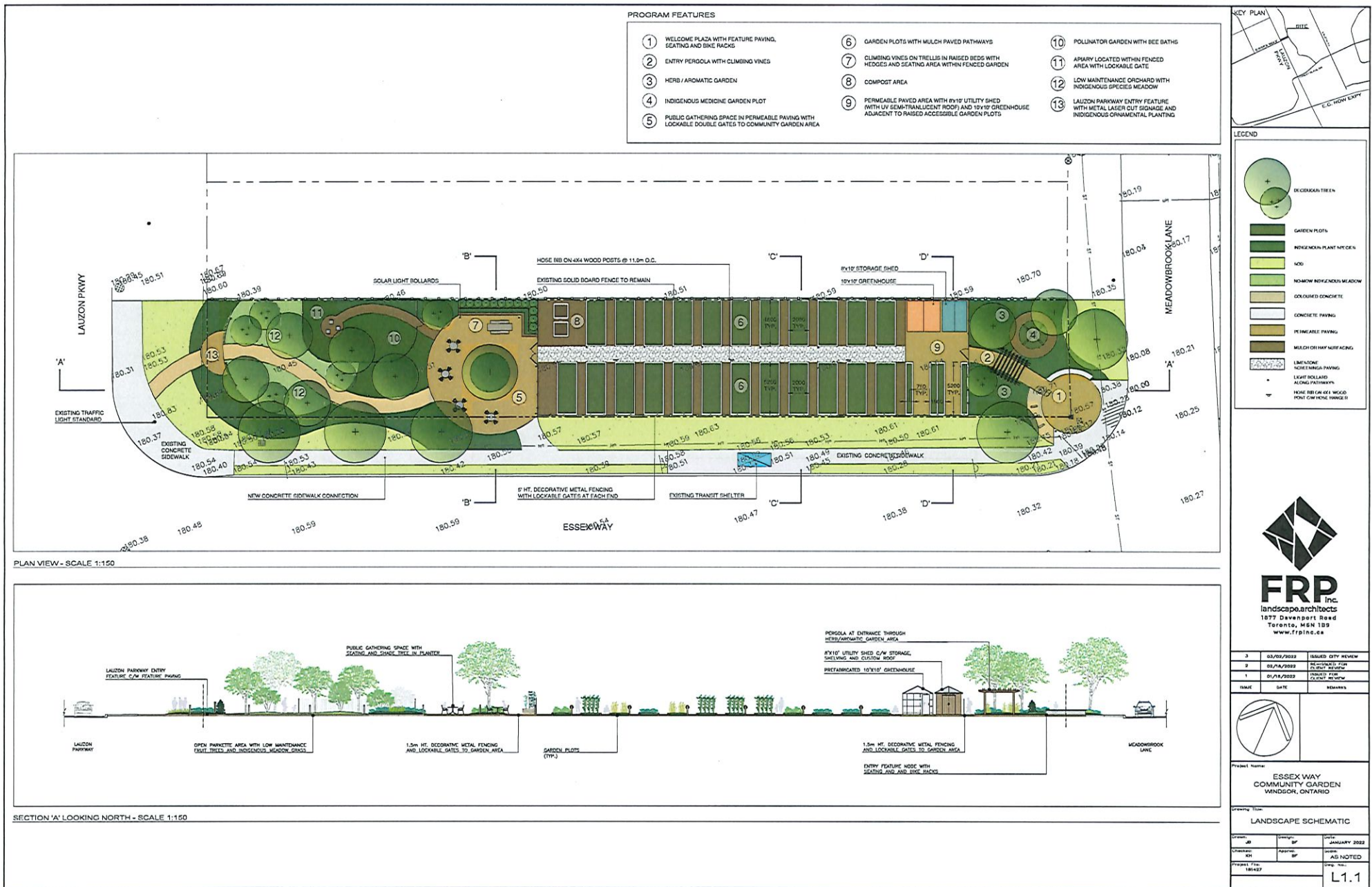
| Name | Title |
|--------------------|--|
| Muhammad Masri | Financial Planning Administrator |
| Natasha Gabbana | Senior Manager Asset Planning |
| Frank Scarfone | Manager of Real Estate Services |
| James Chacko | Executive Director Parks & Facilities |
| Dan Seguin | On behalf of Commissioner, Corporate Services, CFO/City Treasure |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Shelby Askin Hager | City Solicitor, Commissioner, Legal and Legislative Services |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|--|----------------|--|
| Jay Shanmugam, Windsor Essex Community Housing Corporation | | jshanmugam@wechc.com |

Appendices:

Appendix A: Draft Essex Way Community Garden Landscape Schematic



**Subject: Award of Proposal No. 10-23 Bicycle/Scooter Sharing Program
- City-wide**

Reference:

Date to Council: February 27, 2023
Author: Kathy Quenneville
Active Transportation Coordinator
519-255-6268 ext. 6287
kquenneville@citywindsor.ca

Jeff Hagan
Transportation Planning Senior Engineer
519-255-6100 ext. 6003
jhagan@citywindsor.ca
Public Works - Operations
Report Date: February 11, 2023
Clerk's File #: MT/14304

To: Mayor and Members of City Council

Recommendation:

1. THAT, in accordance with the terms of RFP 10-23, Council **AWARD** the contract to supply and operate an e-bike and e-scooter share program in the City of Windsor to the following successful proponent:

Proponent/Company: Bird Canada Inc.

Proposal: Bicycle/Scooter Sharing Program No. 10-23

Upset Limit: N/A

Account: N/A

2. THAT Parks By-law 131-2019 **BE AMENDED** as listed and attached in Appendix A.
3. THAT the City Solicitor **BE DIRECTED** to prepare the required by-law amendment.

Executive Summary:

N/A

Background:

Provincial E-Scooter Pilot

On November 27, 2019, the Ontario government enacted a pilot program to allow e-scooters on public highways through a regulation to the Highway Traffic Act (Ont. Reg. 389/19). This pilot program will expire on November 27, 2024; the provincial government has the option of continuing to allow e-scooters on public highways beyond this date by amending the Highway Traffic Act.

Previous Reports

Previous reports related to e-scooters or to the bike share & scooter share program are as follows:

- **C 41/2019 Bike Share Feasibility Study Update** provided a vision and goals for a bike share program in Windsor (note: at the time of the report, e-scooters were prohibited in the right-of-way by the Highway Traffic Act). In response, Council directed that Administration prepare a report detailing a bike share program operated by a private service provider, and that equity be strongly considered when developing the program (CR125/2019, CR126/2019, CR127/2019, CR128/2019, CR158/2019).
- **S 236/2019 Electric Kick-Scooter Pilot** brought forward recommended amendments to Traffic By-law 9148 to allow e-scooters to operate in the right-of-way in Windsor, pursuant to the e-scooter pilot program under the Highway Traffic Act. Council adopted these recommendations with two modifications (CR83/2020):
 - Helmets would not be required for riders 18 or over, and
 - E-scooters would be permitted on the Riverfront Trail for a 1-year period.
- **C 26/2021 Award of Proposal No. 23-21 Bicycle/Scooter Sharing Program – Pilot Project** recommended authorizing an agreement with Bird Canada, the highest-scoring respondent to a request for proposals, to operate a bicycle and scooter share service. This recommendation was approved by Council (CR117/2021). Key aspects of the agreement:
 - The agreement would be for a limited pilot program with a duration of one year, renewable for a second year, and
 - The service area would be limited to the “Phase 1” service area recommended in report C 41/2019.
- **C 10/2022 2021 Micro-Mobility Pilot Review - Bird Canada E-Scooters and E-Bikes** provided a summary of the first year of the pilot program and recommended that the option to continue the pilot program for a second year be exercised. The report also recommended that e-scooters continue to be allowed

on the Riverfront Trail for an additional year. These recommendations were approved by Council (CR90/2022).

Request for Proposal

A Request for Proposal (RFP) was issued on January 11, 2023 and closed on January 30, 2023 at 11:30:59 a.m. (E.S.T).

The RFP identified that the successful proponent(s) would be responsible for supplying, operating, maintaining, managing, marketing, financing and reporting on the conventional and/or electric bike, and e-scooter share system under the guidelines of a service agreement with the City for a three (3) year term, with two (2) one (1) year extension options, and to operate on City property at agreed upon locations within an expanded service area, shown in Figure 1.



Figure 1: Expanded Scooter Share and Bike Share Service Area

The total service area allows for the operation of devices within Windsor municipal boundaries, excluding areas prohibited by the City of Windsor Traffic By-Law, the Parks By-Law, as well as the Sandwich South planning district. Administration would like to propose changes to allow devices to operate within City parks that have paved recreational trails, excluding natural or conservation areas and Reaume Park.

Discussion:

One (1) submission from Bird Canada was received in response to the Request for Proposal (RFP). The proposal offered a fleet combination of 375 e-scooters and 75 e-bikes, with the capability of expand the program to 600 devices.

An evaluation committee consisting of 5 members from Transportation Planning, Parks, Transit Windsor and Operations reviewed the submission and the proponent was scored in accordance with the following criteria outlined in the RFP:

- 1) Proponent information **(5%)**
- 2) Experience **(10%)**
- 3) Qualifications **(5%)**
- 4) Personnel & Staffing **(5%)**
- 5) Financial & Cost Section **(15%)**
- 6) Proposed Services **(50%)**
- 7) Presentation **(10%)**

A 30-minute live presentation was held online by Bird, including a question and answer period.

Transportation Planning will provide the main point of contact with the successful proponent to oversee the program, collect data and ensure communication between internal departments, including the Windsor Police Service.

E-Scooters in Parks

During the bike share and scooter share pilot, e-scooters were allowed on the Riverfront Trail. With the expansion of the scooter share service area, Administration recommends allowing e-scooters on paved trails in parks City-wide, with the exception of parks where bicycles or e-scooters are specifically prohibited (e.g. Reaume Park and the Ojibway Nature Centre).

Allowing e-scooters on paved park trails City-wide provide the following benefits:

- It will allow recreational e-scooter use at locations where the trail is an attraction in its own right, similar to the Riverfront Trail (e.g. the Ganatchio Trail);
- It will allow residents to use e-scooters to access facilities in parks (e.g. sports fields and community centres);
- In areas where park trails provide the main active transportation network (e.g. Remington Park), it will provide convenient and comfortable connections to neighbourhood destinations.

Risk Analysis:

There are no significant or critical risks identified associated with the awarding of this RFP. Administration mitigates purchasing risks to a low level by following the processes prescribed by the Purchasing By-law.

Currently, e-scooters are permitted in the right-of-way by a pilot program under the Highway Traffic Act. This pilot program is due to expire on November 27, 2024, which is within the timeframe of the proposed scooter share and bike share services agreement. While Administration has not received any indication that the provincial government intends to discontinue the use of e-scooters, there is a risk that the pilot program could

expire without an amendment to the Highway Traffic Act to allow e-scooters on public highways on an ongoing basis.

To address this risk, the RFP document provides the following options in the event that e-scooters become prohibited on public highways:

1. The service provider can end the service, or
2. The service provider and City can negotiate a modified version of the service by mutual agreement (e.g. continuing with only a bike share service).

Climate Change Risks

Climate Change Mitigation:

Developing a bike/e-scooter share program as recommended in the City's Active Transportation Master Plan has potential to lower GHG emissions by encouraging sustainable transportation. The Community Energy Plan calls for the implementation of the Active Transportation Master Plan. In addition, the Active Transportation Master Plan is included as a Priority 1 Mitigation Action in the *Acceleration of Climate Change Actions in response to the Climate Change Emergency* report.

Climate Change Adaptation:

Warmer temperatures year-round may increase the seasonal span of e-scooter use.

Financial Matters:

The bike/e-scooter share pilot program will run without any capital or operating funding required from the City. The operator, which in this case would be Bird Canada Inc., if approved, would be subject to a \$15,000 licensing fee payable to the City on the 1-year anniversary of the contract date. The operator will also be subject to device administrative fees of \$0.50/e-scooter/day, \$0.25/e-bike/day and \$0.10/bicycle/day, and which would be payable at the end of each month. The funds generated would be used to compensate for staff time, signs/pavement markings required in addition to what is provided by the operator, etc. Administration has reviewed the overall costs of administering the pilot project and the estimated revenue is more than sufficient to cover expected staff time that will be spend on this initiative. The operator will also be providing a \$30,000 security deposit for damages and fees related to parking complaints, etc.

In 2022, the operator was subject to a fee of \$0.884 plus HST per device per day (\$1.00/device/day including HST). For 2022, The City collected \$140,088.53 in fees and the operator was in service April through October. For 2023, an expansion of the service into the winter season, as well as an increase of the device operation service area, are both expected to help mitigate the lost revenue due to the 2023 fee decreases. Administration is unable to quantify the expected revenue for 2023 as revenue is dependent on usage.

Consultations:

Jason Scott, Transit Windsor

Roberta Harrison, Operations

Conclusion:

In conclusion, of the proposals submitted for RFP 10-23 and in accordance with the City of Windsor's Purchasing By-Law, Administration recommends accepting the proposal submitted by Bird Canada Inc., for providing a pilot e-bike/e-scooter share program.

To support the expanded scooter share area, Administration recommends amending Parks By-law 131-2019 to allow e-scooters on paved trails in parks except for parks where bicycles or e-scooters are specifically prohibited.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|----------------|---|
| Cindy Becker | Financial Planning Administrator |
| Shawna Boakes | Executive Director of Operations |
| James Chacko | Executive Director of Parks & Facilities |
| Chris Nepszy | Commissioner of Infrastructure and City Engineer |
| Ray Mensour | Commissioner of Community Services |
| Joe Mancina | Commissioner of Corporate Services and City Treasurer |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|--|---------|-----------------------------|
| Windsor Bicycling Committee | | |
| Chris Schafer Vice President, Governmental Affairs Bird Canada Inc. | | chris.schafer@birdcanada.co |

Appendices:

- 1 Appendix A - Amendments to Parks By-Law 131-2019

AMENDMENTS TO PARKS BY-LAW 131-2019

| ITEM | REGULATION | SECTION | DETAILS | REASON |
|------|--|-------------------|--|---------------------------|
| 1 | Main Text ADD (and renumber subsequent items accordingly) | After 2.1(f) | ELECTRIC KICK-SCOOTER means an electric kick-scooter within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H-8 or its regulations, as may be amended from time to time; | Allow e-scooters in Parks |
| 2 | Main Text DELETE | 7.1(1)d. | A Motorized Vehicle except on a Park Roadway or by Permit. | Allow e-scooters in Parks |
| 3 | Main Text ADD | 7.1(1)d. | A Motorized Vehicle that is not an Electric Kick-Scooter except on a Park Roadway or by Permit. | Allow e-scooters in Parks |
| 4 | Main Text ADD | 7.1(1)e. | An Electric Kick-Scooter except on a Multi-Use Trail, Park Roadway, or in a Designated Area. | Allow e-scooters in Parks |
| 5 | Main Text ADD (and renumber subsequent items accordingly) | After Section 7.2 | 7.3 Electric Kick-Scooters While in any Park, no person shall: <div style="margin-left: 40px;"> (1) ride, operate, or be in the possession of any Electric Kick-Scooter where posted to prohibit Bicycles or Electric Kick-Scooters; (2) ride, operate, or be in the possession of any Electric Kick-Scooter on an unpaved trail; or (3) obstruct, inconvenience or endanger other users of the Park while riding or operating an Electric Kick-Scooter. </div> | Allow e-scooters in Parks |

Item No. 8.3



Committee Matters: SCM 13/2023

**Subject: Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788]
Passa Assoc 3821 King St - Ward 2**

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 454**

THAT the application to amend the City of Windsor Official Plan by changing the designation of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050-180-09900) from “Industrial” to “Residential” **BE DENIED**; and

THAT the application to amend Zoning By-law 8600 by changing the zoning of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050 - 180 - 09900) from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5 **BE DENIED**.

Carried.

Report Number: S 124/2022
Clerk's File:Z/14428

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.2 from the Development & Heritage Standing Committee Meeting held on January 9, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230109/-1/9374>

**Subject: Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161
[OPA-6788] Passa Assoc 3821 King St - Ward 2**

Reference:

Date to Council: January 9, 2023
Author: Jim Abbs, MCIP, RPP
Senior Planner
255-6543 x6317
jabbs@citywindsor.ca

Planning & Building Services
Report Date: October 13, 2022
Clerk's File #: Z/14428

To: Mayor and Members of City Council

Recommendation:

THAT the application to amend the City of Windsor Official Plan by changing the designation of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050-180-09900) from "Industrial" to "Residential" **BE DENIED**

THAT the application to amend Zoning By-law 8600 by changing the zoning of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050 - 180 - 09900) from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5 **BE DENIED**

Executive Summary:

N/A

Background:

Application Information:

Location: 3821 King Street. Ward: 2

Planning District: 09 – Sandwich ZDM: 4

Owner: Jiang, Yingwei & Su, Guaoqiang

Agent: Lassaline Planning Consultants (Jackie Lassaline)

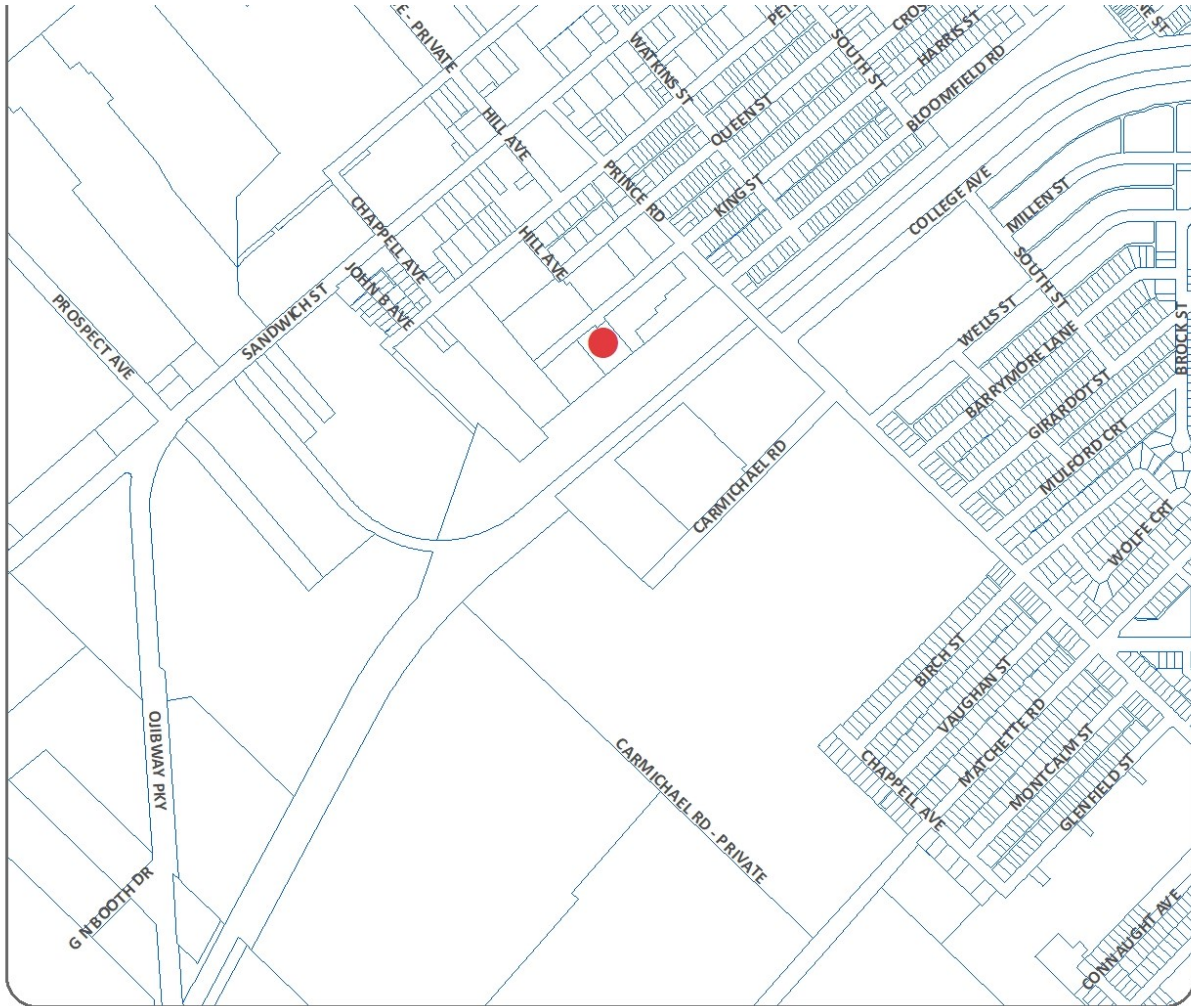
The site is currently vacant, but was previously used for residential purposes. The property contains a derelict and abandoned residence with associated outbuildings including a garage that was damaged by fire in 2021. The now derelict structure appears to have been constructed in 1915 (MPAC assessment data), predating the City of Windsor Official Plan And Zoning Bylaw. As such, the single detached residential use could continue until such time as the use ceased. Any new development on the site would be required to conform to the current Official Plan and comply with the current Zoning Bylaw.



Subject Site, Abandoned house



Subject Site, Fire Damaged garage



KEY MAP - Z-022/22, ZNG-6787 & OPA 161, OPA-6788



● SUBJECT LANDS

APPLICANT: PASSA ASSOCIATES ARCHITECTS

ADDRESS: 3821 KING STREET

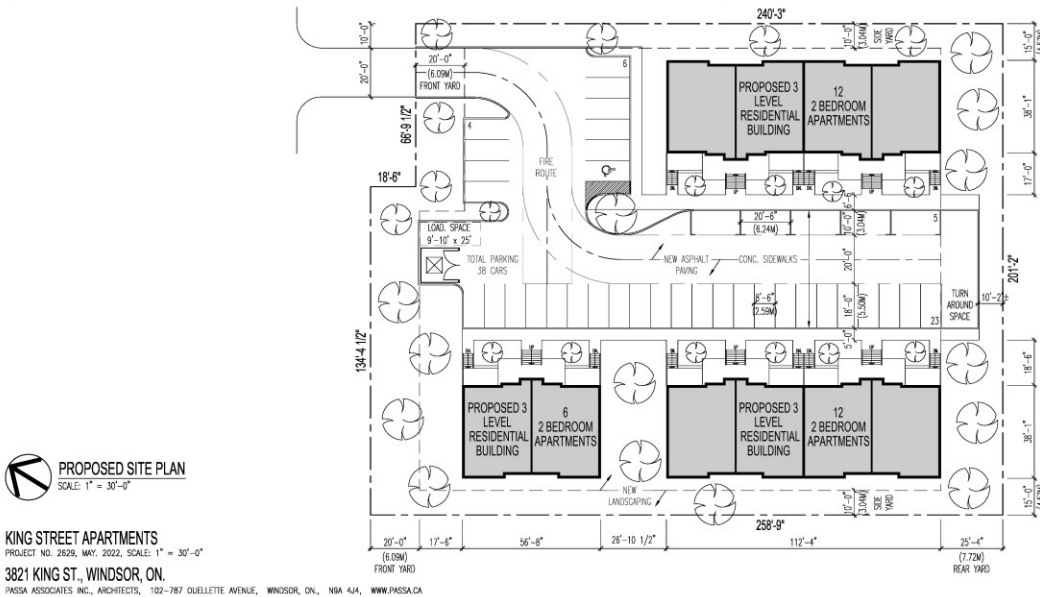
Proposal:

The applicant is requesting Official Plan and Zoning By-law amendments for the property 3821 King Street. The applicant proposes that the Official Plan designation be changed from 'Industrial' to 'Residential', and the zoning category be changed from the Manufacturing District (MD) 1.2 category. The zoning of the property site currently includes a site specific provision, (S20(1)9) that permits a stamping forging or casting plant as additional permitted uses.

The applicant is requesting the Official Plan amendment as well as an amendment to the zoning to the Residential District (RD) 2.5 category to facilitate the development of 3 separate residential apartment buildings. The three buildings would be low profile, 3 storey multiple unit residential buildings. One multi-unit building would have 12 units; the second multi-unit building would have 12 units; while the third building would have 6 units. All units are proposed to be 2 bedroom units for a total of 30 residential apartment

units. The site is proposed to be developed with 38 parking spaces, including 1 barrier free space and 1 loading space.

| SITE STATISTICS | | | |
|---------------------------------------|----------------------------------|-----------------------------------|---|
| PROPOSED ZONING FOR SITE: | RESIDENTIAL DISTRICT 2.5 (RD2.5) | TOTAL 2 BEDROOM APARTMENTS: | 30 UNITS |
| TOTAL SITE AREA: | 50,815 SQ. FT. (4,720.96 SQ. M.) | TOTAL PROPOSED PARKING SPACES: | 38 SPACES |
| TOTAL PROPOSED BUILDING AREA: | 10,786 SQ. FT. (1,000 SQ. M.) | TOTAL PROPOSED ACCESSIBLE SPACES: | 1 TYPE "1" PARKING SPACE |
| TOTAL PROPOSED SITE COVERAGE: | 21.22 % SITE COVERAGE | TOTAL PROPOSED LOADING SPACES: | 1 LOADING SPACE |
| TOTAL FLOOR AREA OF NEW CONSTRUCTION: | 32,357 SQ. FT. (3,006 SQ. M.) | TOTAL LANDSCAPED AREA: | 25,524 SQ. FT. (2,371.26 SQ. M.) 50.23% |



Site Information:

| Official Plan | Zoning | Current Use | Previous Use |
|---|--|---------------------|--------------|
| Industrial | Manufacturing District MD1.2 , S20(1)9 additional permitted use stamping, forging or casting plant | Vacant | Residential |
| Lot Depth | Lot width | Area | Shape |
| +/- 79 m | +/- 40.8 m | 4720 m ² | square |
| All measurements are for the entire parcel and are approximate. | | | |

Neighbourhood Characteristics:

The lands are vacant but were previously used for residential purposes and the property contains a derelict abandoned residence with associated outbuildings including a garage that was damaged by fire in 2021.

Surrounding Land Uses:

North - Sandwich Teen Action Group, Society of St. Vincent De Paul store;

South – industrial container supply, solar panel racking manufacture, solar panels, Major FA Tilston Armoury & Police Training Centre

East – Welding and stamping plant (Shur-lok), Retail and office uses, Essex Terminal Railway, Automotive Coating and Plating (Narmco)

West – Canpar Courier, vacant industrial



ADDRESS: 3821 KING STREET



The zoning bylaw amendment would result in a development on a residentially used parcel that is designated for Industrial purposes. This is not consistent with the Provincial Policy Statement in that the new and intensified residential development may negatively impact existing industrial uses, may inhibit opportunity for new or intensified industrial uses in the future (1.3.2.2) and will not have the benefit of an appropriate (or any) transition from industrial to sensitive land uses.(1.3.2.2

1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

Official Plan:

The City of Windsor Official Plan currently designates the site 'Industrial'. The proposed use of the site for multiple unit dwellings on the site is not permitted within the Industrial designation. The proposed development is not consistent with the goals and objectives of the City of Windsor Official Plan.

Section 6.4.3.1 describes the uses permitted in the Industrial designation. The uses included in this designation and anticipated to locate in this area

PERMITTED USES

6.4.3.1 Uses permitted in the Industrial land use designation identified on Schedule D: Land Use include establishments which may exhibit any or all of the following characteristics:

- (a) large physical size of site or facilities;*
- (b) outdoor storage of materials or products;*
- (c) large production volumes or large product size;*
- (d) frequent or continuous shipment of products and/or materials;*
- (e) long hours of production and shift operations;*
- (f) likelihood of nuisances, such as noise, odour, dust or vibration;*

- (g) *multi-modal transportation facilities;*
- (h) *is dependent upon, serves or otherwise complements the industrial function of the area; and (amended by OPA #22 – 07/16/02)*
- (i) *service and repair facilities. (amended by OPA #22 – 07/16/02)*

The proposed development would be located in a designation that is not conducive to residential development and would not support the Official Plan Goals of creating:

- safe, caring and diverse neighbourhoods (6.1.1);
- seeks environmentally sustainable urban development (6.1.2).
- promotes housing suited to the needs of Windsor's residents. 6.1.3

The proposed development would create a development in the centre of an area designated and zoned for very intense industrial purposes in an area that is not complimentary to residential uses. The proposed development would not conform to the Official Plan

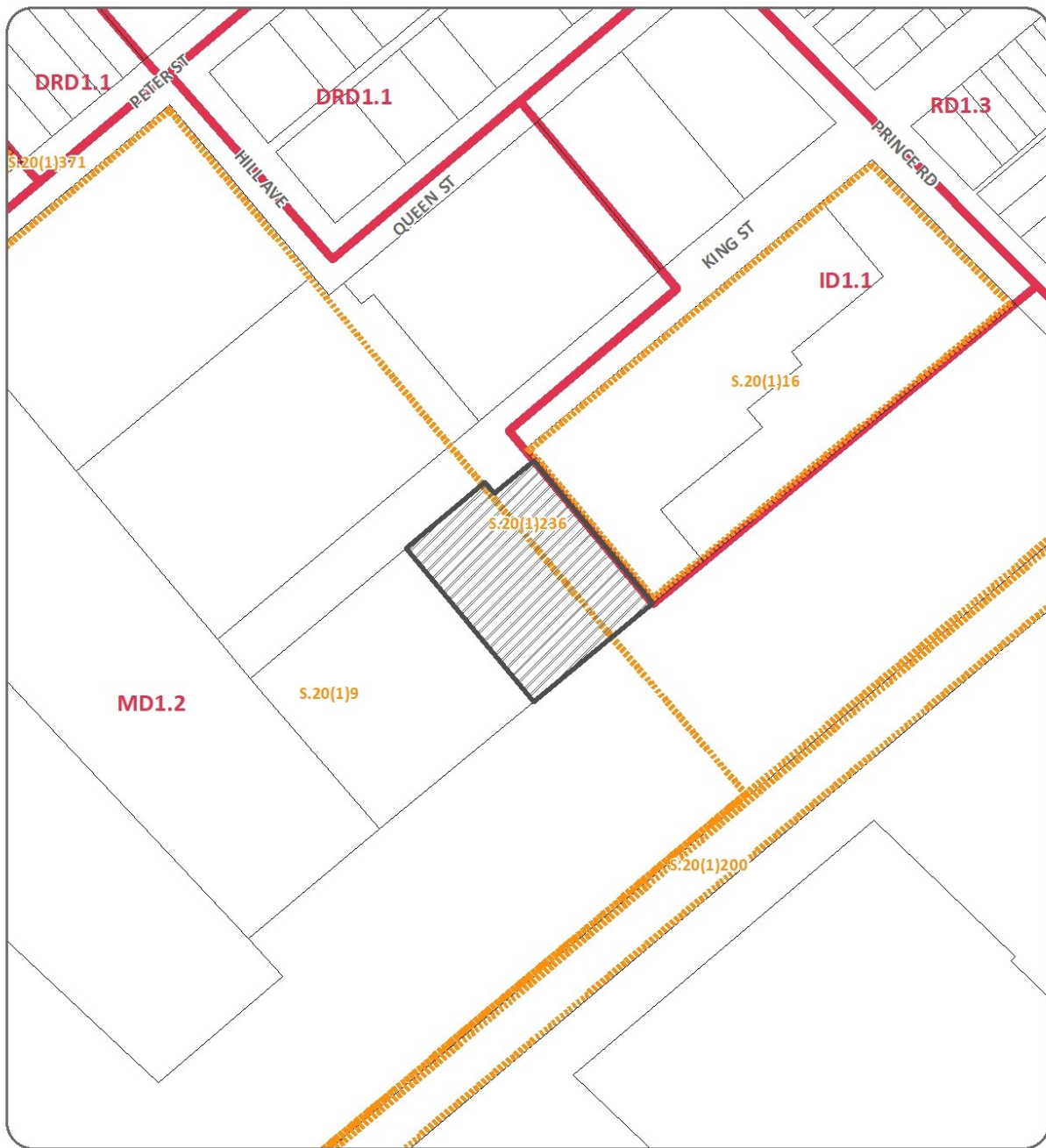
Zoning By-Law:

The subject site is currently zoned Manufacturing District (MD) 1.2, S20(1)9 additional permitted use stamping or casting plant in the City of Windsor Zoning By-law 8600. The current zoning does not permit a multiple dwelling, as such the proposed development requires a Major Zoning By-law Amendment.

The subject site lies within an area that is zoned to permit high intensity manufacturing uses that would generally be separated from residential uses. The introduction of a multiple unit residential development could have negative impacts on the continued use of the surrounding lands for industrial purposes. Therefore, applying a residential zone category to the site would not be appropriate in this situation.

Planning Rationale Report:

The Applicant submitted a Planning Rationale Report (PRR) prepared by a Registered Professional Planner as part of the complete Official Plan Amendment and Zoning Bylaw Amendment applications. While this report provided opinion that the proposed development was appropriate for the site, it focused on the previous residential use of the site, as well as the additional units that would be created. The PRR did not fully discuss the industrial context of the site and the impacts that a new multiple unit residential development placed in the centre of an area designated and zoned for industrial purposes could have on the viability current or future Industrial uses in the area. For this reason, the Planning Department disagrees with the conclusion made in the Applicant's PRR.



PART OF ZONING DISTRICT MAP 4

N.T.S.

REZONING

Applicant: Passa Associates Architects



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022
FILE NO. : Z-022/22, ZNG-6787

Other Issues:

Both Transportation Planning and Public Works (Development) indicate that the existing road (King Street) is not suited for the additional use contemplated by this application,

and that significant improvements to King Street should be undertaken before any new development is undertaken.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The additional increase in the density of development on the site may encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint.

Climate Change Adaptation:

The development proposal incorporates landscaping and building design elements to improve energy efficiency and increase resiliency of the development and surrounding area.

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report. The site would be subject to site plan control. The applicant has submitted a Functional Servicing Study, as well as a Storm Water Management Plan.

Public Notice:

The statutory notice required under the Planning Act was provided in the Windsor Star. In addition, all properties within 120m (400 feet) of the subject parcel received courtesy notice by mail by the City Clerk prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

Conclusion:

This propose Multiple Dwelling development is proposed to be located in an area designated for, zoned for and used for intensive industrial uses, as such this application does not conform with the Provincial Policy Statements related to the maintenance the long-term viability of industrial uses, or the provision of transition between industrial uses. The proposed development does not conform to the Official Plan in that the proposed use would be introducing a sensitive (multiple unit dwelling) land use into an industrial area that would not be supportive of a safe development , or a development that would be suited to the needs of Windsor residents.

The proposed zoning by-law amendment is not consistent the PPS, does not conform with the policy direction of the City of Windsor Official Plan, is not compatible with existing and permitted uses in the surrounding neighbourhood and does not constitute good planning. Therefore, the Planning Department recommends that this development application be denied.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Michael Cooke, Manager, Planning Policy/Deputy City Planner

Thom Hunt, City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP OC

Approvals:

| Name | Title |
|----------------|--|
| Michael Cooke | Manager of Planning Policy/Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development and Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---|---|----------------------|
| Lassaline Planning Consultants (Jackie Lassaline) | P.O. Box 52, 1632 County Road 31, St. Joachim ON N0R 1S0 | jackie@lassalineplan |
| Passa Associates Architects (Joseph Passa) | | joseph@passa.ca |
| Ward 2 Councillor | | |

Appendices:

- 1 Appendix A - Comments

COMMENTS

Jennifer Nantais – Environmental & Sustainability Coordinator

The Environmental Sustainability & Climate Change team would like to request an Energy Strategy.

In response to the application for an amendment there are no objections. Please also note the following comments for consideration:

Energy Conservation, Air Quality and Climate Change:

Please note PPS 2020 energy conservation and efficiency policies as they relate to long-term economic prosperity (1.7.1 (j)), as well as improved air quality and reduced greenhouse gas emissions (1.8.1). In addition, the City of Windsor Community Energy Plan (approved July 17 2017) aims to improve energy efficiency; modifying land use planning; reducing energy consumption and greenhouse gas emissions; and fostering green energy solutions throughout Windsor, while supporting local economic development.

As per these policies the developer should consider energy efficiency in the building design. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors. In addition, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is warranted.

EV Charging

Due to increased production and escalating demand, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is suggested.

In addition, the large scale paving of natural space will increase the urban heat island in the area. It is recommended that the developer consider shade trees, white colour roofs or green roofs to mitigate this impact. For more suggestions please consult the following resources: LEED, Built Green Canada, and EnerGuide.

To promote the use of active transportation, bike racks should be incorporated.

Stormwater Management:

Consideration should be given, as per PPS 2020 Section 1.6.6.7 to maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices, including stormwater attenuation and reuse, water conservation and efficiency, and low impact development.

Landscaping

Consideration for shade trees are recommended to minimize the urban heat island impacts. Consideration of native, drought resistant plants is encouraged to limit watering requirements.

In addition we encourage the developer to consider community gardening space for residents. Local food production is very popular in Windsor and considering the size of this development a space for community garden boxes is warranted.

Windows

The City of Windsor has recently been designated a Bird Friendly City. In order to make structures safer and prevent window collisions it is recommended that bird safe window treatments be considered. See FLAP Canada [recommendations](#).

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Crosstown 2. The closest existing bus stop to this property is located on Prince at King Southeast Corner. This bus stop is approximately 220 metres away from this property falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

Enwin

HYDRO ENGINEERING: No objection to Re-zoning, provided adequate clearances are achieved and maintained.

ENWIN has existing overhead pole lines along the east limits with 27,600 volt primary and 120/240 volt secondary hydro distribution.

ENWIN has existing overhead pole lines along the west limits with 120/240 volt streetlight distribution.

Prior to working in these areas, we would suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction.

Also, we suggest referring to the Ontario Building Code for permanent required clearances for New Building Construction.

WATER ENGINEERING: Water Engineering has no objections to the rezoning.

Tracy Tang – Heritage Planning

Supporting information required:

- Final Stage 1 & 2 Archaeological Assessment Report; and
- Associated Entered Into Register Letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology

The subject property is located within an area of high archaeological potential with special interest, factors including being within the historically significant Sandwich settlement area. A report titled "**DRAFT Stage 1 & 2 Archaeological Assessment, 3821 King Street, Part of Block A, Registered Plan 953, Part of Park Lot 1, South Side of Centre Road, Registered Plan 40, Town Plot of Sandwich, Geographic Township of Sandwich, City of Windsor, County of Essex**" was received in the rezoning materials package. However, we require the final Stage 1 & 2 Archaeological Assessment report along with the Entered Into Register Letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review. Please provide these two materials in future re-submission packages.

Sandy Mio – Engineering & ROW

The subject lands are located at 3821 King Street, designated Industrial by the City of Windsor Official Plan and zoned Manufacturing District (MD) by Zoning By-Law 8600. The applicant is requesting an Official Plan Amendment to designate the subject lands Residential from the existing Industrial to facilitate a zoning bylaw amendment that would zone the subject site from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5. This would facilitate the development of 3 Multiple Dwelling Structures containing a total of 30 units.

SEWERS - The site may be serviced by a 300mm vitrified clay combined sewer within the King Street right-of-way. The applicant will be required to submit lot grading and site servicing drawings, as well as storm detention calculations restricting storm water runoff from this site to pre-development levels. This study must be completed in accordance with the City of Windsor Development Manual and the Windsor/Essex Region Stormwater Management Standards Manual. A sewer servicing study is required to demonstrate that there is adequate capacity in the municipal network. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P1.3.3. Follow Best Practice B.P.1.1.1 for wye connections to combined sewers, where the Building Department determines that separation of storm and sanitary services is required on private property.

RIGHT-OF-WAY – King Street is classified as a local road, with a current right-of-way width of 20.1m. The current right-of-way is sufficient at 20.1m; therefore land conveyance is not required. The current King Street road cross section does not meet City standards; therefore; road improvements will be required. The road reconstruction should start approximately 90m north of the subject property with a full standard municipal cross-section in order for the development to proceed. The full standard municipal road will include curb & gutter, sidewalk, street lights, and pavement. A cul-de-sac will be required at the end King Street to provide turn around access. A servicing agreement is required to construct municipal road and cul-de-sac on King Street.

Driveways shall be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.

In summary we have no objection to the proposed development, subject to the following requirements (Requirements can be enforced prior to issuance of Building and Right-of-Way Permits):

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Servicing Agreement – The owner shall enter into a servicing agreement with the Corporation, to supply, construct and install a full municipal road including curbs and gutters, sidewalk and Cul-de-Sac at its own expense, in accordance with the manner, location and design to be approved by the City Engineer. Prior to the issuance of a construction permit, the owner shall ensure that:

1. The servicing agreement between the owner and the Corporation for servicing of the surrounding lands, has been signed by all parties, and registered on the lands, and
2. All necessary bonding and insurance has been approved by the Manager of Risk Management

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

Rania Toufeili – Transportation Planning

- King Street is classified as a Local Road with a required right-of-way width of 20 meters. The road will need to be extended to the site with a full standard municipal cross-section in order for the development to proceed. The appropriate right-of-way width is available for this

extension and therefore a conveyance is not required.

- King Street will need to be extended and comply with City standards as per Engineering Right-of-Way requirements. A standard municipal cross-section is required with a cul-de-sac at the end of King Street. The road reconstruction should start approximately 90 meters north of the subject property.
- Parking must comply with zoning by-law 8600 (vehicle, bicycle and loading spaces).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (**Z 022/22**) and Official Plan amendment (OPA 161) to permit Residential Development (RD 2.5) on the subject, currently Zoned as a Manufacturing District (MD 1.2) please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback:

There are no requests for variance to zoning other than the proposed use and zoning classification. Therefore, there are no additional comments or recommendations related to landscape provisions related to zoning setbacks.

Tree Preservation and Climate Change Adaptation:

A tree inventory and preservation plan (TIPP) prepared by Bezair Partners, Landscape Architects was submitted with the application. The TIPP identified 10 trees of desirable nature on the subject site, of which 6 are in good condition. The 4 other trees were identified in poor condition.

These trees would need to be protected as part of any construction on the subject properties. All conditions of development, including but not limited to the foregoing, would be provided at the time a Site Plan application is received.

Also identified on the subject were many volunteer trees of undesirable invasive character (Tree of Heaven, White Mulberry, and Manitoba Maple) which should be removed from site.

The preservation of existing desirable trees identified for preservation on the TIPP, will assist in providing climate change adaptation from both heat island effects resulting from hard surface paving associated with the development as well as providing shade for users. The well-established root systems will also help to prevent storm water from reaching the storm sewers.

Therefore as a condition of approval, it is requested that the preservation of the trees listed in the TIPP become part of the requirements for Site Plan Approval.

Parkland Dedication:

The site is situated in close proximity to Crowley Park, College Bikeway and MicMac Park which have established parkland and recreational amenities. Therefore, no land is required and all parkland cash-in-lieu requirements will be determined at the time a Site Plan application is received.

Kelbour Management Inc. 735 Prince Rd., Windsor ON N9C 2Z2

Attention: Mr. Steve Vlachodimos City Clerk, Mr. Kevin Alexander Planner, Mr. James Abbs Planner

Kelbour Management Inc. is the owner of the lands outlined in red on the attached Schedule "B" hereto. We are herein filing an objection the Official Plan Amendment and Zoning Bylaw Amendment set out in City of Windsor Files:

Z-022/22 ZNG (6787) and OPA 161(OPA 6788) Located at 3821 King Street.

We object to these Official Plan and Zoning Bylaw Amendments for operational reasons including but not limited to;

1. Kelbour has had years of well documented, by Police, issues with crime, drug dealing, at this location
2. Kelbour Conducts industrial business on all of the land outlined in red on Schedule "B".
3. This change is absolutely not suited to any residential, let alone a multi-unit dwelling, and should remain industrial as it is in the middle of our industrial properties.
4. There is an extremely loud gun range next to our property which echo's and reverberates thru-out our buildings. This will be a huge source of disturbance complaints for the city with these new tenants.
5. We have tried fencing around our properties only to have the fence cut open and trespassed.
6. We have tried building a buffer of steel racks and beams etc.... to create "no go zone" but we were told by City of Windsor Bylaw reps to clean it up as there was a complaint from the tenant of this property
7. We are constantly seeing trespassers on our property coming from 3821 King st property. We cannot do anything about this as apparently we must capture hold the perpetrators down until police show up. If we do not, they just walk away with stolen goods
8. We already have many break ins at our locations again, well documented with Windsor Police.
9. Windsor Police have tried to clear this property from elements non conducive to our plight and many meetings have taken place between Police, Kelbour and, the neighboring community, Sandwich teen group, Windsor port authority etc. .. Sargent's Rob Wilson and Shannon Tennant among others were driving this issue.
10. Our employees' cars are constantly being broken into from this property, employees cannot keep gas in their cars as they will be siphoned off.
11. Adding 30 new units to this issue will create a constant fight with neighbor's as we make much noise on multiple shifts from stamping, truck loading etc. ... at our, "currently shielded by our own properties" land purchases with zero complaints.
12. Without a doubt, the tenants will be trespassing on our property's and causing issues with further thefts and property damage to employee's cars building etc. ... Only now instead of one bad actor, we will now have potentially 30 families.
13. There is constant forklift traffic on West side of our building behind this property and it creates a dangerous situation as I am sure it will become a "shortcut" route for the new residents and their children.
14. On our Hill Street property, we have multiple tenants with semi and large van trucks entering and exiting from the driveway directly adjacent to the property in question.
The additional traffic and residents walking/ driving along this stretch of Queen st will also create a major safety concern
15. The property in question as it is a safety hazard of the City of Windsor's making due to a bylaw which , in my estimation, is hindering any kind of west Windsor renewal. It is well known why this bylaw came into effect.

We object to, and will appeal any amendments to the Official Plan and Zoning Designations based on the planning evidence set out below and in the attached Schedules "A", "B" & "C";

Provincial Policy Statement 2020: (See Schedule "A" attached hereto)

Part V Section 1.0 - these amendments will weaken the community with inefficient and intrusive land use patterns and impact the financial viability of the existing manufacturing industries in the area thereby impacting the Provincial and Municipal well-being over the long term;

Section 1.2.6.1 – The intrusion of residential into this area cannot minimize nor mitigate the adverse impacts of odour, noise and other contaminants and will adversely affect the economic viability of the major facilities in the area.

Section 1.2.6.2 – There is no identified need for the proposed use and plenty of alternative locations available that would better suit the residential nature of the development. The sensitive nature of the residential use cannot be mitigated from the existing industrial uses and will have huge impacts that cannot be minimized or mitigated.

Section 1.3.1 – Planning authorities must continue to provide a range of employment uses including a wide range of ancillary uses that could be placed on the subject land.

Section 1.3.2.1 – Planning authorities shall protect and preserve employment areas for current and future uses. The subject land should become a viable future industrial use.

Section 1.3.2.3 – Planning authorities shall prohibit residential uses that are not ancillary to primary employment uses. This application is inappropriate for this area as has been set out in the Zoning Bylaw 8600 in designating the subject land MD1.2 – Industrial.

Section 1.3.2.3 – Planning authorities shall protect employment areas in proximity to major goods movement facilities (in this case the Gordie Howe International Bridge).

City of Windsor Official Plan: (See Schedule "A" & "C" attached hereto)

The entire area surrounding the subject property is designated "Industrial" under the Official Plan as set out in Schedule "C". It should be noted that all of the existing residential dwellings in the area are also under this designation and have been zoned as DRD1.1 (Development Reserve District 1.1) so that any future use and development of these properties will be subject to re-zoning in compliance with the Official Plan as Industrial. This has been done by the City of Windsor in accordance with the Provincial Policy statement regulations set out above. All other properties are designated as "Manufacturing District" under the Zoning Bylaw.

Section 6.4.3 - The buffering of the industrial uses adequately separates them from sensitive residential land uses. The intrusion of the residential uses contemplated under the application subject of this objection goes against the municipalities' purposes and goals set out in their Official Plan.

Submitted this date October 19, 2022 by,
Kelbour Management Inc. by its principles:

Mr. Grant Bourdeau
&
Mr. Kevin Kelly

SCHEDULE "A"

Kelbour Management basis for objection and appeal to the Official plan and Zoning Bylaw Amendment under files number:

Z-022/22 ZNG (6787) and OPA 161(OPA 6788)

Provincial Policy Statement 2020 – Under the Planning Act

Part V: Policies

1.0 Building Strong Healthy Communities:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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.

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

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of **existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted** if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

a) there is an identified need for the proposed use;

b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

c) adverse effects to the proposed sensitive land use are minimized and mitigated; and

d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining 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;

e) ensuring the necessary infrastructure is provided to support current and projected needs;

1.3.2 Employment Areas

1.3.2.1 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.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, **planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses** in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations. 1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

In accordance with these and all other principles and policies of the Provincial Policy Statement 2020, and under the Planning Act R.S.O. 1990, c. P.13, The City of Windsor has established their **Official Plan** for this entire area as "**Industrial**" and the Zoning Bylaws thereof as **MD1.2**, an industrial designation, and "**DRD1.1**", a development reserve district to prohibit the redevelopment of residential within this industrial area.

City of Windsor Official Plan:

6.1 Goals

EMPLOYMENT 6.1.4 The **retention** and expansion of Windsor's employment base.

6.4 Employment

Employment lands provide the main locations for business and industrial activities. In order to strengthen Windsor's economy, meet the land and infrastructure needs of employment activities and address concerns over compatibility, employment land uses are provided under two designations on Schedule D as either **Industrial** or Business Park. The following objectives and policies establish the framework for development decisions in Employment areas.

6.4.1 Objectives

6.4.1.1 POSITIVE BUSINESS ENVIRONMENT - To ensure Windsor continues to be an attractive place to establish businesses and locate employees.

6.4.1.3 COMPATIBLE DEVELOPMENT - To ensure that employment uses are developed in a manner which are compatible with other land uses.

6.4.1.11 COMPREHENSIVELY PLANNED - To promote comprehensively planned employment areas.

6.4.3 Industrial Policies

The Industrial land use designation provides for a broad range of industrial uses which, because of their physical and operational characteristics, are more appropriately clustered together and separated from sensitive land uses. This designation is also applied to certain older industrial areas of Windsor where such a separation may not have been achieved.

6.4.3.3 Industrial development shall be located where:

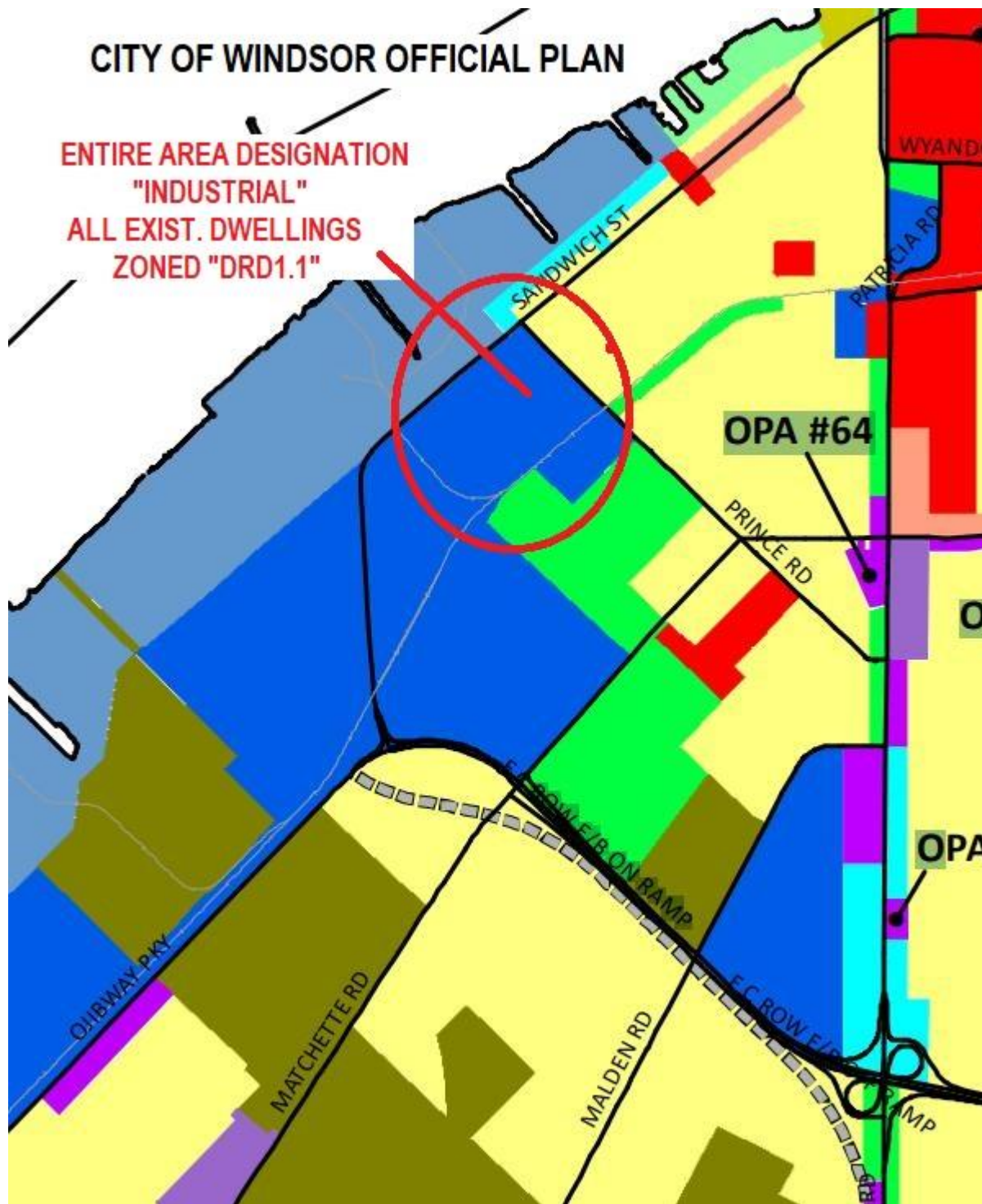
(a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses.

SCHEDULE "B"
APPELLANT'S PROPERTY IN RELATION TO THE SUBJECT



SCHEDULE "C"

CITY OF WINDSOR OFFICIAL PLAN DESIGNATION "INDUSTRIAL"



From: John Elliott <sandwichteen@cogeco.net>
Sent: October 17, 2022 7:34 PM
To: clerks <clerks@citywindsor.ca>; Alexander, Kevin <kalexander@citywindsor.ca>
Cc: Berry, Peter <pberry@portwindsor.com>; Kevin Kelly <kbkelly@shurlok.ca>; Faraj Myriam
Subject: RE: Draft- letter of opposition to rezoning

Dear: All

As the Executive Director of the Sandwich Teen Action Group (STAG) for the past 30 years and a former Ward 2 city councillor I am in total opposition about the rezoning of 3821 King St. Property. The STAG is located directly beside this property.

My personal opinion is that the property should be cleaned up and left to become a natural habitat for wildlife such as deer's etc., along with habit species.

In the past 7 years when the property was residential it was a drug infested with transient persons coming in out. Here is a list of what we had to endure at our facility because of this property:

1. A haven for stolen property where by thefts of cars, motorcycles, RV trailers, boats etc. were stored.
2. Drugs being sold along with young women for sex.
3. Sandwich Teen Action was broken into on many occasion where **\$5,000.00** of audio and visual equipment stolen from our Girls Group room, along with a young 21 year old female entering our building through an open door and overdosed in the bathroom. Thankfully a tenant was working in the building where she came in and heard her in the bathroom and was able to call the ambulance and save her life. She stated to the paramedics that she had come from the property next door and had consumed the drugs there.
4. Numerous raids by Windsor Police and undercover law enforcement at the property during the teen center operation hours. Our youth witnessed these raids on many occasions being at the center.
5. Central a/c units at our building vandalized consistently along with outside condensers being cut out and stolen for scrap metals. We had to replace 1 unit at the cost of **\$4,500.00**
6. 9 metal exterior doors had to be replaced on our facility with 2 dead bolts at the top and bottom installed on the inside of the doors to keep the building from being broken into during the hours overnight that the center was closed.
7. 6 new exterior LED outdoor lights had to be installed on the building to keep the facility well lit at night for vandals coming to and from that property.
8. Veteran cab services bringing clientele to buy drugs from the property but parking outside our facility while the clients walked to the property and back. I questioned 1 particular cab driver as to what he was doing and I was told that by him that "the 3821 King St. Property was known to cab drivers to be dangerous and not to drive into it" I politely told the cab driver to leave as our youth center parking was not going to service that kind of activity.

I personally would like to be notified by the City of Windsor planning committee at this email address when this application comes forward so that I may attend and make a presentation opposing this rezoning.

Thank you for your time and patience concerning this matter.

Respectfully,
J.

November 1, 2022
Development & Heritage Standing Committee
Item 7.4 – Written Submission

From: Kevin Kelly <kbkelly@shurlok.ca>
Sent: October 19, 2022 2:50 PM
To: Alexander, Kevin <kalexander@citywindsor.ca>; clerks <clerks@citywindsor.ca>
Cc: Abbs, James <jabbs@citywindsor.ca>
Subject: FW: Notice of Objection - 3821 King St. - Files Z-022/22 ZNG (6787) and OPA 161(OPA 6788)
Importance: High

Sirs,

Kelbour Management Inc. is a viable manufacturing business operating as Shurlok Industries among others whose property completely surrounds the land at 3821 King Street.

We have attached a document setting out our objections to these applications and as a basis for any appeals that would be registered as a result of approval or by the applicant as a result of denial.

It cannot be emphasized strongly enough that we would expect that City of Windsor administration would be vehemently opposed to this application and recommend for denial under all of the principles of the regulations set out in our document.

We look forward to seeing this shut down before we would have to be present for any hearings but ask that you keep us up to date on the activity related to this application and any further communications related thereto.

We do want to be at any and all hearings, if any, to cement our objection to this proposal

Yours Sincerely,

Kevin Kelly
Shurlok Products LTD
735 Prince Rd. Windsor, On. Canada
N9C2Z2

Kelbour Management Inc. 735 Prince Rd., Windsor ON N9C 2Z2

Attention: Mr. Steve Vlachodimos City Clerk, Mr. Kevin Alexander Planner, Mr. James Abbs Planner

Kelbour Management Inc. is the owner of the lands outlined in red on the attached Schedule "B" hereto. We are herein filing an objection the Official Plan Amendment and Zoning Bylaw Amendment set out in City of Windsor Files:

Z-022/22 ZNG (6787) and OPA 161(OPA 6788) Located at 3821 King Street.

We object to these Official Plan and Zoning Bylaw Amendments for operational reasons including but not limited to;

1. Kelbour has had years of well documented, by Police, issues with crime, drug dealing, at this location
2. Kelbour Conducts industrial business on all of the land outlined in red on Schedule "B".
3. This change is absolutely not suited to any residential, let alone a multi-unit dwelling, and should remain industrial as it is in the middle of our industrial properties.
4. There is an extremely loud gun range next to our property which echo's and reverberates thru-out our buildings. This will be a huge source of disturbance complaints for the city with these new tenants.
5. We have tried fencing around our properties only to have the fence cut open and trespassed.
6. We have tried building a buffer of steel racks and beams etc.... to create "no go zone" but we were told by City of Windsor Bylaw reps to clean it up as there was a complaint from the tenant of this property
7. We are constantly seeing trespassers on our property coming from 3821 King st property. We cannot do anything about this as apparently we must capture hold the perpetrators down until police show up. If we do not, they just walk away with stolen goods
8. We already have many break ins at our locations again, well documented with Windsor Police.
9. Windsor Police have tried to clear this property from elements non conducive to our plight and many meetings have taken place between Police, Kelbour and, the neighboring community, Sandwich teen group, Windsor port authority etc. .. Sargent's Rob Wilson and Shannon Tennant among others were driving this issue.
10. Our employees' cars are constantly being broken into from this property, employees cannot keep gas in their cars as they will be siphoned off.
11. Adding 30 new units to this issue will create a constant fight with neighbor's as we make much noise on multiple shifts from stamping, truck loading etc. ... at our, "currently shielded by our own properties" land purchases with zero complaints.
12. Without a doubt, the tenants will be trespassing on our property's and causing issues with further thefts and property damage to employee's cars building etc. ... Only now instead of one bad actor, we will now have potentially 30 families.
13. There is constant forklift traffic on West side of our building behind this property and it creates a dangerous situation as I am sure it will become a "shortcut" route for the new residents and their children.
14. On our Hill Street property, we have multiple tenants with semi and large van trucks entering and exiting from the driveway directly adjacent to the property in question.
The additional traffic and residents walking/ driving along this stretch of Queen st will also create a major safety concern
15. The property in question as it is a safety hazard of the City of Windsor's making due to a bylaw which , in my estimation, is hindering any kind of west Windsor renewal. It is well known why this bylaw came into effect.

We object to, and will appeal any amendments to the Official Plan and Zoning Designations based on the planning evidence set out below and in the attached Schedules "A", "B" & "C";

Provincial Policy Statement 2020: (See Schedule "A" attached hereto)

Part V Section 1.0 - these amendments will weaken the community with inefficient and intrusive land use patterns and impact the financial viability of the existing manufacturing industries in the area thereby impacting the Provincial and Municipal well-being over the long term;

Section 1.2.6.1 – The intrusion of residential into this area cannot minimize nor mitigate the adverse impacts of odour, noise and other contaminants and will adversely affect the economic viability of the major facilities in the area.

Section 1.2.6.2 – There is no identified need for the proposed use and plenty of alternative locations available that would better suit the residential nature of the development. The sensitive nature of the residential use cannot be mitigated from the existing industrial uses and will have huge impacts that cannot be minimized or mitigated.

Section 1.3.1 – Planning authorities must continue to provide a range of employment uses including a wide range of ancillary uses that could be placed on the subject land.

Section 1.3.2.1 – Planning authorities shall protect and preserve employment areas for current and future uses. The subject land should become a viable future industrial use.

Section 1.3.2.3 – Planning authorities shall prohibit residential uses that are not ancillary to primary employment uses. This application is inappropriate for this area as has been set out in the Zoning Bylaw 8600 in designating the subject land MD1.2 – Industrial.

Section 1.3.2.3 – Planning authorities shall protect employment areas in proximity to major goods movement facilities (in this case the Gordie Howe International Bridge).

City of Windsor Official Plan: (See Schedule "A" & "C" attached hereto)

The entire area surrounding the subject property is designated "Industrial" under the Official Plan as set out in Schedule "C". It should be noted that all of the existing residential dwellings in the area are also under this designation and have been zoned as DRD1.1 (Development Reserve District 1.1) so that any future use and development of these properties will be subject to re-zoning in compliance with the Official Plan as Industrial. This has been done by the City of Windsor in accordance with the Provincial Policy statement regulations set out above. All other properties are designated as "Manufacturing District" under the Zoning Bylaw.

Section 6.4.3 - The buffering of the industrial uses adequately separates them from sensitive residential land uses. The intrusion of the residential uses contemplated under the application subject of this objection goes against the municipalities' purposes and goals set out in their Official Plan.

Submitted this date October 19, 2022 by,
Kelbour Management Inc. by its principles:

Mr. Grant Bourdeau
&
Mr. Kevin Kelly

SCHEDULE "A"

Kelbour Management basis for objection and appeal to the Official plan and Zoning Bylaw Amendment under files number:

Z-022/22 ZNG (6787) and OPA 161(OPA 6788)

Provincial Policy Statement 2020 – Under the Planning Act

Part V: Policies

1.0 Building Strong Healthy Communities:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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.

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

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of **existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted** if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

a) there is an identified need for the proposed use;

b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

c) adverse effects to the proposed sensitive land use are minimized and mitigated; and

d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining 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;

e) ensuring the necessary infrastructure is provided to support current and projected needs;

1.3.2 Employment Areas

1.3.2.1 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.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, **planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses** in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations. 1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

In accordance with these and all other principles and policies of the Provincial Policy Statement 2020, and under the Planning Act R.S.O. 1990, c. P.13, The City of Windsor has established their **Official Plan** for this entire area as "**Industrial**" and the Zoning Bylaws thereof as **MD1.2**, an industrial designation, and "**DRD1.1**", a development reserve district to prohibit the redevelopment of residential within this industrial area.

City of Windsor Official Plan:

6.1 Goals

EMPLOYMENT 6.1.4 The **retention** and expansion of Windsor's employment base.

6.4 Employment

Employment lands provide the main locations for business and industrial activities. In order to strengthen Windsor's economy, meet the land and infrastructure needs of employment activities and address concerns over compatibility, employment land uses are provided under two designations on Schedule D as either **Industrial** or Business Park. The following objectives and policies establish the framework for development decisions in Employment areas.

6.4.1 Objectives

6.4.1.1 POSITIVE BUSINESS ENVIRONMENT - To ensure Windsor continues to be an attractive place to establish businesses and locate employees.

6.4.1.3 COMPATIBLE DEVELOPMENT - To ensure that employment uses are developed in a manner which are compatible with other land uses.

6.4.1.11 COMPREHENSIVELY PLANNED - To promote comprehensively planned employment areas.

6.4.3 Industrial Policies

The Industrial land use designation provides for a broad range of industrial uses which, because of their physical and operational characteristics, are more appropriately clustered together and separated from sensitive land uses. This designation is also applied to certain older industrial areas of Windsor where such a separation may not have been achieved.

6.4.3.3 Industrial development shall be located where:

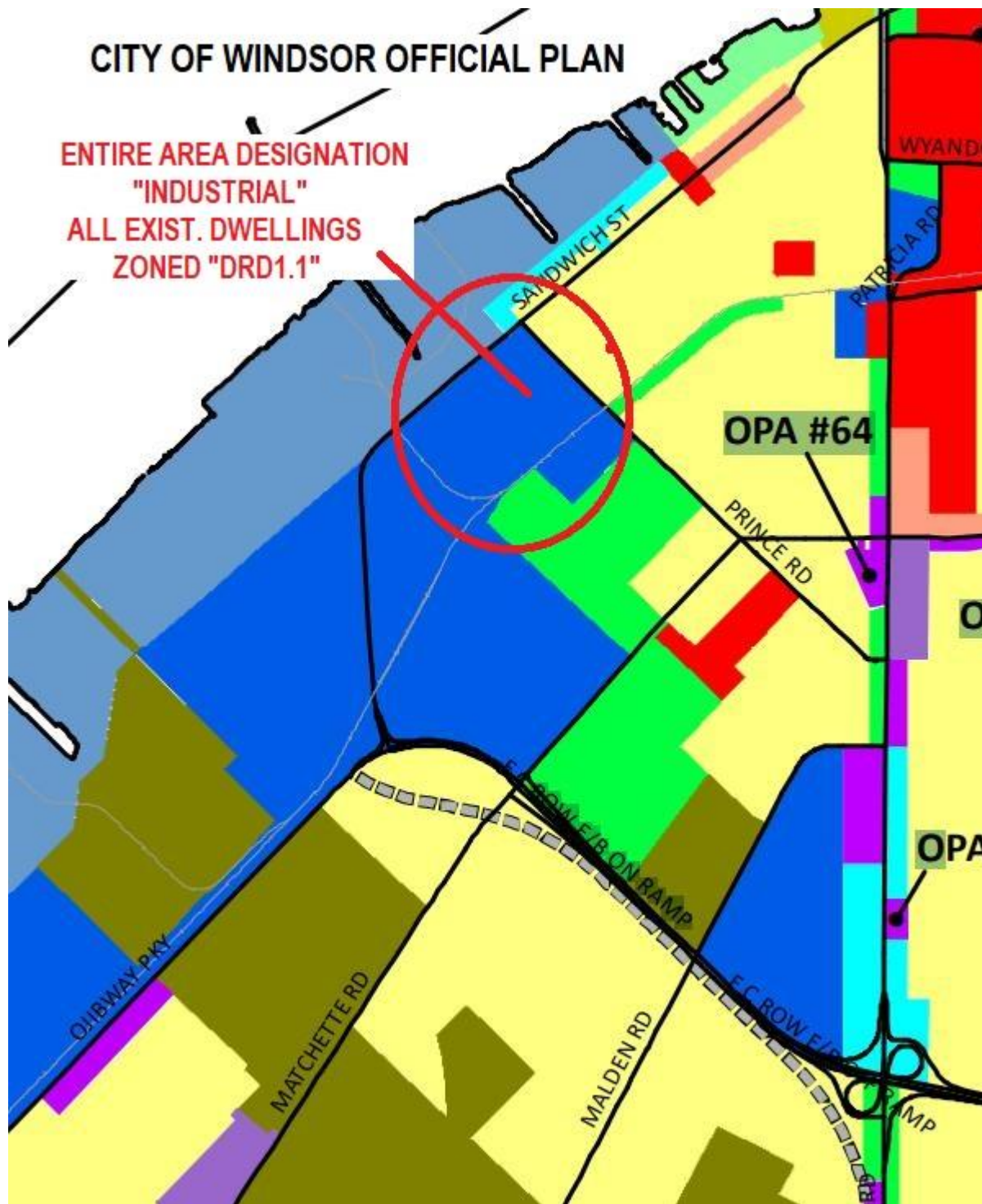
(a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses.

SCHEDULE "B"
APPELLANT'S PROPERTY IN RELATION TO THE SUBJECT



SCHEDULE "C"

CITY OF WINDSOR OFFICIAL PLAN DESIGNATION "INDUSTRIAL"



November 1, 2022
Development & Heritage Standing Committee
Item 7.4 – Written Submission

From: Faraj Myriam
Sent: October 17, 2022 10:10 AM
To: clerks <clerks@citywindsor.ca>
Subject: Opposition to rezoning on 3821 King st

To whom it may concern,

I do not agree with the rezoning of the land at 3821 King st as residential mainly because I think it's unsuitable for residential purposes.

I do not think the location is appropriate for residential units because of the noise and other disturbances. Although I live in the area, I could not imagine raising a family here. Compressors starting in the middle of the night, pieces of metal being dumped in a metal dumpster at all times of the night - weekdays and weekends alike -, the beeping delivery trucks at 4am, etc.: all these are detrimental to sleep, especially to a child. Also, kindly note that daytime noises can create issues as well as the police shooting range is clearly audible from here (which could be a trigger for people with ptsd or mental illness) and there are regular explosions (of an unknown source to me). And there is also quite a bit of light disturbance when trucks circulate at night. These are disruptive to a residential area and could be the source of endless residents complaints and mediation processes with the City and it would impede the functioning of the industries and other groups. Let's also keep in mind that these are to be rental units, so perhaps the residents would have less of a resolute acceptance/understanding of the disturbance situation. As safety and stability in a neighborhood are fostered by mixed income and mixed occupation of dwelling, this kind of development in this area - as it is unsuitable for a family and unappealing to anyone who could afford better - would tend to concentrate a more homogeneous type of population which could lead to serious issues. I mean, there was a reason why the previous occupancy of the lot was a drug house....

It seems to me to be a recipe for disaster to create housing in an unsuitable environment.

Also, the street is not meant to receive 30 housing units. Already people u-turn in my driveway at all times of day and night, and this would only be amplified. The corner of King and Prince, which is already unsafe due to the lack of stop signs on Prince, would see much more traffic and become even harder to cross for families and residents that are visiting the Mosque, the Society Shop or the Sandwich Teen Action Group. The general area is not really walkable (one side of Prince has no sidewalks which means people have to go through the unsafe crossing), and there are no groceries nearby thus increasing the reliance on vehicular transport. King street after STAG is narrow, I can't even imagine the traffic mess that would unfold.

Moreover, I am concerned about safety and trespassing on my property. When the 3821 lot was used as residential, a few items left unattended (shovel, hamac, etc.) went missing. Also, the piece of land I am on is naturalized and some people tend to think it's theirs to roam about. I fear this would be amplified by the discrepancy between the density of occupation between the two lots.

Finally, I do not believe it should be zoned residential because paradoxically the industrial lands in this area are creating a great habitat for wildlife, and it would be unfortunate to deprive all these non-voting beyond-human residents from a place to source food and shelter. For instance, there are coyotes around. I don't want them to be more affected by rat poisoning any more than they already are (which would be almost inevitable if more dwelling units are built). The deers were famished this year and needed all the resources they could get. The groundhogs, rabbits and turkeys would not be able to go about their lives without fear. I think that kind of wildlife habitat should be preserved and not disturbed.

We, as a city, need housing, but we need to densify built areas that are suited for residential purposes. We need to build housing where people can have a decent quality of life. This is unfortunately not the case on this lot.

The carcasses of the buildings on this lot should however be demolished as they are frequently visited by kids and pickers and they are utterly unsafe.

Sincerely,

Myriam Faraj

Item No. 8.4



Committee Matters: SCM 31/2023

Subject: Housing and Homelessness Advisory Committee 2022 Annual Report

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Fabio Costante

Decision Number: **CSPS 199**

THAT the Housing and Homelessness Advisory Committee 2022 Annual Report **BE APPROVED**.

Carried.

Report Number: SCM 332/2022
Clerk's File: MB2023

Clerk's Note:

1. The recommendation of the Community Services Standing Committee and Advisory Committee are the same.
2. Please refer to Item 7.1 from the Community Services Standing Committee Meeting held on February 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230201/-1/9382>



Committee Matters: SCM 332/2022

Subject: Housing and Homelessness Advisory Committee 2022 Annual Report

Housing & Homelessness Advisory Committee (HHAC)

Annual 2022 Report to City Council

HHAC Mandate:

“To serve as an advisory body to City Council on issues relating to the supply, demand, and need for affordable housing and homelessness supports in Windsor and Essex County. Act as a medium for informational exchange with sector representatives on housing and homelessness program initiatives and community issues. Act as a resource and advocate on behalf of all stakeholders to educate and advance the awareness of Council representatives on matters pertaining to housing and homelessness. Responsible for championing the implementation of the 10 Year Housing and Homelessness Master Plan and for evaluating and monitoring progress towards meeting the goals and strategies of the Plan.”

Highlights from 2022

HHAC continued to meet virtually throughout 2022.

The Homelessness and Housing Help Hub (H4) continued to operate in 2022 and saw an average of 117 people per day. Overall, from January 1st to December 11th 2022, 40,345 visits were made by program participants to the site. Participants were able to access services and support that assisted many to increase their wellness along with assistance to secure affordable and accessible housing. HHAC was informed by our County Council representative that funding would be allocated for two years to launch a Homelessness Hub in Leamington before the end of the year.

A number of non-profit organizations (some of them members of HHAC) received upper level government capital investments in 2022 to build affordable housing. Another member of HHAC from Habitat for Humanity partnered with the University of Windsor to create four (4) homes in concert with the Bridge Youth Resource Centre located in Leamington utilizing a 3D printed model the first of its kind in North America.

A member of Trans Wellness Ontario brought to our attention the difficulty experienced by the LGBTQS2 youth in trying to acquire affordable units within the city and the county. She expressed that youth face more discrimination within the system and actually many youth felt safer on the street. She expressed the need for training within the shelter system and agencies serving youth. HHAC’S response from its members and resource staff from both the city and county was met with an overwhelming “Yes” to meet and collaborate with Trans Wellness Ontario in regards to training and education.

HHAC also invited Thom Hunt, City Planner for the City of Windsor to bring us information regarding Bill 109 and its possible impact on municipal planning approval processes in

cities. T. Hunt stated that Bill 109 will not come into effect until early 2023. HHAC Members including Warden McNamara and Councilor McKenzie expressed their disagreement with this Bill, which could be a huge financial hit to cities and towns, which will then be passed onto taxpayers. T. Hunt will keep the Committee up to date as the Bill progresses in 2023.

HHAC by way of the Chair heard from the City Clerk's office that new forms for applying to HHAC and other committees of council were being updated and three questions were being asked of the present committees that would assist in the application form.

- Should HHAC continue and if so, is the present Mandate still relevant?
- Should the sectors in the terms of reference remain as is?
- What questions should be asked on the recruitment Application form?

After much discussion and serious consideration, HHAC was unanimous in the following areas:

- HHAC is crucial and should continue especially as it expanded its mandate to cover Homelessness and it should include in the Application that people wanting to apply should be aware and have knowledge of the 10 Year Housing and Homelessness Master Plan.
- Application questions should be framed so people with lived experience will feel positive about applying to the committee.
- Sectors should include those presently named and HHAC would like to add individuals from the LGBTQ2S community, the Indigenous community and people with Lived Experience.

HHAC learned that the City of Windsor administration has received direction from City Council to develop a Regional Affordable Housing Strategy with the County. HHAC looks forward to monitoring this initiative in 2023 and supporting collaboration between the City and County in meeting the goals and targets set forward in the 10 Year Housing and Homelessness Plan.

Part of HHAC'S mandate is to champion, monitor and evaluate progress being made within the 10 Year Housing and Homelessness Plan and to that end we continue to discuss the progress being made at each of our meetings. In 2022, we saw great progress being made because of grants and funds from all three levels of government. I am attaching the Highlights that both the city and county were able to achieve because of the flow of these funds. The resource staff from both the city and county work diligently to assist HHAC achieve its mandate while also managing to work with all sectors to get these funds out the door to developers, agencies, non-profit groups so that at the end of every year Windsor Essex County has utilized every available dollar to assist in moving the needle to build, renovate and support initiatives that will assist in reducing housing and homelessness within our communities.

Marina Clemens,
Chair HHAC

HHAC Annual Report 2022 Highlights:

- 1. Canada Ontario Housing Benefit (COHB):** Successfully implementing a significant 2022-23 COHB allocation of \$1.2M in Windsor Essex. The COHB is designed to help increase affordability of rental housing for eligible households that are on social housing waiting lists. Recent consultation with MMAH confirms that Windsor Essex is on track to fully utilize this year's allocation with the potential to assist 250 to 260 households (**HHMP Goal 1: Sustain and Expand Social and Affordable Housing Supply**).
- 2. New Women and Families Emergency Shelter:** Establishing a dedicated emergency shelter for women and families was a key priority identified through the Windsor Essex Review of Emergency Shelter Services. The new shelter offers 32 beds for single women and 16 rooms for families. The purchase of the building was made possible thanks in part to a \$7.75M contribution from the Province of Ontario's Social Services Relief Fund, as well as \$553,000 in funding provided under the Government of Canada's Reaching Home: Canada's Homelessness Strategy. The building is owned and maintained by the City of Windsor, while the Welcome Centre Shelter for Women and Families provides on-site support and services (**HHMP Goal 3: Ending Homelessness**).
- 3. Building Condition Assessments (BCA's):** Housing Services issued a Request for Proposal to hire a consultant to complete a fulsome review of social housing providers under the Housing Services Act, 2011. The purpose of the review was to assist current federal and social housing providers with the development of a strategic asset management plan. BCA's were completed for 31 Social Housing Providers. The BCA's have been reviewed and were shared with the Social Housing providers in Spring of 2022. The Building Condition Assessments will be used to identify current and future repair work needed to ensure the housing stock remains up to date and available to the Windsor-Essex community (**HHMP Goal 1: Sustain and Expand Social and Affordable Housing Supply**).
- 4. Ontario Renovates – Social Housing Repair Program (OR-SHRP):** The 2022-23 allocation of \$4.2M for OR-SHRP is funded under Ontario's Community Housing Renewal Strategy. The repair program assists Windsor and Essex County social housing provider(s) to rehabilitate units that require essential repairs and/or modifications to units to increase accessibility. In 2022 twenty four social housing providers received an allocation of funding under the program helping to preserve and extend the functional lifespan of the social housing supply in Windsor Essex (**HHMP Goal 1: Sustain and Expand Social and Affordable Housing Supply**).
- 5. The Homelessness & Housing Help Hub (H4):** The H4 began as an emergency response to the COVID-19 pandemic to provide social distancing and safe daytime space to individuals experiencing homelessness. In July 2021, City Council approved Administration to engage professional services that would pursue the development of a permanent Housing Hub model (C98/2021). In 2022, Council was presented with the report and findings of the consultant, as well as administration's recommendations on the next steps to create a new Housing Hub, including seeking out an appropriate property and to begin securing the necessary funding. The report and recommendations were approved and endorsed by City Council and this important work is currently underway (**HHMP Goal 3: Ending Homelessness**).

6. **Capital Projects:** Significant gains in the affordable housing stock for Windsor Essex funded through multiple funding streams from various levels of government and collaboration with numerous community partners. The various capital projects approved and/or slated for completion in 2021-22 will add approximately 315 supportive and/or affordable units in the community (**HHMP Goal 1: Sustain and Expand Social and Affordable Housing Supply & Goal 2: Sustain and Expand Housing that is Linked with Supports**).
7. **Leamington Emergency Shelter Pilot:** In November 2022, Administration launched a pilot emergency shelter program in Leamington aimed at meeting the needs of those experiencing homelessness who currently work or attend school in Leamington and would be better served by a local shelter. The shelter program utilizes two motel rooms. Daily shelter and housing search supports are provided by Downtown Mission staff who share office space with the County-funded Essex County Homelessness Hub (**HHMP Goal 3: Ending Homelessness**).

Item No. 8.5



Committee Matters: SCM 32/2023

Subject: Diversity Committee 2022 Annual Report

Moved by: Councillor Fabio Costante
Seconded by: Councillor Mark McKenzie

Decision Number: **CSPS 201**

THAT the Diversity Committee 2022 Annual Report **BE APPROVED**.

Carried.

Report Number: SCM 2/2023
Clerk's File: MB2023

Clerk's Note:

1. The recommendation of the Community Services Standing Committee and Advisory Committee are the same.
2. Please refer to Item 7.3 from the Community Services Standing Committee Meeting held on February 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230201/-1/9382>



Committee Matters: SCM 2/2023

Subject: Diversity Committee 2022 Annual Report

Diversity Committee

Diversity Committee, Annual Report - 2022

The City of Windsor's Diversity Committee works towards helping to make Windsor's commitment towards a just, equitable and inclusive city a reality. It proactively works to improve access and equity and to challenge racism and discrimination through awareness, vigilance and education.

Diversity Committee Members

Councillor Ed Sleiman
Peter Ijeh (Chair)
Saiful Bhuiyan
Lina Chaker
Shelley Evans
Yo Son Dah Nost Huff
Sungee John
Lacy Carty
Jamie Bell (Alternate)
Christopher Fletcher (Alternate)
Khagendra Gautam (Alternate)

Accomplishments

- P. Ijeh was elected Chair of the Diversity Committee for the term ending December 31, 2022.
- The committee reviewed and discussed information provided by Tyson Cragg, Executive Director of Transit Windsor regarding the following comments relating to Equity, Diversity and Inclusion :
 - Transit Windsor is in the process of recruiting for additional supervisory resources to bolster their training capacity.
 - At this time, are limited to doing only new driver training as well as post-collision refresher training for operators.
 - The mobile workforce consists of over 200 staff who work over a 20-hour span, seven days a week.
 - Over the past year, no human rights complaints have been received.
 - When drivers are hired, they focus on excellent customer service skills which includes equity, diversity and inclusion modules in their new driver training program which was developed by the Canadian Urban Transit Association.

Diversity Committee

- The Committed invited the Executive Director of Transit Windsor to attend a future meeting of the Diversity Committee to provide an update and to review their protocols in place relating to their equity, diversity and inclusion training at Transit Windsor.
- The committee participated in the Diversity Day Picnic in Mic Mac Park in August of 2022. The Chair, Peter Ijeh was in attendance to run a Diversity Committee booth with a variety of promotional items and postcards advertising City of Windsor Job postings.
- The need for additional staffing in Diversity area was acknowledged to help effectively deal with the diversity and inclusion initiative due to the addition of the Anti-Racism strategy and a very high workload tied to accessibility legislative compliance.
- A great deal of work went into creating a thorough RFP to seek an experienced consultant with lived experience to assist with an Anti-Racism and Anti-Discrimination consultation and action plan for the Corporation and community. RFP 89-22 “Anti-Racism and Anti-discrimination Engagement and Strategy Consultant” opened on May 24th and closed on or about July 20th. A diverse Evaluation team is tasked with carefully reviewing the proposals against the set criteria to recommend a skilled and experienced consultant for this important community and corporate project. The Diversity Committee was involved in assisting with recommended changes to the draft RFP and had two members on the evaluation committee for this RFP. The recommended proponent was already determined by the evaluation committee and it is hoped that the Anti-Racism/Anti-Discrimination consultation will commence early in 2023.

At the end of the day, following this consultation, the aim is to come out with an actionable plan with accountability. The engagement process during the Anti-Racism and Anti-Discrimination consultation will include Indigenous peoples, Black people, racialized people and other equity deserving communities including diverse faith communities, culturally diverse communities, persons with disabilities, women, 2SLGBTQ+ community and diverse staff. The aim is for the consultant to deploy a range of community based engagement tools and methods such as surveys, working with focus groups for engaging those diverse residents and staff to identify the salient issues, challenges and opportunities. Following that, will work with the consultant to provide reporting on the activities completed, data collected along with the findings. Will work with city administration and key members of those communities to develop recommendations and actionable initiatives. Lastly, the proponents will to prepare and present to the Diversity Committee, Standing

Diversity Committee

Committee and City Council on the detailed findings of that strategy. The RFP follows the lead of many of the most progressive communities which will allow for an opportunity to have a thorough conversation done thoroughly and appropriately and also to look at some of the barriers in our Corporation that are could result in systemic racism, discrimination and oppression.

Item No. 8.6



Committee Matters: SCM 33/2023

Subject: Windsor International Diaspora African Festival - WIDAFEST 2023 - Ward 3

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Fabio Costante

Decision Number: **CSSC 202**

THAT the request from Zalent Creative Inc. to host the inaugural Windsor International Diaspora African Festival, also known as WIDAFEST, scheduled for Friday, July 28 to Sunday, July 30, 2023, at the Riverfront Festival Plaza and Riverfront Civic Terrace **BE APPROVED**, subject to the terms and conditions of the Special Event Permit; and further,

THAT the request for Council to designate the event as a Significant Event status for the purpose of Zalent Creative Inc. applying for Alcohol and Gaming Commission of Ontario (AGCO) special occasions permits as required by the AGCO, **BE APPROVED**; and,

THAT the Riverfront Festival Plaza site be extended to include the Riverfront Trail seawall between Don Sadler Way and the Civic Terrace beginning Friday, July 28, 2023 4:00 p.m. to Saturday, July 29, 2023 1:00 a.m.; beginning Saturday, July 29, 2023 from 2:00 p.m. to Sunday, July 30, 2023 1:00 a.m.; beginning Sunday, July 30, 2023 from 12:00 noon to 10:00 p.m., **BE APPROVED**; and further,

THAT the request to temporarily close Riverside Drive East between Devonshire Road and McDougall Street on Saturday, July 29, 2023 from 2:00 p.m. – 4:00 p.m. to host the official WIDAFEST Parade, **BE APPROVED**.

Carried.

Report Number: S 10/2023
Clerk's File: SR/14497

Clerk's Note:

1. The recommendation of the Community Services Standing Committee and Administration are the same.
2. Please refer to Item 8.1 from the Community Services Standing Committee Meeting held on February 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230201/-1/9382>

**Subject: Windsor International Diaspora African Festival - WIDAFEST
2023 - Ward 3**

Reference:

Date to Council: February 1, 2023
Author: Michelle Staadegaard
Manager, Culture & Events
mstaadegaard@citywindsor.ca
(519) 253-2300 ext. 2726
Recreation and Culture
Report Date: 1/13/2023
Clerk's File #: SR/14497

To: Mayor and Members of City Council

Recommendation:

THAT the request from Zalent Creative Inc. to host the inaugural Windsor International Diaspora African Festival, also known as WIDAFEST, scheduled for Friday, July 28 to Sunday, July 30, 2023, at the Riverfront Festival Plaza and Riverfront Civic Terrace **BE APPROVED**, subject to the terms and conditions of the Special Event Permit; and further,

THAT the request for Council to designate the event as a Significant Event status for the purpose of Zalent Creative Inc. applying for Alcohol and Gaming Commission of Ontario (AGCO) special occasions permits as required by the AGCO, **BE APPROVED**; and further

THAT the Riverfront Festival Plaza site be extended to include the Riverfront Trail seawall between Don Sadler Way and the Civic Terrace beginning Friday, July 28, 2023 4:00 p.m. to Saturday, July 29, 2023 1:00 a.m.; beginning Saturday, July 29, 2023 from 2:00 p.m. to Sunday, July 30, 2023 1:00 a.m.; beginning Sunday, July 30, 2023 from 12:00 noon to 10:00 p.m., **BE APPROVED**; and further,

THAT the request to temporarily close Riverside Drive East between Devonshire Road and McDougall Street on Saturday, July 29, 2023 from 2:00 p.m. – 4:00 p.m. to host the official WIDAFEST Parade, **BE APPROVED**.

Executive Summary:

N/A

Background:

Zalent Creatives Inc. is a federally incorporated Non-Governmental Organization (NGO) with a President and Vice President, Financial Advisor and Board of Directors originating in Windsor, ON.

Similar in nature to the worldly recognized Caribana held annually in Toronto, Ontario, WIDAFEST will capture the vibrancy and excitement through music, food and cultural experiences. The event promotes tourism opportunities with regional and international stakeholders eager to come to Windsor to celebrate the richness of Windsor's Black history and culture.

WIDAFEST will include a mix of ticketed and free events. Local and regional food, merchandise and artistic vendors will be invited to display art exhibits, crafts, along with musical stage presentations. A traditional Caribbean style parade, similar to the one hosted annually in Toronto, Ontario will take place on Riverside Drive East and will feature floats, dancers and fashion displays. Additionally, workshops highlighting the Black and African Community, business and socio-economic topics and opportunities, will be conducted at various city locations throughout the weekend of activities, featuring local, regional, national and international speakers and organizations.

Discussion:

A request has been received to present the inaugural WIDAFEST in Windsor at the Riverfront Festival Plaza – Friday, July 28 to Sunday, July 30, 2023. The venue is available on the dates requested.

Move In

8:00 a.m. Thursday, July 27, 2023

Event dates

4:00 p.m. – 1:00 a.m. Friday, July 28, 2023 (Opening Ceremony 6:00 p.m.)

2:00 p.m. – 1:00 a.m. Saturday, July 29, 2023

12:00 noon – 10:00 p.m. Sunday, July 30, 2023

Move Out

By 11:00 p.m. Monday, July 31, 2023

At the time of this report, a communique was sent to members of the Special Event Resources Team (SERT) asking for any objections to the proposal being brought forward to Council. To date, no concerns have been brought forward.

The WIDAFEST parade will take place on Saturday, July 29, 2023, along Riverside Drive East between Devonshire Road and Glengarry Avenue, entering the Riverfront

Festival Plaza at Don Sadler Way. The parade will include colorful floats, dancers, fashion displays and musical acts.

Beginning at 12 noon, Saturday, July 29, 2023, the WIDAFEST parade floats would marshal on the north curb of Riverside Drive East between Devonshire Road and Lincoln Avenue. Parade participants would marshal along Chilver Avenue north of Assumption Street. The parade will step off at 2:00 p.m. proceeding westbound, entering the Riverfront Festival Plaza at Don Sadler Way/Glengarry Avenue.

Riverside Drive East will be closed to vehicular traffic from the west intersection at Devonshire Road to the east intersection of Glengarry Avenue from 2:00 p.m. – 4:00 p.m. Saturday, July 29, 2023.

The event organizers will be expected to enter into an agreement with the Corporation to the extent similar as other festivals and events that currently are presented at Riverfront Festival Plaza, including indemnifying the City of Windsor of any future legal, environmental, or financial liability associated with the event.

Risk Analysis:

All risks associated with the event have been vetted through SERT and other affected parties have been consulted where required.

Litigation risks are standard with any special event and pose a significant risk, but they will be managed by transferring risk to the Event Host by requiring the Event Host to indemnify the City and provide proof of insurance. Insurance and all other conditions that must be satisfied for the event to proceed are handled in accordance with the Special Events Agreements Procedure. This will include sending out a notification letter a minimum of 30 days prior to their event to residents in the area.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The applicant will be required to enter into a standard agreement with the City of Windsor and pay the applicable fees as approved by Council on an annual basis.

Consultations:

Lynn Glasier, Financial Planning Administrator, Community Services

SERT (Special Events Resource Team).

Debi Croucher, Downtown Windsor Business Improvement Association

Conclusion:

The City of Windsor recognizes the importance of special events and festivals in enhancing the quality of life, tourism, culture, recreation, and education, all of which would not be possible without the invaluable services of volunteers, community groups, and sponsors that add their support and skills to enhancing the community events.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|----------------------|--|
| Lynn Glasier | Financial Planning Administrator |
| Michelle Staadegaard | Manager of Culture and Events |
| Jen Knights | Executive Director, Recreation and Culture |
| Ray Mensour | Commissioner, Community Services |
| Joe Mancina | Chief Financial Officer |
| Onorio Colucci | Chief Administrative Officer (A) |

Notifications:

| Name | Address | Email |
|--|----------------------------|--|
| | | |
| Queen Amina | | Info@zalentcreatives.com ; queen@zalentcreatives.com |
| Chris Alexander | | chris@zse.ca |
| Debi Croucher, Executive Director, Downtown | 484 Pelissier St, Windsor, | debi@downtownwindsor.ca |

| Name | Address | Email |
|---|--------------------|--|
| Windsor Business Improvement Association (DWBIA) | ON N9A 4K9, Canada | |
| Walkerville Business Improvement Association | | info@walkerville.com |
| Larry Horwitz, Wyandotte Business Improvement Association | | horwitzwolf@aol.com |
| Tourism Windsor Essex Pelee Island (TWEPI) | | gorr@citywindsor.ca |
| Special Events Resources Team (SERT) | | |

Appendices:

- 1 Zalent Creatives Inc. Overview
- 2 UNESCO letter
- 3 2023 WIDAFEST Parade Traffic Plan

Michael Taylor
City of Windsor Special event coordinator
350 City Hall Square West (Room 203)
Windsor, ON
N9A 6S1

Dear Mike,

Thank you for taking the time from your busy schedule and for meeting with us on Sunday August 7th 2022. We do appreciate the time you spent with us and for introducing us to the stakeholders at the Pride Parade.

As per your request, our company would like to reserve the Windsor Downtown Plaza for our 4-day international festival.

The event will culminate into an award ceremony celebrating the unsung heroes of our society.

This festival is set to start on Thursday July 27, 2023 to end on July 30, 2023

Agenda includes:

1. Day 1 - Opening ceremony at the plaza from 6:00 pm - 9:00 pm.
2. Day 2 - Small Business Training Section in the morning and a Drum / Jab Jab J'Ouvert Festival in the evening. (All day).
3. Day 3 - Street Parade that will culminate into the Music festival.
4. Gala Awards Night.

We would like to go ahead to book the venue.
Our company's name is Zalent Creatives Inc.

Address
Zalent Creatives Inc.
% All point bookkeeping and Tax Preparation Services
4065 Tecumseh RD E
Windsor, ON
N8W 1J7

Contact person
Queen Amina
403-390-0377
Or
Chris Alexandra
416-616-9804

Please let us know what the next step is to move forward. We can be reached via email at Info@zalentcreatives.com.

“Providing Students & Leaders worldwide with practical and relevant skills to be effective Social Entrepreneurs”

January 6, 2023

City of Windsor
350 City Hall Square West
P.O. Box 1607
Windsor, Ontario
Canada N9A 6S1
Phone: (519) 255-6315
Email: mayoro@citywindsor.ca

Attention: His Worship Drew Dilkens, Mayor

Dear Sirs,

Re: UNESCO Center for Peace Invitation

We are pleased to partner with Zalent Creatives and reach out to the Canadian National Commission for UNESCO in support of the establishment of a Canadian National Federation of UNESCO Clubs and the first UNESCO Center for Peace as part of the WIDA FEST 2023 legacy in Windsor, Ontario. This would be the first such Center for all of Canada and could even become a role model for the rest of the worldwide UNESCO Club movement. This decision is designed to commemorate the extraordinary leadership role that this gathering brings to promote interracial harmony in North America and global peacemaking with Africa and the African Diaspora.

We are also excited by the value that we can collectively bring to the conclusion of the UN International Decade for People of African Descent in 2024. In 2004, following the return of the U.S. to UNESCO, the first UNESCO Center for Peace was founded in Frederick, Maryland to help promote the understanding of UNESCO's mission and ideals and to translate them into programs that will help raise a new generation of Peacemakers, placing Human Dignity at the center of their activities and striving to make the culture of peace a commodity of everyday life through Education, Science, Culture and Communication.

As a citizen of Maryland - birthplace of the Underground Railroad from U.S. slavery - I'm particularly committed to the shared legacy that my home state shares with Windsor, Ontario - the crossroads from the Underground Railroad into Canadian Emancipation for hundreds of thousands of African freedom seekers.

The Underground Railroad is a beacon of hope for all humanity that is the crowning centerpiece of our mutual collaboration from City to City and State to State. I am hereby inviting the City of Windsor to join forces with us and welcome the world movement for peace in March 2024.

Sincerely,



Guy Djoken

President U.S. Federation of UNESCO Clubs, Centers & Associations &
Permanent Representative of WFUCA to ECOSOC/UNDPI

WIDAFEST Caribana Parade Traffic Plan

Saturday, July 29, 2023

MARSHALING

WIDAFEST floats would begin marshaling along the north curb of Riverside Drive East between Devonshire Road and Lincoln Avenue, beginning at 8:12:00 noon. The north curb lane would be closed to west bound vehicular traffic. WIDAFEST parade participants (float riders, walkers and bands) would marshal along Chilver Avenue north of Assumption Street beginning at 12 noon.

The parade would step off at 2:00 p.m. Saturday, July 29, 2023 proceeding west bound along Riverside Drive East to Glengarry Avenue, and conclude by 4:00 p.m., entering the Riverfront Festival Plaza northbound on Don Sadler Way. Windsor Police Services Officers and vehicles would control west bound traffic at the west intersection of Devonshire Road, detouring vehicular traffic south on Devonshire Road to Wyandotte Street East, and at the east intersection of Glengarry Avenue, detouring vehicular traffic south on Glengarry Avenue.

The parking Lot at Bert Weeks Memorial would be closed to ingress at 1:30 p.m. Saturday, July 29, 2023 until 4:00 p.m. Saturday, July 29, 2023

Eleven (11) Auxiliary Officers from 1:45 p.m. – 4:00 p.m. on Saturday, July 29, 2023 would be needed to support the road closure at the following intersections:

Lincoln Road at Riverside Drive East

Gladstone Avenue at Riverside Drive East

Moy Avenue at Riverside Drive East

Hall Avenue at Riverside Drive East

Pierre Avenue at Riverside Drive East

Langlois Avenue at Riverside Drive East

Parent Avenue at Riverside Drive East (2)

Marentette Avenue at Riverside Drive East

Louis Avenue at Riverside Drive East

Aylmer Avenue at Riverside Drive East

Local Traffic Only signage would be positioned at the following intersections accompanied by marshal volunteers and barricades at the following intersections:

Lincoln Road at Assumption Street

Gladstone Avenue at Assumption Street

Moy Avenue at Assumption Street

Hall Avenue at Assumption Street

Pierre Avenue at Chatham Street

Langlois Avenue at Chatham Street

Parent Avenue at Chatham Street (2)

Marentette Avenue at Chatham Street

Louis Avenue at Chatham Street

Aylmer Avenue at Chatham Street East

PERSONNEL:

| | |
|--|--|
| Windsor Police Services with Vehicles | 2 |
| Windsor Police Services Auxiliary Officers | 11 |
| Marshal Road Closure Volunteers | 10 |
| Barricades | 10 |
| Lane Reduction Traffic Barrels | 10 (between McDougall Street and Glengarry Avenue) |

Item No. 8.7



Committee Matters: SCM 34/2023

Subject: Windsor Accessibility Advisory Committee 2022 Annual Report

Moved by: Councillor Fabio Costante
Seconded by: Councillor Mark McKenzie

Decision Number: **CSPS 200**

THAT the Windsor Accessibility Advisory Committee 2022 Annual Report **BE APPROVED.**

Report Number: SCM 1/2023
Clerk's File: MB2023

Clerk's Note:

1. The recommendation of the Community Services Standing Committee and Advisory Committee are the same.
2. Please refer to Item 7.2 from the Community Services Standing Committee Meeting held on February 1, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230201/-1/9382>



Committee Matters: SCM 1/2023

Subject: Windsor Accessibility Advisory Committee 2022 Annual Report

Annual Report to Council- 2022

WAAC provides advice, expertise and input to Windsor City Council with respect to promoting a barrier free community and organization for persons with disabilities as well as providing advice to City Council about the implementation of the AODA Accessibility Standards.

Membership

Councillor Ed Sleiman
Peter Best (Co-Chair)
Sally Bennett Olczak (Co-Chair)
Surendra Bagga
Ricardo Pappini
Sheila McCabe
Yo Son Dah Nost Huff
Nicholas Schuurman
Nicholas Petro (Alternate)
Kristy Franklin (Alternate)
Caleb Ray (Alternate)
Angela Hart (Alternate)

2022 Accomplishments:

- WAAC Provided detailed accessibility input and recommendations regarding Banwell Road Phase 2 and Roundabout Construction Project. Paul Mourad, Engineer III, City of Windsor and Stephen Brook, BT Engineering to the Banwell Road Phase 2 project and is present to discuss the multi-use trails and the roundabout to determine if there are any accessibility issues or concerns with the project as part of the consultation to WAAC to gain input regarding the Banwell Road Phase 2 and Roundabout project.
- Many municipalities adopt facility accessibility design standards (FAD) for the purpose of developing accessible environments and embracing the principles of universal design. These technical specifications guide engineers, architects, planners, staff, and vendors in the design of everything from parks and playgrounds to sidewalks and seating areas with the aim of removing or preventing barriers that would prevent participation of those with disabilities. Over time, changes in legislation, demographics, and evolving standards lead to a need to update Windsor's current FAD. While developing a new FAD is feasible, it is expensive and time consuming undertaking and it common practice for municipality to adopt the standard of leaders in accessibility including London and Ottawa. The City previously adopted the London standard in the course of developing the Windsor FAD in 2006 with modifications suitable to the City.

In the past year, administration completed a comparative study of municipal standards in cooperation with the Windsor Accessibility Advisory Committee and the FAD Subcommittee. That analysis examined the differences in standards for London, Oakville, Mississauga, Kingston, and Ottawa as well as readability, ease of adoption, layout, and robustness. While some municipalities such as Kingston and Oakville offered smaller, more aesthetically pleasing standards, London provided superior depth and detail. However, London was updating its own FADs in 2021 and the decision was made to wait for the released standard in November 2021 to ensure the most accurate comparison. Analysis of the 2021 standard reinforced the view that London was an appropriate standard to adopt.

In accordance with current policy, the London graciously allows municipalities to adopt and modify their FAD provided that appropriate attribution is noted in the revised standard. Approvals are currently underway and next steps will be for the FAD subcommittee to work with relevant departments to make needed amendments to the FAD document and then eventually take to Council for approval.

- WAAC requested that that Administration provide a brief update on the city's audio pedestrian signals in terms of what exists and what are the plans for the future. The committee has noted the need to review our current practices regarding Accessible pedestrian signals and has stressed the need for a clear Standard for how we will set up signals across the City. The committee will work to put together some details of needed improvements to provide to appropriate administration for needed follow up.
- A WAAC representative and several advocates for the visually impaired community along with several members of administration did an onsite review of a particular Accessible pedestrian signal (Lauzon and Wyandotte). The purpose was to understand some of the ongoing issues faced by blind and low vision residents. WAAC agreed to provide further detailed info to S. Boakes and I. Day regarding the specific challenges at the various APS corners. They also will attempt to provide some recommendations about priorities. The purpose of providing such information is for Administration responsible for traffic signals to review the information and do appropriate follow-up, tweaks and repairs etc.
- Shawna Boakes, Executive Director Operations appeared before the Committee and provide the following overview and comments:
 - Met with members of WAAC and G. Jones along with Shauna Boghean, CNIB for a site visit at the corner of Lauzon and Wyandotte. The audio pedestrian signal located at this intersection is approximately thirteen years old with seven years of functional life left. The APS signal at this location was a much older model with some functionality in those buttons that have been updated in more recent versions of the APS models that are currently available.

- The group discussed the location of buttons, locations of crosswalks and accessibility as a whole with respect to traffic signals. Some of the traffic signals were installed well before the provincially legislated requirement was put in place for the APS and the accessibility in general.
- There have been major upgrades at specific locations as opposed to smaller changes at the intersections. There are currently 293 signals. • The group who attended the site visit were asked for a list of locations and particulars, i.e. highly utilized areas for accessible persons.
- Any new APS are being installed with the new accessible standards.
- Are in the process of preparing a design standard for accessibility which includes a physical layout of an intersection, where the push buttons are located, where the poles are located, where the crosswalks, ramps and the tactile plates are located and the design standard for the actual audible push button itself.
- The intent is to have a standard for the physical layout and software for the push buttons which will be presented to WAAC for their input. • Once the design is installed out into the field, a few members of WAAC will be invited to visit an intersection, and to walk through the installation.
- The WAAC subcommittee regarding Accessible pedestrian signals wants to see urgent matters addressed promptly and for there to be a consistent and appropriate Standard implemented in Windsor so that the APS signals are much more consistent and properly working across the City. WAAC would like to be able to provide input early enough in the process so that the needs of our low vision and blind community can be met. Other potential wayfinding tools such as guidance pavers (as used in Ottawa's Lansdowne redevelopment) are a potential wayfinding tool that could be of assistance in key, identified areas.
- Administration provided an overview regarding document accessibility remediation needs for the City of Windsor's website. A tremendous amount of work has already been done remediating documents to meet the requirements under the AODA. Document remediations are an ongoing need given requirements under the legislation. Part of accessibility is ensuring that the documents on the city's website are accessible, however, some documents are exceedingly long, complex, time consuming and/or difficult to make accessible. The City has negotiated some external remediations at a greatly reduced price to address such difficult documents. WAAC approved \$50,000 from the Non-Built Capital Fund 7086008 (Accessibility) for accessibility remediation of eighteen thousand (18,000) pages of complex/difficult to remediate documents for the City of Windsor website.
- Tyson Cragg, Executive Director, Transit Windsor provided an update to the committee regarding the "Transit Windsor 2021 Service Performance Update – City Wide" report which was approved by the Environment, Transportation and

Public Safety Standing Committee and City Council. He notes that the scope on the report will expand over the years to include customer perception, and customer surveys on how we are doing as a service delivery agency. • This report looks at ridership which has not been strong due to COVID, stay-at-homes orders, virtual schooling, people working from home, and capacity restrictions on the buses. • Service enhancement in 2021 included the introduction of the 518X express route from St. Clair College to Tecumseh Mall. The report also includes 311 complaint feedback systems and the nature of those.

The Committee noted that there was no section relating directly to concerns from persons with disabilities. P Best notes that he is blind, rides transit and states that the audio callout is very important to him. He refers to a number of occasions when he reported to the driver that the audio callout was not working to which the driver responded that they were unaware of this and it will be reported. His understanding is that the bus is taken out of service if the audio callout is malfunctioning. He asks that concerns provided by persons with disabilities be provided to WAAC so that the Committee can work with Transit Windsor to correct them. He suggests that a subcommittee of WAAC meet once or twice a year with Transit Windsor to discuss the various accessibility issues and concerns, i.e. bus stop signage which will be reported back to WAAC. T. Cragg responds that he along with his staff would be happy to meet with the WAAC subcommittee once or twice a year to review issues and concerns. T. Cragg responds that the accessibility concerns in the report would fall under the general complaint section, however going forward will separate the accessibility complaints.

- Ongoing support to engineering in their work to update corporate standards to reflect any changes to accessibility standards.
- Providing ongoing support--audits and expertise regarding other City Facilities and properties
- WAAC had a detailed discussion regarding the need for prompt and ongoing accessibility consultation with the Committee on Site Plans and Corporate projects. Requested that appropriate administration attend WAAC meetings to provide information and seek input. WAAC is interested in having a member of the Building Department attend WAAC committee meetings in the coming terms to get input on site plans from the committee.
- A great deal of work went into creating a thorough RFP to seek an experienced consultant with lived experience to assist with an Anti-Racism and Anti-Discrimination consultation and action plan for the Corporation and community. RFP 89-22 "Anti-Racism and Anti-discrimination Engagement and Strategy Consultant" opened on May 24th and closed on or about July 20th. A diverse Evaluation team is tasked with carefully reviewing the proposals against the set criteria to recommend a skilled and experienced consultant for this important community and corporate project. WAAC was involved in assisting with recommended changes to the draft RFP will had a member on the evaluation committee for this RFP. The recommended proponent was determined by the

evaluation committee and it is hoped that the Anti-Racism/Anti-Discrimination consultation will commence early in 2023.

At the end of the day, following this consultation, the aim is to come out with an actionable plan with accountability. The engagement process during the Anti-Racism and Anti-Discrimination consultation will include Indigenous peoples, Black people, racialized people and other equity deserving communities including diverse faith communities, culturally diverse communities, persons with disabilities, women, 2SLGBTQ+ community and diverse staff. The aim is for the consultant to deploy a range of community based engagement tools and methods such as surveys, working with focus groups for engaging those diverse residents and staff to identify the salient issues, challenges and opportunities. Following that, will work with the consultant to provide reporting on the activities completed, data collected along with the findings. Will work with city administration and key members of those communities to develop recommendations and actionable initiatives. Lastly, the proponents will to prepare and present to the Diversity Committee, Standing Committee and City Council on the detailed findings of that strategy. The RFP follows the lead of many of the most progressive communities which will allow for an opportunity to have a thorough conversation done thoroughly and appropriately and also to look at some of the barriers in our Corporation that are could result in systemic racism, discrimination and oppression.

- The cement pad was installed, and the commemorative bench with personalized plaque is soon to be installed in Alexander Park to honour Sandra Friesen former long time member of WAAC. An additional cement pad for an accessible picnic table is also in the process of being installed in Alexander Park by Parks. These additions will be enjoyed by the public as well as the many blind and visually impaired residents that live at Lion's Manor that is located across the street from the Park.
- Provide ongoing input on the accessibility of zoning by-law amendments and site plans.
- Parks Department reached out to WAAC for input on a new playgrounds being installed . The playground costs are being covered by the Parks budget and they are seeking advice on the accessibility of the designs. The main features that the AODA looks for regarding accessible playgrounds includes:
 - a. incorporate accessibility features, such as sensory and active play components, for children and caregivers with various disabilities into the design of outdoor play spaces; and
 - b. ensure that outdoor play spaces have a ground surface that is firm, stable and has impact attenuating properties for injury prevention and sufficient clearance to provide children and caregivers with various disabilities the ability to move through, in and around the outdoor play space.

The suggestions from the Committee resulted in a number of accessibility enhancements.

- Wadah Al-Yassiri, Manager, Parks Development attended a WAAC meeting and provided the following comments relating to the Stodgell Park accessible pathway and playground projects:
 - Will be adding a multiuse recreational trail beside the Stodgell Park playground and the parking lot with adherence to FADS and the AODA and hoping to exceed those standards relating to the longitudinal slope and cross slope.
 - The multiuse trail will cross into the right-of-way and will be installing tactile tiles.
 - In terms of the playground projects, he refers to a resident living near Alton Park who advocates for accessibility. A meeting was held with this resident and the Project Manager along with the playground supplier and comments were provided by the resident relating to the design and what he would like to see. It was decided to add an additional accessible swing at Alton Park due to the demographics as was advised by the resident.
 - He refers to Alexander Park and suggests the addition of an accessible pathway from the riverfront to the washroom to specifically help people in wheelchairs. Working on cost estimates for this project. In the future, may request funding or cost sharing from WAAC.
 - He suggests purchasing one accessible swing and an accessible “saucer” which can be used by people in wheelchairs and notes that they may reach out to WAAC for funding in the future.

Administration was encouraged to seek thorough and early consultation from WAAC and from the public early in projects to ensure they meet the needs of all.

- Annual Windsor Essex Accessibility Awards was cancelled in 2022 due to the global pandemic. WAAC was part of the steering committee that assists with planning, and implementation of the annual event. WAAC will continue with its ongoing support and participation in this event when it resumes in future years.
- One of the co-chairs of WAAC attended council to provide accessibility input and concerns regarding the Adie Knox redevelopment.

Item No. 8.8



Committee Matters: SCM 40/2023

Subject: Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 463**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff's Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).

2. THAT the Site Plan Approval Officer **BE DIRECTED**:

- a) To incorporate the following into site plan approval of the required site plan control agreement:
 - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
 - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
- b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

Report Number: S 105/2022 & AI 1/2023

Clerk's File: Z/14429

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.1 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

**Subject: Rezoning – HD Development Group – 1850 North Service Road
– Z-021/22 ZNG/6784 - Ward 10**

Reference:

Date to Council: February 6, 2023
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: August 25, 2022
Clerk's File #: Z/14429

To: Mayor and Members of City Council

Recommendation:

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff's Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).
2. THAT the Site Plan Approval Officer **BE DIRECTED**:
 - a) To incorporate the following into site plan approval of the required site plan control agreement:
 - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
 - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
 - b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

Executive Summary:

N/A

Background:**Application Information:**

Location: 1850 North Service Road
North side of North Service Road, west of Byng Road
Roll No.: 070-200-02020

Ward: 10 **Planning District:** Remington Park **Zoning District Map:** 8 & 12

Applicant: HD Development Group (Steve Habib and Haider Habib)

Agent: Lassaline Planning Consultants (Jackie Lassaline)

Owner: 5054545 Ontario Inc. (Haider Habib, President)

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from Green District 1.2 (GD1.2) to a Residential District 3.3 (RD3.3) to allow a residential development consisting of five multiple dwellings (buildings) having a maximum building height of 20.7 m with 6 storeys and a total of 387 dwelling units. Vehicular access will be to North Service Road via a new driveway. A total of 491 parking spaces, 26 bicycle parking spaces and 5 loading spaces are proposed. Lot coverage is 20% with 41% landscaped open space.

The conceptual site plan, elevations/perspectives and floor plans are subject to change. The proposed development is subject to site plan control. A Plan of Condominium application may be submitted in the future.

Submitted Material:

Attached to this report as an Appendix:

Planning Rationale Report Revised – See Appendix A
Site Plan, Floor Plans and Elevations – See Appendix B

Not attached to this report but available [online](#) or via email:

Interim Control By-law 103-2020 Exemption Request
Noise Impact Study
Sewer Study Sanitary and Sewer Study Stormwater
Shadow Study March / June
Species At Risk Screening Report
Topographic Survey
Transportation Impact Study Final

All documents are available online via the Current Development Applications [page](#) – click on [Z-021/22](#) or via email at aszymczak@citywindsor.ca

Site Information:

| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|---|----------------------------|-------------|-----------------------------|
| Residential | Green District 1.2 (GD1.1) | Vacant Land | Sports Fields / Parking Lot |
| LOT FRONTAGE | LOT DEPTH (AVERAGE) | LOT AREA | LOT SHAPE |
| 143.8 m | 407.1 m | 4.04 ha | Irregular |
| 471.7 ft | 1,335.6 ft | 9.98 ac | |
| All measurements are based on data provided by applicant and are approximate. | | | |

Neighbourhood Description and Amenities:

The Planning Rationale Report contains site images on pages 8 and 9.

To the north is the Grand Marais Drain, a significant municipal drain that consists of naturalize drain and adjacent lands along with a linear park with manicured areas and a multi-use trail. Further north are low-density residential areas, the CP rail corridor, and more low-density residential (South Walkerville). To the east is low density residential along Byng Road, low to medium density residential along Turner Road, commercial and industrial uses along Walker Road and the CN Rail spur.

To the south is EC Row Expressway, J.A. McWilliam Public School, and low density residential. Commercial uses are located on both sides of Walker Road, south of E C Row Expressway. To the west is the Fogolar Furlan (private hall), Chartwell Oak Park Terrace Retirement Residence (residential care facility), and low density residential.

Nearby significant uses include a motor vehicle assembly plant (Stellantis / Chrysler) about 660 m to the northwest, Temple Drive business/industrial park about 600 m to the east, Rhodes/Deziel Drive business park, about 1 km to the south east, and the Devon Industrial Park and Devonshire Mall, over 1 km to the southwest.

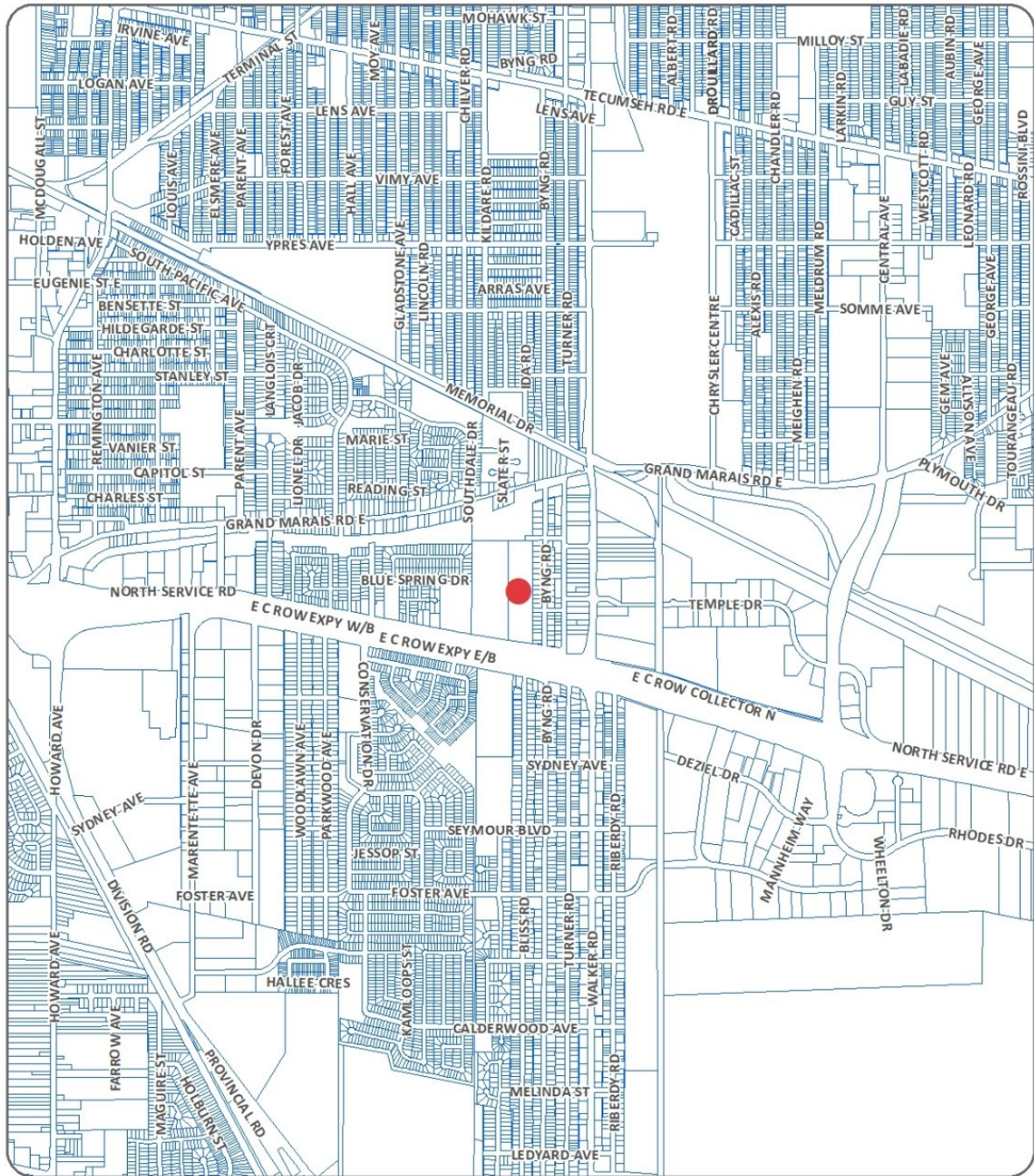
Schools and municipal parks are located within 750 m of the subject parcel. Remington Park, which has an outdoor swimming pool, splash pad, tennis and basketball courts, sports fields and other recreational facilities is just over 1.4 km to the west.

North Service Road is a Class I Collector Road consisting of two lanes and a separated bike lane, and has a signalized intersection at Walker Road and Digby Street / Turner Road. Walker Road is a Class II Arterial Road, and is a major north-south road that provides access to Highway 401, EC Row Expressway, and Riverside Drive. Alternative transportation is available via a separate bike lane on the south side of North Service Road which connects to Walker Road in the east, and via the multi-use trail adjacent to the Grand Marais Drain to the north.

Public transit is available via the Walkerville 8 bus. The closest stops are located on Walker at Parkdale SW Corner and Walker at Digby SW Corner, and are about 350 m and 475 m away. This will be maintained in the Council approved Transit Master Plan.

Existing water mains, storm sewers, sanitary sewers are available.

Figure 1: Key Map

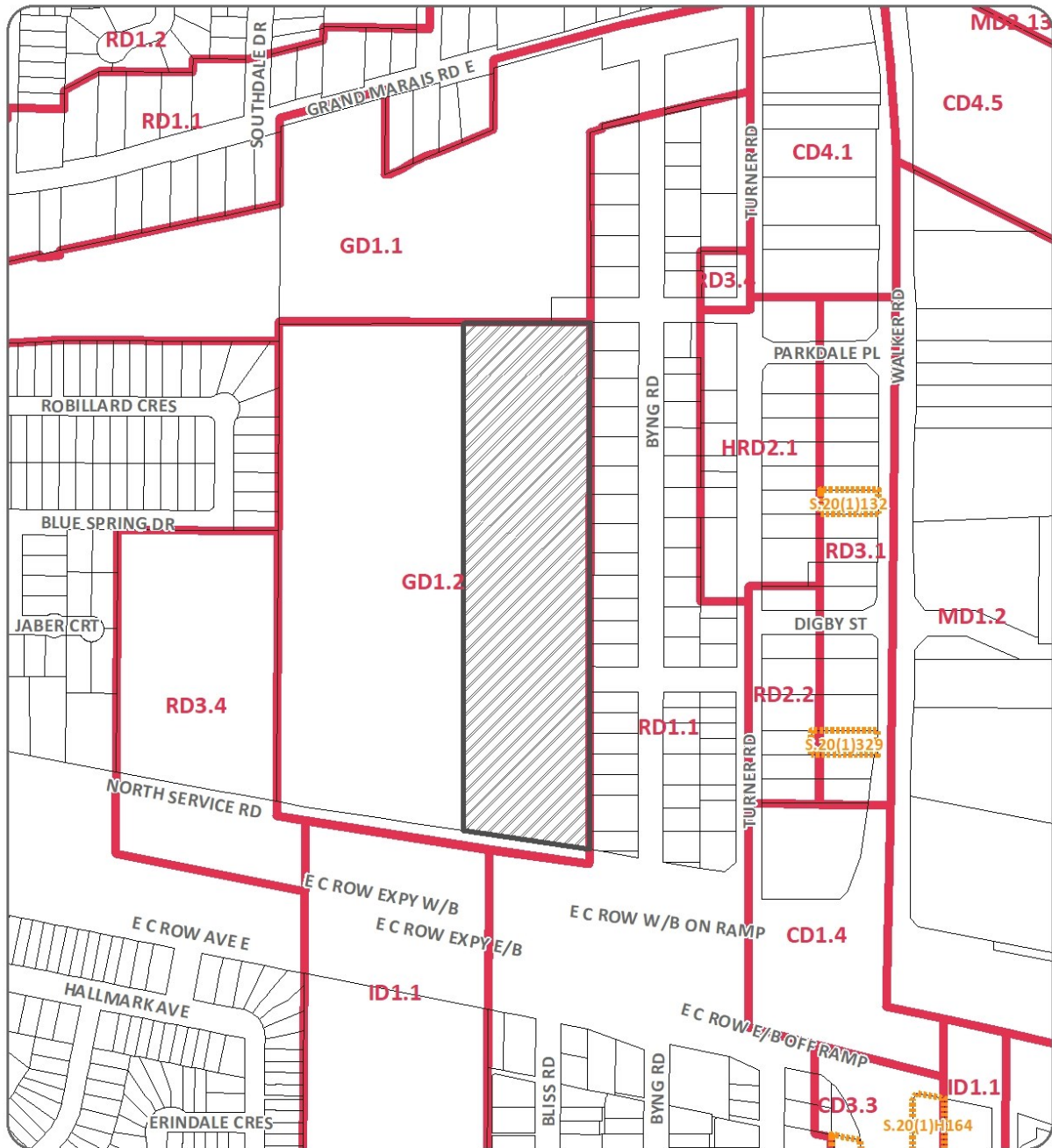


KEY MAP - Z-021/22, ZNG-6784



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

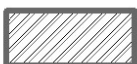


PART OF ZONING DISTRICT MAPS 8 AND 12

N.T.S.

REZONING

Applicant: HD Development Group



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE, 2022
FILE NO. : Z-021/22, ZNG/6784

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-021/22, ZNG/6784



SUBJECT LANDS

Discussion:

Planning Rationale Report (PRR) - Lassaline Planning Consultants, Jackie Lassaline, MCIP, RPP - 24 June 2022) - (See Appendix A to Report S 105/2022)

The PRR provides a description of the site, surrounding land uses, proposed development and amendment. A planning analysis of the Provincial Policy Statement 2020, the City of Windsor Official Plan and Zoning By-law 8600 are provided. The PRR notes that the *“buildings have been located to the furthest points on the west of the property to provide for substantial distance separation to the existing residences”*.

The PRR concludes that the proposed development *“will provide for an alternative style and tenure of housing than the standard single detached residence within the... neighbourhood”*. The PRR notes that *“the medium profile aspect of the buildings will result in a suitable and compatible development within the existing neighbourhood”* and that *“will provide for a compatible development as an infilling development”*.

It is the professional opinion of Ms. Lassaline that the proposed amendment

- “1) is consistent with the policies of the 2020 Provincial Policy Statements;*
- 2) conforms with the established policy framework of the OP;*
- 3) maintains the intent of the City of Windsor CZB [Comprehensive Zoning By-law] and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;*
- 4) makes sound planning”*

The Planning Department generally concurs with the planning commentary in the PRR.

Road Traffic and Stationary Noise Impact Study (JJ Acoustical Engineering Ltd - 17 January 2022)

The Noise Impact Study notes that the *“potential environmental noise impact from road traffic noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components.”*

Section 6 lists the specific mitigation measures for each building and notes that Outdoor Living Areas 5 & 6 be removed from the site plan. Stationary noise sources were evaluated with predicted sound levels below the noise limits in NPC 300 “Environmental Noise Guideline, Stationary and Transportation Sources—Approval and Planning” – Ontario Ministry of the Environment, Conservation and Parks (MOECP). The mitigation measures identified in the study will be considered during the site plan control process.

Transportation Impact Study (TIS) (Paradigm Transportation Solutions Limited - March 2022)

The TIS concludes that *“study area intersections are forecast to operate at acceptable levels of service”, that “no left-turn lanes are forecast to be warranted” and that “no improvements to the transportation network be required for the approval of the proposed development”*.

Transportation Planning notes the TIS is “satisfactory in its current form” and that it “establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.

Sanitary Sewer Study

(Aleo Associates Inc. – John-Paul Aleo, P.Eng. – 24 June 2022)

The study states that the *“existing 375 mm dia. sanitary sewer ... has 41% of its capacity utilized and therefore there is capacity available to support future development”* and concludes that *“there is sufficient capacity available in the municipal sanitary sewer to support the proposed condominium development without affecting the municipal system or surrounding properties”*.

Storm Sewer Study

(Aleo Associates Inc. – John-Paul Aleo, P.Eng. – 24 June 2022)

The study notes that “an 85% impervious percentage will be used for the developed site. A new storm connection will be made to the municipal storm trunk sewer to provide a deeper outlet for the site drainage design than what the existing outlet elevation currently provides at the existing catch basin. The existing site storm connection will be abandoned to City of Windsor standards.

Stormwater management will be achieved through *“surface storage on the parking lot surface, in a large detention pond which was incorporated into the site plan design, and in underground storm pipe and structures.”*

A final storm sewer study will be reviewed during site plan control.

Species At Risk Screening

(Myler Ecological Consulting – Barry Myler, Biologist – 5 December 2021)

The species at risk (SAR) screening report confirms *“an absence of natural habitat and natural vegetation communities on the site that could support SAR occurrences. None of the listed SAR plant species was observed”* and concludes that *“the proposed severance and condominium development can be completed in compliance with the Endangered Species Act without impact to SAR or SAR habitat and without the need to employ avoidance or mitigation measures to protect SAR”*.

The report notes that the removal of any trees on site should *“avoid the active bird nesting season (approximately late March to late August). Otherwise ... tree removals ... should be conducted under the guidance of a qualified biologist”*.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

The vision of the PPS focuses growth and development within urban settlement areas, that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Planning authorities are encouraged to permit and facilitate a range of housing options, including residential intensification, to respond to current and future needs. Land use patterns should promote a mix of housing, including affordable housing.

Section 4.0 in the Planning Rationale Report contains a list of relevant PPS policies and a response to those policies. The Planning Department generally concurs with the PPS analysis in the PRR.

Regarding Policies 1.1.1, 1.1.2 & 1.1.3, the proposed multiple dwellings are an efficient development and promote a land use pattern that sustains the financial well being of the municipality and accommodates an appropriate market-based residential type that meets long-term needs. No environmental or public health concerns were noted.

The multiple dwellings are considered infill and intensification and is located well within the settlement area, and within walking distance of a bus route, making it a transit-supportive development that optimizes transit investments and an appropriate location for intensification. The proposed development will make use of existing infrastructure such as roads, sewers and watermains to achieve a cost-effective development pattern and minimize land consumption and servicing costs.

No deficiencies in infrastructure and public service facilities have been identified. The Traffic Impact study notes that the intersections in the study areas will operate at acceptable levels of service. Elementary schools and municipal parks are located within the neighbourhood. The preliminary sanitary and storm sewer studies note no issues. A final storm water study will be reviewed during site plan control.

The proposed development represents an opportunity to incorporate climate change measures such as stormwater management to control the flow of rain water into the stormwater system and the use of building materials and devices to mitigate heating, cooling and water use concerns.

The proposed development utilizes land within the settlement area through intensification & redevelopment, provides a density and a use that makes efficient use of land & resources and is appropriate for available infrastructure avoiding the need for any unjustified or uneconomical expansion. It minimizes negative impacts to air quality by allowing residents to use alternative transportations means such as walking, cycling or public transit, and allows for the inclusion of modern building materials & construction methods to promote energy efficiency and deal with climate change impacts.

The proposed zoning amendment is consistent with Policies 1.1.1, 1.1.2, and 1.1.3.

Regarding Policy 1.4, the proposed development allows the City to accommodate residential growth through residential intensification, and directs development to where appropriate levels of infrastructure and public service facilities exist.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.4.

Policy 1.6 provides direction on infrastructure and public service facilities. Policy 1.6.3 a) states that *“the use of existing infrastructure and public service facilities should be optimized”* and Policy 1.6.6.2 states that for *“existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services”*. The proposed amendment promotes intensification and redevelopment – five multiple dwellings with a total of 387 dwelling units – that will optimize the use of existing infrastructure. Per Policy 1.6.6.7, stormwater management has been integrated into this process and will be further refined during the site plan control process.

Given the availability of existing roads, public transit, and cycling facilities nearby, the proposed multiple dwellings allow for the efficient use of existing transportation infrastructure, minimizes the number and length of vehicle trips, and supports the use of transit and active transportation. This is consistent with Policy 1.6.6.7.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.6.

Policy 1.7 promotes long-term economic prosperity. The proposed development is responding to market-based needs and will provide a housing supply and options for a diverse workforce, that optimizes the use of land, resources, infrastructure and public service facilities, and that through modern construction and building materials, will promote energy conservation and minimize the impacts of climate change.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.7.

Policy 1.8 provides direction on energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate, the proposed multiple dwellings represent a compact form, promotes the use of active transportation and transit and a form of intensification that will improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion. Existing trees will be protected and landscaping will be enhanced.

The proposed multiple dwellings are consistent with Policy 1.8.

The proposed multiple dwellings development and the amendment to Zoning By-law 8600 are consistent with the PPS.

City of Windsor Official Plan:

Section 5.0 in the Planning Rationale Report contains a list of relevant Official Plan (OP) policies and a response to those policies. The Planning Department generally concurs with the OP analysis in the PRR. The parcel is located within the Remington Park Planning District and is designated Residential on Schedule D: Land Use of the OP.

Regarding the Safe, Caring and Diverse Community component (Section 3.2.1) of the Development Strategy in Chapter 3, the proposed multiple dwellings expands the variety of housing types and provides an opportunity for area residents to live in their neighbourhoods as they pass through the various stages of their lives.

The proposed multiple dwellings conform to the policy direction of Section 3.2.1.

Chapter 4 provides policy direction on creating a healthy and liveable city, a high quality of life, a strong sense of community and community empowerment. Section 4.2.1.5 encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age. The proposed development provides an opportunity for people to move from other dwellings but remain in the neighbourhood. The proposed development conforms to Section 4.2.3 - Quality of Life, in that it recognizes the shelter needs of the community and represents an appropriate range and mix of housing.

Through the applicant's open house, the forthcoming public meeting (as required by the Planning Act) at the Development & Heritage Standing Committee and future Council meeting, the public has had the opportunity to be involved in this planning process. Notice has been provided in the Windsor Star newspaper and through the mail to tenants and property owners within 120 m of the subject lands. This conforms to Section 4.2.5

The proposed development conforms to the policy direction of Chapter 4.

Chapter 6 – Land Use provides policy direction on the land use designations on Schedules D and E in the Official Plan. The preamble states that Chapter 6 “*promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods*”.

Applicable goals include 6.1.1 - Safe, caring and diverse neighbourhoods, 6.1.2 - Environmentally sustainable urban development and 6.1.3 - Housing suited to the needs of Windsor’s residents. The proposed multiple dwellings introduce a housing type that creates a diverse neighbourhood, creates an environmentally sustainable development by redeveloping a serviced vacant parcel within the settlement area, and provides housing that is in demand.

The proposed development conforms to the Goals in Section 6.1.

Applicable objectives of the Residential land use designation include Section 6.3.1.1 - To support a complementary range of housing forms and tenures in all neighbourhoods, Section 6.3.1.2 - To promote compact neighbourhoods which encourage a balanced transportation system, and Section 6.3.1.3 - To promote selective residential redevelopment, infill and intensification initiatives.

The neighbourhood consists mostly of low density low profile dwellings. The proposed multiple dwellings are a complementary housing form and broaden the range of housing types in the surrounding area and represents a redevelopment, infill and intensification initiative. The proposed development is a compact development that has access to alternative transportation modes such as walking, cycling and public transit.

The proposed development conforms to the Objectives in Section 6.3.1.

Section 6.3.2 lists policies of the Residential land use designation. Low, Medium and High Profile dwelling units are permitted in the Residential land use. The proposed multiple dwellings are a permitted use. Locational criteria in Section 6.3.2.4 include access to a collector or arterial road, provision of full municipal physical services, provision of adequate community services and open spaces are provided or planned, and the provision of public transit.

North Service Road is a Class I Collector and Walker Road is a Class II Arterial. The parcel has access to a collector and arterial road. No deficiencies in physical municipal services have been identified. Several schools, municipal parks and public transit are located within walking distance of the parcel.

Section 6.3.2.5 lists evaluation criteria for a Neighbourhood development pattern. The subject parcel is not within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of the Official Plan and is not within a site of potential or known contamination.

At-grade and balconies provide amenity areas. Residents have access to nearby parks and trails for additional amenity area.

The proposed multiple dwellings meet or exceed the requirements of Zoning By-law 8600 regarding parking spaces, accessible parking spaces, bicycle parking spaces, and loading spaces. 15 percent of provided parking spaces must be designated as visitor parking. No deficiencies in municipal services have been identified.

The proposed multiple dwellings are able to coexist with existing land uses and are compatible in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

Compatible does not mean the proposed development needs to be identical to or even similar to existing development in an area. A development should be able to coexist with existing land uses. The proposed development is compatible with existing land uses.

The proposed multiple dwellings development conforms to the Locational Criteria in Section 6.3.2.4 and the Evaluation Criteria in Section 6.3.2.5.

The proposed development and amendment to the Zoning By-law conform to the policies in Chapter 6 – Land Use.

Chapter 7 provides policy direction on Infrastructure which includes transportation systems such as pedestrians, transit and roads, and physical services such as sewers.

Applicable goals in Section 7.1 include safe, sustainable, effective and efficient infrastructure (7.1.1), optimal use of infrastructure (7.1.2), and accessible, affordable and available transportation system (7.1.3).

Applicable objectives in Section 7.2.1 include making efficient use of existing transportation infrastructure (7.2.1.2), promoting a land use pattern, density and mix of uses that reduces vehicle trips and supports alternative transportation modes including public transit (7.2.1.5), providing for adequate off-street parking facilities (7.2.1.9), restricting driveway access based on road classification and minimize the number of driveway access points (7.2.1.12), maintaining a safe and efficient road network (7.2.1.15).

Section 7.2.2 provide general policy direction on Infrastructure. Applicable policies include promoting development patterns that support an increase in walking, cycling and public transportation (7.2.2.5), providing for a more compact urban form to reduce the growth in home based trip making (7.2.2.6 (b)), requiring adequate off-street parking and loading facilities as a condition of development approval (7.2.2.12), requiring bicycle spaces (7.2.2.17), and ensure accessibility for all pedestrians and cyclists (7.2.2.19).

The proposed development makes use of the existing street, cycling facilities, and public transit and represents a density that reduces vehicle trips and supports alternative transportation modes. The Transportation Impact Study notes no issue with anticipated traffic volumes. No issues with municipal sanitary or storm sewers have been identified. Off-street parking meets or exceeds zoning requirements. All access to the development is from North Service Road, a Class I Collector Road. There is an opportunity for pedestrian and cycling access at the north end of the parcel to Udine Park and Byng Road at Parkdale Place.

The proposed development conforms to the Goals in Section 7.1, the Objectives in Section 7.2.1, and the General Policies in Section 7.2.2.

The proposed multiple dwelling conforms to the policies of Section 7 – Infrastructure.

The requested zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed zoning change conforms to the Official Plan.

Zoning By-Law:

Relevant excerpts from Zoning By-law 8600 are attached as Appendix C to this report. The subject lands are zoned Green District 1.2 (GD1.2) which permits a Child Care Centre, Club, Private Park, and Public Park.

The applicant is requesting an amendment changing zoning from GD1.2 to Residential District 3.3 (RD3.3) to allow the proposed development. The RD3.3 zone permits a Lodging House, Multiple Dwelling, Religious Residence, and Residential Care Facility on a lot having a minimum frontage of 45.0 m, maximum lot coverage of 35.0%, a maximum main building height of 24.0 m, a minimum landscaped open space yard of 35.0% and a maximum dwelling unit density of 180 units per hectare. Based on 387 dwelling units, the minimum lot area is 18,385 m² and the minimum number of parking spaces is 483. A total of 26 bicycle parking spaces, 12 accessible parking spaces, and 5 loading spaces (one per building) are required.

The subject parcel has an area of 40,703 m², a lot frontage of 143 m, a lot coverage of 20%, a building height of 20.7 m, a landscaped open space yard of 41% and a dwelling unit density of 95 units per hectare. A total of 491 parking spaces including 14 accessible parking spaces, 26 bicycle parking spaces, and 5 loading spaces are proposed. The zoning by-law requires that 15% of the parking spaces be marked as a visitor parking space. No variances or site specific exceptions have been requested.

The proposed development is in compliance with the provisions of Zoning By-law 8600.

As discussed in the Official Plan section, the proposed building is compatible in terms of scale, massing, siting, height, orientation, setbacks, and parking. The proposed zoning provisions achieve that compatibility.

Site Plan Control:

Site plan control will apply to the proposed development. Design issues will be considered during site plan review. Recommendation 2 provides further direction to the Site Plan Approval Officer.

Interim Control By-law 103-2020:

Interim Control By-law 103-2020 is no longer in effect.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, infill intensification will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as parks, sewers, sidewalks, streets, schools and public transit.

Climate Change Adaptation:

The proposed development will provide many opportunities to increase resiliency for the development and surrounding area, including improved stormwater management.

Financial Matters:

N/A

Consultations:

Public Open House: The applicant held an informal public open house at the Fogolar Furlan Club on May 10, 2021 from 5 to 7 pm. A total of 116 properties were provided notice, representing a 120 m radius of the Site. In addition to the Ward Councillor, the Planning Consultant (Agent), Applicant, and Architect, a total of 33 people registered. Section 3.2 in the Applicant's Planning Rationale Report provides a summary of the comments received and responses made at the open house.

Circulation to Municipal Departments and External Agencies: Comments are attached as Appendix D.

Public Notice: Statutory notice will be advertised in the Windsor Star, a local daily newspaper. A courtesy notice will be mailed to property owners and residents within 120m of the subject parcel. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

Planner's Opinion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The amendment has been evaluated for consistency with the PPS and conformity with the policies of the OP.

Based on the documents submitted by the applicant, the comments received from municipal departments and external agencies, and the analysis presented in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The staff recommendation will permit a multiple dwelling development that is able to coexist with existing land uses in the surrounding area.

The proposed development is an appropriate form of intensification and expands the range of dwelling types in an area dominated by single unit dwellings. It provides an opportunity for residents to age in place and allowing new residents to locate within an established area. It allows for future residents to use alternative and active transportation modes such as walking, cycling and public transit.

Modern construction methods and building materials will allow the development to mitigate stormwater and climate change concerns. Existing infrastructure, such as roads, sidewalks, watermain, sewers and public transit, is being utilized, avoiding the need for any unjustified or uneconomical expansion of that infrastructure. Site plan control is the appropriate tool to incorporate the requirements, and consider the concerns, of municipal departments and external agencies.

It is my opinion that the proposed multiple dwelling development is compatible with existing land uses and that the recommendation to amend Zoning By-law 8600 constitutes good planning.

Conclusion:

Staff recommend approval of the requested amendment to Zoning By-law 8600 to change the zoning of the subject land from GD1.2 to RD3.3.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Neil Robertson, MCIP, RPP
Manager of Urban Design

Thom Hunt, MCIP, RPP
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

OC

Approvals:

| Name | Title |
|----------------|--|
| Neil Robertson | Manager of Urban Design / Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Jelena Payne | Acting Chief Administration Officer |

Notifications:

| Name | Address | Email |
|---|--|---|
| HD Development Group (Steve Habib and Haider Habib) | 5335 Outer Drive Oldcastle ON N9G0C4 | steve@hddevelopmentgroup.com haider@hddevelopmentgroup.com |
| Lassaline Planning Consultants (Jackie Lassaline) | PO Box 52 1632 County Road 31 St. Joachim ON N0R 1S0 | jackie@lassalineplan.ca |
| Anna & Gino Sovran | 2927 Byng Road Windsor ON | gsovran@cogeco.ca |
| Councillor Morrison (Ward 10) | | |
| Councillor Holt (Ward 4) | | |
| Councillor Sleiman (Ward 5) | | |
| Councillor McKenzie (Ward 9) | | |
| Property owners and residents within 120 m of the subject lands | | |

Appendices:

- 1 Appendix A - Planning Rationale Report
- 2 Appendix B - Site Plan Floor Plans and Elevations
- 3 Appendix C - Extracts from Zoning By-law 8600
- 4 Appendix D - Comments



REPORT: **PLANNING RATIONALE REPORT (PRR)**

MUNICIPALITY: **CITY OF WINDSOR**

MUNICIPAL ADDRESS: 1850 NORTH SERVICE ROAD

DEVELOPMENT: ZBA

DATE: JUNE 24, 2022 (rev)

TABLE OF CONTENTS

| | |
|---|-----------|
| 1.0 INTRODUCTION | |
| 1.1 APPLICATION INFORMATION..... | 4 |
| 2.0 SITE AND SURROUNDING LAND USES..... | 5 |
| 2.1 LEGAL DESCRIPTION AND OWNERSHIP..... | 6 |
| 2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE..... | 6 |
| 2.3 SIZE AND SITE DIMENSION..... | 6 |
| 2.4 EXISTING STRUCTURES..... | 7 |
| 2.5 VEGETATION AND SOIL..... | 7 |
| 2.6 MUNICIPAL SERVICES..... | 9 |
| 2.7 NEARBY AMENITIES..... | 10 |
| 2.8 SURROUNDING LAND USES..... | 11 |
| 3.0 DEVELOPMENT PROPOSAL..... | 12 |
| 3.1 PROPOSED ZBA..... | 16 |
| 3.2 SANITARY SEWER STUDY..... | 17 |
| 3.3 STORM WATER MANAGEMENT REPORT..... | 17 |
| 3.4 SPECIES AT RISK..... | 18 |
| 3.5 TRAFFIC STUDY..... | 19 |
| 3.6 NOISE STUDIES..... | 20 |
| 3.7 SHADOW STUDY..... | 22 |
| 3.8 BUILDING RENDERINGS..... | 24 |
| 3.9 OPEN HOUSE..... | 26 |
| 4.0 PROVINCIAL POLICY STATEMENT (PPS)..... | 29 |
| 5.0 CITY OF WINDSOR OFFICIAL PLAN..... | 32 |
| 6.0 CITY OF WINDSOR ZONING BY-LAW REVIEW..... | 40 |
| 7.0 SUMMARY AND CONCLUSIONS..... | 42 |
| 7.1 CONCLUSION..... | 43 |

| | |
|------------------|----------------------------------|
| FIGURE 1 | LOCATIONAL MAP |
| FIGURE 2 | SITE AERIAL |
| FIGURE 3 | SITE PHOTO |
| FIGURE 4 | SITE PHOTO |
| FIGURE 5 | NEIGHBOURHOOD AERIAL |
| FIGURE 6 | OP SCHEDULE D |
| FIGURE 7 | SITE PLAN |
| FIGURE 8 | SITE AERIAL RENDERING N/E |
| FIGURE 9 | SITE AERIAL RENDERING S/E |
| FIGURE 10 | SHADOW STUDY – SUMMER |
| FIGURE 11 | SHADOW STUDY - SPRING |

| | |
|-------------------|---|
| APPENDIX A | OPEN HOUSE INFORMATION |
| APPENDIX B | SANITARY SEWER STUDY - ALEO ASSOCIATES |
| APPENDIX C | SWM REPORT - ALEO ASSOCIATES |
| APPENDIX D | SAR SCREENING – MYLER CONSULTING |
| APPENDIX E | TRAFFIC STUDY – PARADIGM ENGINEERING |
| APPENDIX F | NOISE STUDY – JJ Acoustics Engineering |
| APPENDIX G | SHADOW STUDY – ADA Architects |

1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of a Zoning By-law Amendment (ZBA) for lands known as 1850 North Service Road, Windsor.

HD Development Group (the Owner) is proposing the development of the vacant 4.07 ha site with a new development comprising 387 unit residential condominiums in 5 buildings on site. There will be connection to municipal services and on site parking provided with 491 parking spaces, 5 loading spaces, and 26 bike parking spaces. The development will comprise 5 buildings with a medium profile of 6 storeys (20.7 m) in height and will result in a lot coverage of 20% with 43 % landscaped open space.

This planning rationale report will demonstrate the consistency of the development proposal with the Provincial Policy Statement (PPS) 2020 and how the proposed residential land use conforms with City of Windsor's residential housing policies, supports healthy community initiatives, and provides for healthy, walkable community policies and is considered compatible with the neighbourhood.

Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the Zoning By-law Amendment (ZBA) application.

1.1 APPLICATION INFORMATION

The landowner, 1433311 ONTARIO INC. (HD Development Group), has applied for:

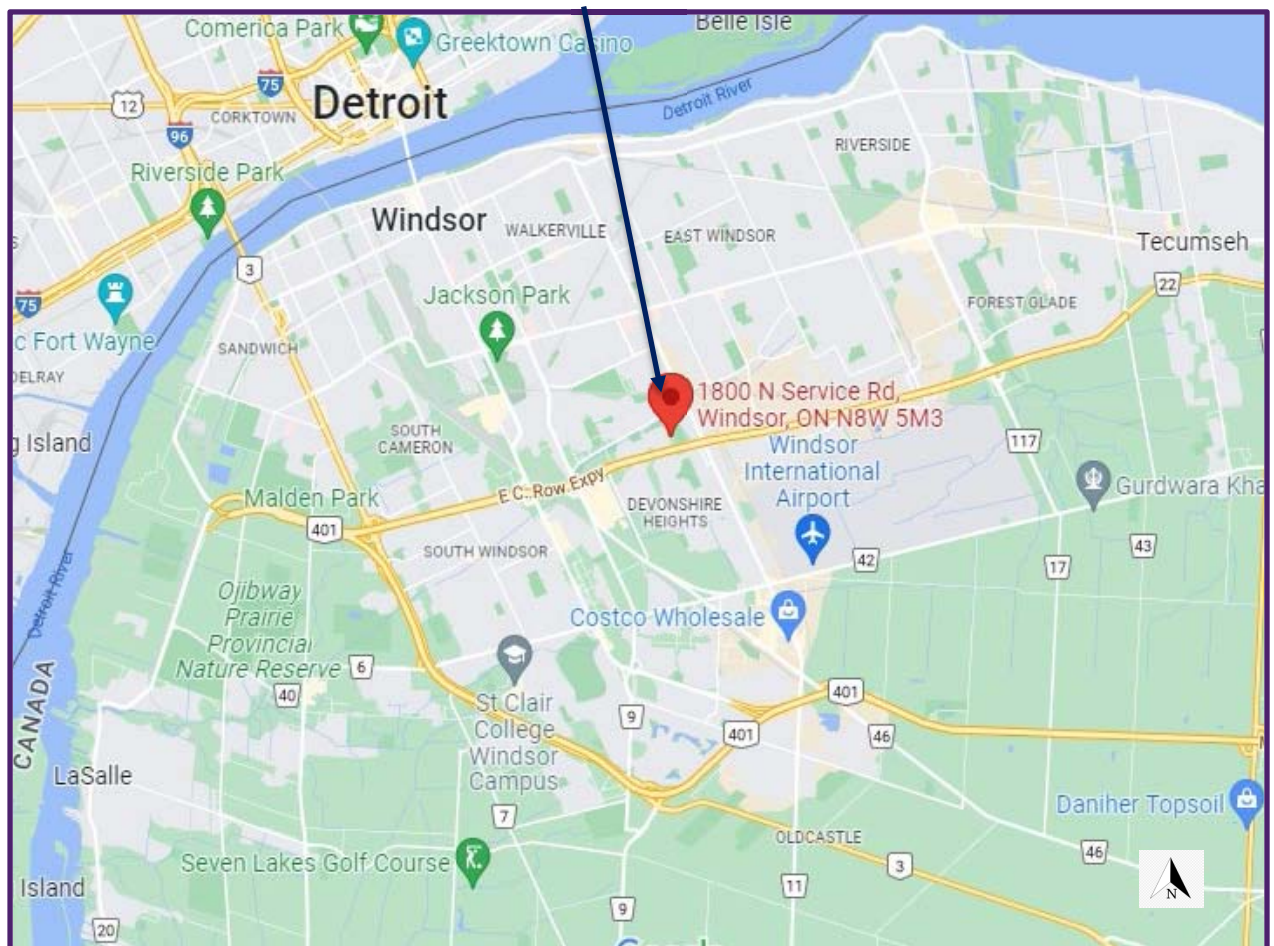
- 1) a Zoning Bylaw Amendment (ZBA) to have the subject 4.07 ha property rezoned from 'Green District (GD1.2)' to a 'Residential District 3.3 (RD3.3)' zone in the City of Windsor's Comprehensive Zoning Bylaw 8600 (CZB). The ZBA purports to provide an appropriate residential regulatory framework for the subject lands;
- 2) an exemption for the development from ICB Bylaw 03-2020 whereby Council passed an Interim Control Bylaw 03-2020 that imposed the prohibition of multiple dwellings;
- 3) a Plan of Condominium will be requested in anticipation of the condominium progressing through Condominium Act review;
- 4) Site Plan Control will be applied for after the passing of the regulatory ZBA.

2.0 SITE AND SURROUNDING LAND USES

Originally, the subject site was the soccer playing field associated with the Fogolar Furlan Italian Club located on North Service Road, in the City of Windsor. The site underwent a consent to sever in 2020 to create the 4.07 ha vacant parcel for the purposes of providing lands for residential development.

The subject site is located at 1850 North Service Road, in the urban settlement area of the City of Windsor. The site is within the 'Remington Park' neighbourhood of WARD 10, beside the Fogolar Furlan Italian Club.

FIGURE 1 – LOCATIONAL MAP: 1850 NORTH SERVICE ROAD



2.1 LEGAL DESCRIPTION AND OWNERSHIP

The subject lands are presently owned by 5054545 Ontario Inc. and are known as HD Development Group.

The subject lands have a legal description of:

Part Lot 95, Concession 2 Sandwich East Parts 1 and 2, 12R28716; S/T R786174E, S/T SE8811; S/T an easement and Right of Way in favour of Pts 3 and 4 12R28716 For Pedestrian and Vehicular Access, Servicing and Supply of Utilities as set out in CE1040237; Windsor.

2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE

The site is presently used as a soccer sports field and manicured lawn. The subject lands are located between the Fogolar Furlan Club and the rear yards of the single detached residences along Byng Road.

There is a manicured berm along the frontage of North Service Road with trees lining the top of the berm that will be incorporated as landscaping for the front yard of the subject development.

There are no natural hazards or human made hazards on the site. There are no water courses, ditches, or significant natural features present on the site. The site is not situated on a flood plan.

2.3 SIZE AND SITE DIMENSION

The subject site is a large rectangular shaped parcel with a road frontage along North Service Road. The site has an area of 4.07 ha with 143.87 m frontage on North Service Road.

FIGURE 2 – SITE AERIAL: PROPOSED DEVELOPMENT SITE



2.4 EXISTING STRUCTURES

The site is presently vacant of buildings with only some metal soccer goal posts on the site that will be removed during the development of the property. There are no other existing buildings or structures on the site.

2.5 VEGETATION AND SOIL

As a greenspace/parkland and soccer pitch associated with the Fogolar Furlan facility, there is only some scrub bushes and trees on the periphery of the property.

FIGURE 3 – SITE PHOTO: LOOKING NORTH FROM NORTH SERVICE ROAD



FIGURE 4 – SITE PHOTO: LOOKINIG NORTH/EAST FROM PARKING LOT



Myler Consulting Biologists have completed a Species At Risk (SAR) investigation of the property and it was determined there are no species at risk or endangered species of flora or fauna at the subject site.

There are planted amenity trees in the berm along North Service Road that will be maintained. The site is mainly comprised of open manicured lawn and sports field. Landscaping plan prepared by an OLA will be provided at the time of Site Plan Control submission.

2.6 MUNICIPAL SERVICES

The subject property has direct access to sanitary sewers along the northern edge of the property along Udine Park and will provide for access to connect to service the development. Please refer to attached **APPENDIX B- SANITARY SEWER STUDY**

The site also has direct access to storm water sewers along the southern edge of the property along the rear yards of the properties of Byng Road. A Storm Water Management design includes details for a storm pond for the holding and slow release of storm water. This pond will be a dry pond and will only contain water at time of a significant storm event. **APPENDIX C – STORM WATER MANAGEMENT REPORT**

Residents of the new residences will have nearby access to a Transit Windsor Bus Route 14 Parent, which stops on North Service Road at Conservation, a 9 minute walk away. The site is also nearby a multi-use pathway for pedestrians and cyclists, which runs through Urdine Park to the north. The development proposes to create a pathway from the site to the existing multi-use trail for the benefit of pedestrians and cyclists, which will facilitate active transportation.

2.7 NEARBY AMENITIES

The proposed new 5 building condominium complex provides for a needed residential housing infill development that will help to reduce the impacts of climate change by promoting residential densification and facilitating active transportation by walking and cycling. The subject site is accessible to existing Transit Windsor municipal bus routes, with a nearby stop at North Service Road and Conservation Road.

The proposed development is less than a 5 minute drive to access the EC Row Expressway and a one minute drive to access Walker Road.

The subject site is adjacent to greenspace at Urdine Park and is a walkable distance to Jennifer Park and Remington Park. The proposed development is also within a short walk of nearby elementary schools, places of worship, and other recreational and cultural amenities:

- Chartwell Oak Park Terrace retirement residence (adjacent)
- St Christopher Catholic Elementary School (10 min walk)
- J.A. McWilliam Elementary School (16 min walk)
- Spiritual Assembly of the Baha'i (20 min walk)
- Our Lady of Perpetual Help Catholic Elementary School (24 min walk)
- Central Park Athletics (30 min walk)
- Walker Homesite Park (19 min walk)
- Holy Cross Greek Orthodox Church (12 min walk)
- Hellenic Cultural Centre (12 min walk)
- Bait ul Ehsaan Mosque (26 min walk)

The subject site is accessible to bike trails along North Service Road to the south and at Urdine Park through to the north, promoting active transportation by cycling. The following recreational and commercial amenities are less than a 10 minute bike ride away:

- Devonshire Mall (7 min)

- Optimist Community Centre (10 min)
- W.F. Chrisholm Public Library (9 min)
- Metro groceries (7 min)

2.8 SURROUNDING LAND USES

The subject site is located within a residential neighbourhood with a wide variety of existing low, medium, and high density residential housing:

- a) North** - Udine Park (GD1.1). Low density residential area beyond (RD1.2).
- b) East** - Low density Residential area (RD1.1). Medium density Residential area beyond (RD2.2 and HRD2.1).
- c) South** - E.C. Row Expressway, J.A. McWilliam Elementary School beyond (1D1.1)
- d) West** - Fogolar Furlan Italian Club and treed yard, Windsor Hall banquet club (GD1.2), Chartwell Oak Park Terrace retirement residence (RD3.4) and low residential area beyond (RD1.2).

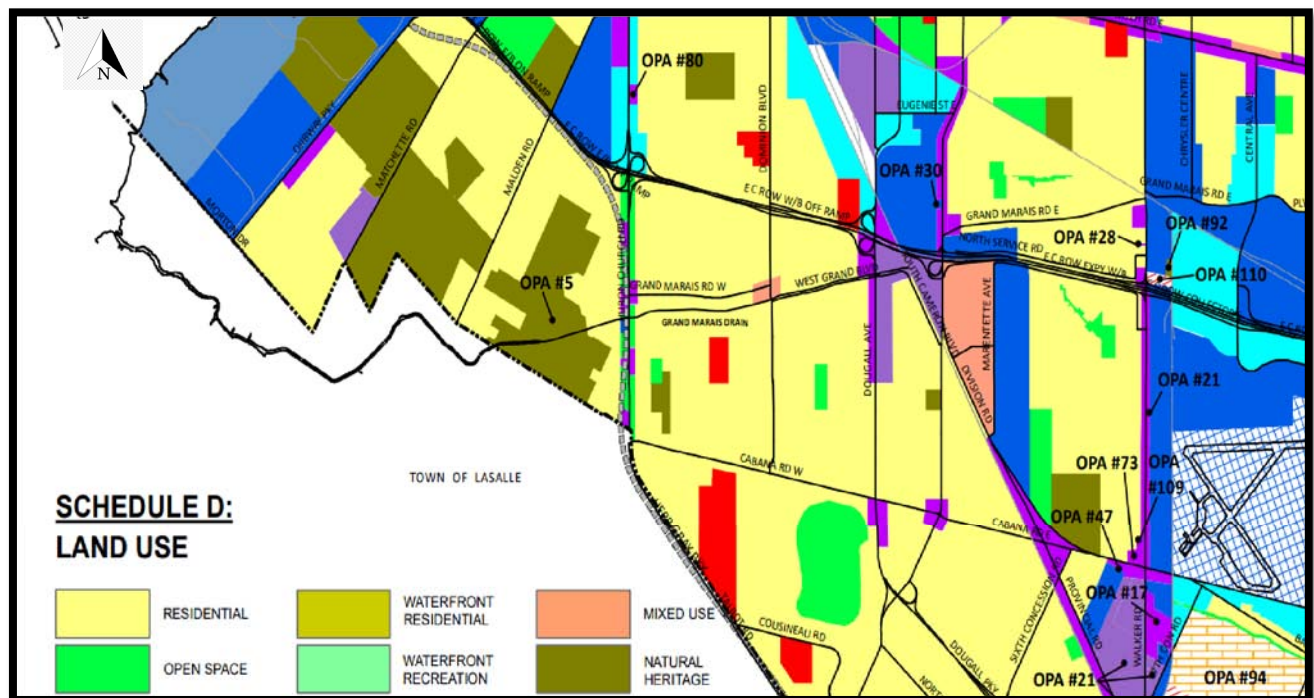
FIGURE 5 – NEIGHBOURHOOD AERIAL: 1850 NORTH SERVICE RD



3.0 DEVELOPMENT PROPOSAL

The Official Plan designates the subject site as “Residential” on Schedule D: Land Use schedule of the Official Plan for the City of Windsor. The proposed land use of residential is a permitted use in the ‘Residential’ designation. It is my professional opinion that an amendment to the Official Plan policies are not required to support the proposed residential development in the residential designation.

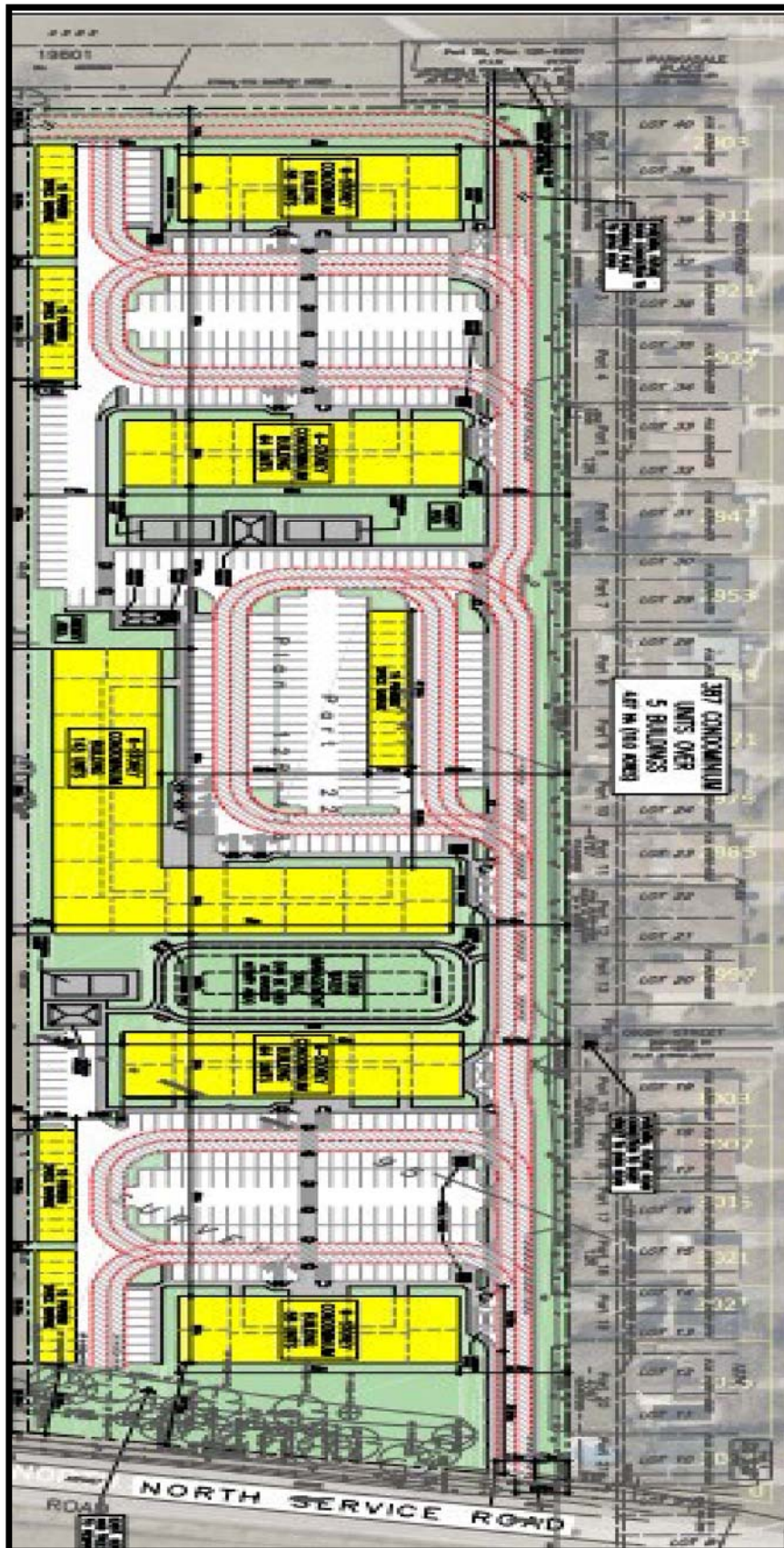
FIGURE 6 – CITY OF WINDSOR OFFICIAL PLAN SCHEDULE D: LAND USE



A ZBA is required to establish a regulatory framework for the subject lands to address the uniqueness of the proposed infilling development. The proposed ZBA purports to change the regulatory framework applied to the property from ‘Green District GD1.2’ to a ‘Residential District 3.3 (RD3.3)’ to support the proposed development of the site as a complex of 5 condominium buildings with a total of 387 units and associated parking and amenities.

The presently vacant lands are comprised of 4.07 ha area and are proposed to be developed with 5 residential condominium buildings at 6 storeys each building: Building A with 58 units; Building B with 64 units; Building C with 143 units; Building D with 64 units; and Building E with 58 units for total of 387 condominium units. The total Ground Floor Area (GFA) of the 5 buildings consists of 8,735 m² GFA will result in a building lot coverage of 21.5 %.

FIGURE 7 – SITE PLAN



The parking is proposed at 495 regular parking spaces, comprised of 6 Type A Barrier Free (BF) spaces, 8 Type B BF spaces, 26 bike spaces, and 5 loading spaces. Approximately 54 parking spaces will be covered in parking garages associated with residential units.

The neighbourhood provides for a mix of uses with predominantly residential use and a seniors complex in close proximity. With the design of the site and the design of the buildings, regard for compatibility as an infill development in an established neighbourhood has been the primary design focus.

Design features have been addressed in multiple approaches that will be positive for the neighbourhood and demonstrates the compatibility of the proposed buildings as an infilling development within the existing neighbourhood. Buildings have been oriented laterally in an east west direction providing for balconies on the north and south building faces away from the existing residences on the east side of the buildings. The proposed residential buildings have been designed with the 'ends' of 4.5 of 5 buildings facing the existing residences. The building ends are not habitable rooms or balconies but rather comprise interior stairwells thereby eliminating by design the new owners 'overlooking' the backyards of the existing residents. Please refer below to **FIGURE 5 and FIGURE 6 AERIAL SITE VIEWS**.

The buildings have been located to the furthest points on the west of the property to provide for substantial distance separation to the existing residences. The existing fencing and landscaping buffer will also assist in providing separation distance to the existing residences.

The development will provide for condominiums in a medium profile building, an alternative housing style and tenure that supports diversity and housing alternatives in the City. The ability for young adults to purchase a condominium is a more affordable alternative to the present single detached residences presently in the housing market. As well, the condominium development will support the need for senior residents within the community to age in place as an alternative tenure and style to the single detached residence. The provision of condominiums in the medium density complex will support diversity of housing that is necessary for a vital and healthy community.

FIGURE 8 – SITE AERIAL VIEW – NORTH-EAST CORNER







| | | |
|--|--|---|
|  <p>1670 Mercer St. Windsor, Ontario N8X 3P7 Tel: 519.254.3430 ada-architect.ca</p> | <p>Site Aerial View - North-East Corner</p> |  <p>HD development group DESIGN BUILD</p> |
|--|--|---|

FIGURE 9 – SITE AERIAL VIEW – SOUTH-EAST CORNER



| | | |
|--|--|---|
|  <p>1670 Mercer St. Windsor, Ontario N8X 3P7 Tel: 519.254.3430 ada-architect.ca</p> | <p>Site Aerial View - South-East Corner</p> |  <p>HD development group DESIGN BUILD</p> |
|--|--|---|

Landscaped open space has been allocated at 41% as extensive amenity space for the residents. Outdoor amenities include extensive grassed area, trees and landscaping, 4 outdoor pavilions, 3 outdoor pickleball courts, and proposed walking paths, landscaping and benches surrounding the dry storm water management pond/swale with the intent to create a significant gathering place/outdoor amenity space for the residents.

The existing treed berm along North Service Road will be retained. A pedestrian connection will be created to the existing municipal multi-use trail through Urdine Park. The proximity of the complex to recreational greenspace, schools, and public transit will promote active transportation within the City of Windsor. The proposed landscaping with the development of gathering places, outdoor pavilions, pickleball courts, and an outdoor amenity area will encourage residents to develop a sense of community and place. The proposed development is accessible by public transportation to amenities throughout the City such as Devonshire Mall, St. Clair College, and the University of Windsor.

The massing and height of the buildings are medium profile and in my professional opinion are compatible with the adjacent mixed density and use neighbourhood. The buildings provide for a transition between single detached and other densities and uses within the neighbourhood.

The residential condominium complex will provide an alternative form of housing style and tenure from the typical single detached residences common in Windsor, creating a needed diversity of housing options within the City. The condominium complex will provide a new housing choice identified as the 'Missing Middle.'

3.1 PROPOSED ZONING BYLAW AMENDMENT (ZBA)

Subject site is designated 'Residential' on Schedule A of the Official Plan for the City of Windsor. An Official Plan Amendment (OPA) is not being requested as the subject site is already appropriately designated 'Residential' in the City of Windsor Official Plan.

The owner, HD Development Group, is proposing to develop the subject site for a complex of 387 condominium units in 5 buildings of 6 storeys with 495 associated parking spaces and extensive landscaping. The subject lands are currently zoned 'Green District (GD1.2)' in the CZB 8600. A ZBA is requested to change the current zoning of 'GD1.2' to a 'Residential District (RD 3.3)' to ensure compliance with zoning By-laws regulations.

The condominium development is proposed to consist of large-scale high-profile buildings with a density of 95 units per hectare. It is proposed that the new development be designated 'Residential RD 3.3' in the CZB 8600 to ensure compliance with zoning regulations. Refer to **SECTION 6.0 CITY OF WINDSOR ZONING BYLAW REVIEW**.

3.2 SANITARY SEWER STUDY

Aleo Associates Inc., 325 Devonshire Road, Suite 500, Windsor ON N8Y 2L3, is a qualified engineering firm to provide a professional opinion regarding the Sanitary Sewer Study and determine availability and capacity for the proposed residential development. Please refer to report referenced 'Sanitary Sewer Study 1850 North Service Rod 2022.06.24'.

Conclusion by Aleo Associates relating to the Sanitary Sewer Study determined that there is sufficient capacity in the municipal sewer system to accommodate the proposed development:

"This is a significant increase in the total peak sewage flow rate, however, the capacity in the municipal sewer system to support the development exists. The sanitary sewer system will have 64% of its capacity utilized post-development which still allows for additional development within this drainage area in the future. Therefore, there is sufficient capacity available in the municipal sanitary sewer to support the proposed condominium development without affecting the municipal system or surrounding properties."

3.3 STORM WATER MANAGEMENT STUDY

Aleo Associates Inc., 325 Devonshire Road, Suite 500, Windsor ON N8Y 2L3, is a qualified engineering firm to provide a professional study regarding Storm Water Management Report (SMWR) . Please refer to report referenced 'Storm Sewer Study 1850 North Service Rod 2022.06.24'.

Conclusion by Aleo Associates relating to the management of Storm Water on site:

"The proposed development consists of five, six story multi-unit residential buildings with surrounding parking lot and landscape areas. An 85% impervious percentage will be used for the developed site. A new storm connection will be made to the municipal storm trunk sewer to provide a deeper outlet for the site drainage design than what the existing outlet elevation currently provides at the

existing catch basin. The existing site storm connection will be abandoned to City of Windsor standards.

A flow restrictor will be installed at the outlet to restrict the post development flows to the pre-development release of 44 L/s. The runoff rate of the existing pre-developed condition is being maintained as part of the proposed development and therefore there will not be any effect on the receiving storm sewer system or surrounding properties.

A storm detention scheme will be carried out during the detailed design phase and will be completed to conform to the Windsor-Essex Region Stormwater Management Standards. Storage will be provided through surface storage on the parking lot surface, in a large detention pond which was incorporated into the site plan design, and in underground storm pipe and structures.

Stormwater quality control will be accomplished by incorporating an oil and grit separator unit at the outlet to treat stormwater captured from the site before it is released to the municipal sewer system. The level of treatment will be normal (70% TSS removal)."

3.4 SPECIES AT RISK

Myler Ecological Consulting, 7 Olive Crescent, Stoney Creek, ON L8G 2T2, is a qualified firm to provide a professional opinion regarding the presence and significance of SAR.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

- Myler's observations confirmed an absence of natural habitat and natural vegetation communities on the site that could support SAR occurrences.
- None of the listed SAR plant species was observed.
- The observed conditions on the site were unsuitable for their occurrence and, except for common suburban songbirds, for wildlife in general, both common species and SAR.
- Accordingly, the proposed severance and condominium development can be completed in compliance with the Endangered Species Act without impact to

SAR or SAR habitat and without the need to employ avoidance or mitigation measures to protect SAR.

- However, to maintain compliance with the Migratory Birds Convention Act, should removal of any of the planted amenity trees on the site be required, it would be best to avoid the active bird nesting season (approximately late March to late August). Otherwise, tree removals during the nesting season should be conducted under the guidance of a qualified biologist who will search for active nests and identify temporary avoidance and temporary buffers if required.

3.5 TRAFFIC STUDY

Paradigm Transportation Solutions Limited, 5A-150 Pinebush Rd, Cambridge ON N1R 8J8, is a qualified transportation engineering firm that undertook a traffic study relating to the proposed development.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

Based on the investigations carried out, it is concluded that:

- ▶ **Existing Traffic Conditions:** All study area intersections are currently operating within acceptable levels of service;
- ▶ **Proposed Development:** The full build-out of the site is forecast to generate 103 and 130 trips during weekday AM and PM peak hours, respectively;
- ▶ **2030 Background Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service;
- ▶ **2030 Total Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service; and
- ▶ **Remedial Measures:**
 - **Left-Turn Lane Warrants:** It was found that no left-turn lanes are forecast to be warranted.

Recommendations:

Based on the findings of this study, it is recommended that no improvements to the transportation network be required for the approval of the proposed development.

3.6 NOISE STUDY

JJ Acoustic Engineering Ltd., JJ-00392 NIS1 is a qualified Noise Engineering firm that undertook a noise study relating to the proposed development.

“This Study has determined that the potential environmental noise impact from road traffic noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor (City) and forecasted to 10 years from the date of this study.

Recommendations: The road traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures include:



Building #1 • Warning Clause Type C for the East and South façades. • Requirement for Air Conditioning for the entire building. These have been summarized in Attachment B under Table B1.

Building #2 • Warning Clause Type C for the East façade. • Warning Clause Type D for the South façade. • Requirement for Air Conditioning for the entire building. • A minimum of

STC 29 is required for all exterior glazing for the South façade. These have been summarized in Attachment B under Table B1.

Building #3 • Warning Clause Type C for the North façades. • Warning Clause Type D for the East, South, and West façades. • Requirement for Air Conditioning for the entire building. • A minimum of STC 33 is required for all exterior glazing for the South façade. • A minimum of STC 30 is required for all exterior glazing for the East and West façades. These have been summarized in Attachment B under Table B1

Building #4 • Warning Clause Type C for the North façade. • Warning Clause Type D for the East, South, and West façades. • Requirement for Air Conditioning for the entire building. • A minimum of STC 29 is required for all exterior glazing for the East façade. • A minimum of STC 35 is required for all exterior glazing for the South façade. • A minimum of STC 31 is required for all exterior glazing for the West façade. These have been summarized in Attachment B under Table B1.

Building #5 • Warning Clause Type C for the North façade. • Warning Clause Type D for the East, South, and West façades. • Requirement for Air Conditioning for the entire building. • A minimum of STC 32 is required for all exterior glazing for the East façade. • A minimum of STC 37 is required for all exterior glazing for the South façade. • A minimum of STC 34 is required for all exterior glazing for the West façade.

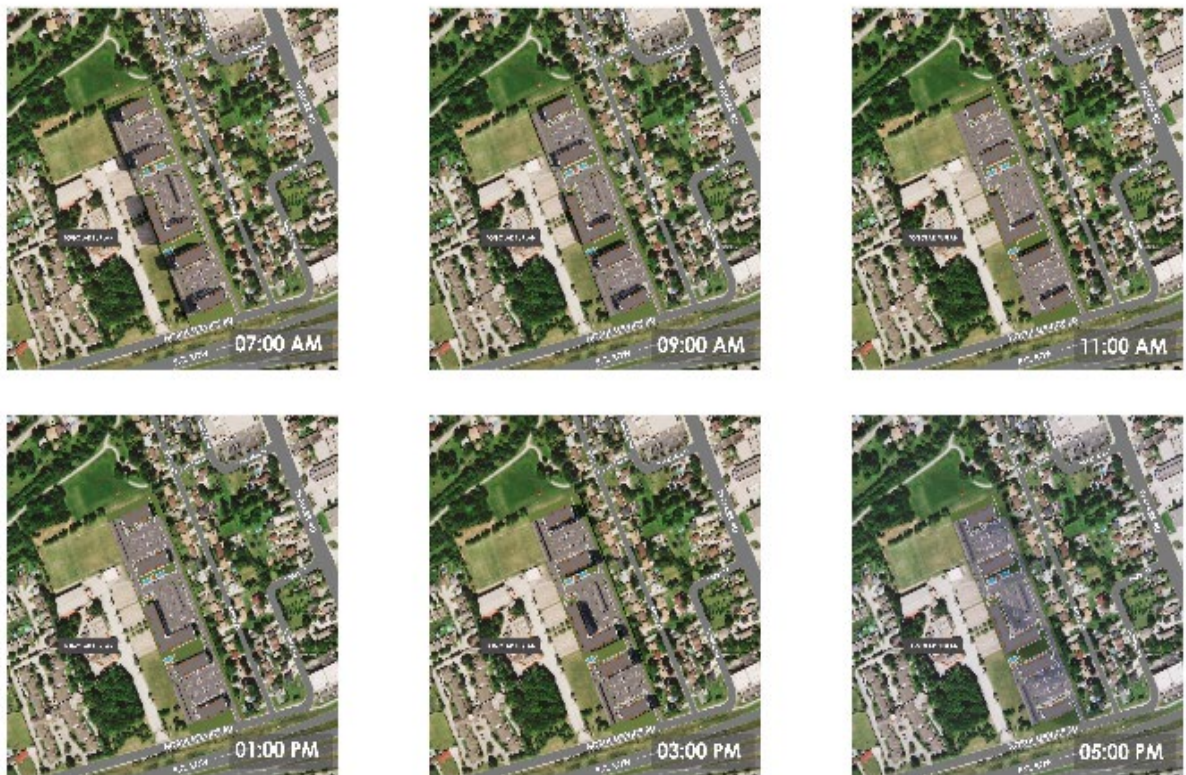
Outdoor Living Area: • Warning Clause Type A • OLA #5 is over noise limit in its current placement, JJAЕ advises to remove from Site Plan. • OLA #6 is over noise limit in its current placement, JJAЕ advises to remove from Site Plan. These have been summarized in Attachment B under Table B1.”

3.7 SHADOW STUDY

JUNE (SUMMER):

As shown in the Shadow Study, Figure 7 – June (Summer) shows that due to the building orientation and location, the buildings do not result in shadows on the adjacent residences during the summer months. The location of the buildings to the west of the property, the orientation of the buildings east and west, and the low profile of the buildings results in no negative impact on the adjacent residences with shadows.

FIGURE 10 – SHADOW STUDY – JUNE (SUMMER):



Shadow Study
June 21st - Summer



MARCH (SPRING):

As shown in the Shadow Study, Figure 8 – March (Spring) shows that there is only a minor time late afternoon after 5:00 pm that shadow falls on the adjacent residential neighbourhood. This shadow study shows that the location of the buildings to the west of the property, orientation of the buildings east and west on the parcel, and the medium profile of the building has a positive impact in the reduction of the impact of shadows on the adjacent neighbours.

FIGURE 11 – SHADOW STUDY – MARCH (SPRING)



Shadow Study
March 20th - Spring



3.8 BUILDING RENDERINGS

BUILDING A & E



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

| | | |
|--|-----------------------------------|--|
|  1670 mercer street windsor ontario canada n6a 3p7 ph 519.254.3420 fax 519.254.3442 info@architectural-design.com | DATE: 2022/05/01 DRAWN BY: ZBA | PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD] HO DEVELOPMENTS DATE: MAY 2022 SPC 3.2 |
|--|-----------------------------------|--|

BUILDING A & E



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

| | | | | | |
|--|---|---|--|--------------------|----------------|
| 1670 mercer street winchester ontario canada n3a 3p7 ph: 515.264.4300 fax: 515.264.5962 email: info@architectural-design-associates.com | date: 2022/05/25 sheet no: 28A | project title: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD) HO DEVELOPMENTS | title: HO DEVELOPMENTS | sheet no: 28A | SPC 3.4 |
| | project: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD) HO DEVELOPMENTS | date: MAY, 2022 sheet no: 20214082 | drawing title: BUILDING B & D - RENDERS | sheet no: 20214082 | |

BUILDING C



FRONT - NORTH WEST CORNER



FRONT - NORTH WEST CORNER



REAR - NORTH - FRONT ENTRANCE



REAR - SOUTH EAST CORNER

| | | | | | |
|--|---|---|--|--------------------|----------------|
| 1670 mercer street winchester ontario canada n3a 3p7 ph: 515.264.4300 fax: 515.264.5962 email: info@architectural-design-associates.com | date: 2022/05/25 sheet no: 28A | project title: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD) HO DEVELOPMENTS | title: HO DEVELOPMENTS | sheet no: 28A | SPC 3.7 |
| | project: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD) HO DEVELOPMENTS | date: MAY, 2022 sheet no: 20214082 | drawing title: BUILDING C - RENDERS | sheet no: 20214082 | |

3.9 OPEN HOUSE

Please refer to APPENDIX C – OPEN HOUSE INFORMATION

- * Notice was prepared and hand delivered to the neighbours along Byng;
- * Open House was held on May 10, 2022 at the Fogolar Furlon facility, Windsor Room;
- * There was a significant turn out of approximately 24-26 neighbours and Councillor Morrison;
- * Most neighbour's issues were based on an existing traffic concern: With shift work at Chrysler's, there are peak periods of excess traffic using Byng St as a 'short cut' – concern is that the new residents will utilize Byng as a 'short cut' adding more traffic;
- * The residents wanted to know range of prices of condos – some were interested in 'aging in place' by purchasing a unit and selling their single detached residence;
- * Concern was raised about privacy – explained about the orientation of the building – were more concerned about 'any' neighbour;
- * Concern was raised about the de-valuation of their homes.
- * Most left with positive response and supportive of the measures taken to ensure compatibility of the development with their existing residence.

4.0 PROVINCIAL POLICY STATEMENT (PPS)

When reviewing a planning application to determine if the requested Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

"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 will authorize the proposed new development that 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 condominium buildings will provide for an alternative style and tenure of housing than the standard single detached residence. The ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures. The condominium as infilling housing within an older residential neighbourhood will provide alternative housing for neighbours to 'age in place' as a next stage housing alternative to their single detached residence.

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

COMMENT:

There are no environmental or health issues associated with the proposed development of the existing vacant lands. The property is an infilling parcel that will support, in my professional opinion, the efficient and effective utilization of municipal services.

- 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 area of the settlement area within the City of Windsor. The ZBA authorizes an infilling residential development within an established residential neighbourhood; the buildings are distance separated from the existing residences, provide a neighbourhood transition in a mixed density and mixed use neighbourhood; the medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. In my professional opinion, the proposed development will not result in the unnecessary expansion of the urban settlement 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 proposed development is infilling in a vacant, under utilized field within an established residential neighbourhood. The development will allow for an infilling development of medium density residential development that will utilize existing municipal services. The utilization of the vacant property for the development of 387 residential condominium units, in my professional opinion, will result in with an appropriate intensification of use.

COMMENT:

Site services are available to the site. 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. In my professional opinion, the site location will allow for an efficient and effective development while providing for a cost effective utilization of existing municipal infra-structure.

The site is located near municipal bus route and has direct access to the Edward Charles Expressway (EC ROW), an expressway providing access across Windsor. In my opinion, the proposal supports the establishment of alternative housing tenure and style while supporting intensification of land use in an appropriate area while supporting wise management and cost effective utilization of municipal services such as the transit system, walking trail and bike trail infrastructure of municipal services, and efficient utilization of existing municipal services.

In my professional opinion, the proposed residential development of the property is consistent with and supports the cost-effective intensification of the property as infilling development while minimizing land consumption and supports the efficient and effective utilization of municipal infrastructure.

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

COMMENT:

Building accessibility will be established in compliance with the OBC for all the residential units.

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 Sanitary Sewer Study (Appendix B) and the Storm Water Management Report (Appendix C) there is capacity available in the municipal infrastructure to accommodate the proposed 387 residential unit condos. In my professional opinion, the proposed new condo development can be considered an efficient and effective utilization of municipal infrastructure.

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

COMMENT:

In my professional opinion, the proposed development assists with the conservation and preservation of biodiversity by providing for wise intensification of land use with redevelopment of existing lands as infilling in an urban centre.

i) Preparing for the regional and local impacts of a changing climate.

COMMENT:

The building is located within a neighbourhood providing services and commodities within walking distance. There are employment opportunities within walking distance to the site, supporting the work/live initiative. There is a bus service, trail system, and the EC ROW within close proximity that will reduce the dependence on the vehicle while supporting walking, biking and healthy community initiatives of the Municipality and Province.

“Section 1.1.3.3

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 were designated for residential development and are located within a residential neighbourhood. The proposed residential condominium development is permitted by the OP and will be authorized by the proposed ZBA.

In my professional opinion, the proposed development provides for an efficient and effective utilization of municipal services; provides for an intensification of an appropriate land use; and will provide for suitable and compatible residential development that will provide for alternative housing tenure and style.

“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:

The development of the subject lands supports, promotes and facilitates an appropriate land use for the neighbourhood while allowing for an intensification of land use and providing needed residential condominium units as alternative tenure and style of housing. There are no public health issues or risks associated with the proposed development.

“Section 1.1.3.6

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

COMMENT:

In my professional opinion, the proposed development will provide for a compact built form with appropriate intensification of land use as an infilling residential development in a neighbourhood of mixed uses and mixed residential densities resulting in an efficient and effective use of the subject lands.

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. Providing for a ZBA regulatory framework that support the development of these lands for residential condominiums as an infilling development of a compatible development for the community, in my professional opinion supports the Healthy Community initiatives and is therefore consistent with the Provincial Policy Statements.

5.0 CITY OF WINDSOR OFFICIAL PLAN

The City of Windsor Official Plan provides policies directing land use within the entirety of the municipality of Windsor. The policies are consistent with the Provincial Policy Statements and provides additional policy direction for development within the City of Windsor. The subject lands are designated 'Residential' in the Official Plan and as shown on Schedule D Land use Plan for the City of Windsor. The following review places the proposal in context of the policy framework of the Official Plan for the City.

"2. Glossary

DEVELOPMENT PROFILE *Development Profile refers to the height of a building or structure. There are four development profiles described in the Plan: City of Windsor Official Plan1 Volume I 1 Glossary 2 - 2 (a) Low Profile development is a building or structure generally no greater than fourteen (14) metres in height. Low Profile Housing development is further classified as follows; (i) small scale forms: single detached, semi-detached, duplex, and row and multiplexes with up to 8 units; and (ii) large scale forms: buildings with more than 8 units; (b) Medium Profile development is a building or structure generally no less than fourteen (14) metres in height and generally no greater than twenty six (26) metres in height; (c) High Profile development is a building or structure generally no less than twenty (26) metres in height and generally no greater than fifty eight (58) metres in height; (d) Very High Profile development is a building or structure generally greater than fifty eight (58) metres in height.*

COMMENT:

The proposed 387 residential condominium units are proposed to be constructed in 5 buildings as shown on the attached Site Plan. Each building is proposed at 6 storeys in height with 20.7 m in height. The buildings and development can be considered medium profile as infilling within a neighbourhood of mix uses and profiles.

"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 residential condominium development will provide for an alternative housing style and tenure than the standard single detached residence providing a diversity of housing. The condominium housing provides for an opportunity for some of the long established residents within the neighbourhood to remain within their neighbourhood and 'age in place', a positive opportunity voiced by attendees of the Open House. In my professional opinion, the proposal conforms with the policy direction to provide for housing variety.

“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 site plan has been designed with the neighbourhood aspect in consideration. There has been a link to the trail system through the development. There are amenities designed for the site such as landscaping, buffering, etc that will benefit both the residents and the neighbourhood, providing for conformity of the development with this 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.”

COMMENT:

Efforts will be made in the design of the buildings and an increase in landscaping to facilitate energy efficiencies. The development proposal, in my professional opinion, conforms with energy efficiency policies of the Official Plan.

“6. Land Use

“6.0 Preamble *A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations. As such, the Land Use chapter of this Plan promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods. This chapter of the Official Plan provides goals, objectives and policies for the land use designations identified on Schedule D: Land Use and Schedule E: City Centre Planning District and should be read in conjunction with the other parts of the Plan.*

COMMENT:

The provision of residential condominiums as alternative housing as infilling in an existing residential neighbourhood supports the healthy community by providing for diversification. The neighbourhood provides for walkability, amenities and a diversifications of uses and residential densities. Compatibility with the neighbourhood was the key element in design features of the proposal. In my professional opinion the development is compatible with the neighbourhood as an infilling development and conforms with this policy of the OP.

“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:

The development proposal is for a medium profile building in a neighbourhood of mix profiles. The design of the buildings to provide for buffering, setback, and building orientation also ensures compatibility as an infill development within the existing neighbourhood.

“6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided. The following objectives and policies establish the framework for development decisions in Residential areas.

COMMENT:

The proposed condominium development will provide for an alternative form of housing tenure and style than the typical style of housing in the neighbourhood. The diversification supports rejuvenation of the neighbourhood. Significant amenities such as landscaping, link to the municipal trail system are to be provided on site for the residents benefit as well as the neighbourhood.

The proposed development in my professional opinion conforms with the policy of the Official Plan that supports and encourages diversification in housing to ensure a healthy and prosperous community.

“6.3.1 Objectives

6.3.1.1 RANGE OF FORMS & TENURES

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

COMMENT:

The proposed residential condominiums provide for an alternative form of housing tenure and style in the neighbourhood. The condominium form of housing will allow for some existing residents to remain in the neighbourhood and ‘age in place’. The proposed development, in my opinion, conforms with this policy of the Official Plan.

“6.3.1.2 NEIGHBOURHOODS

To promote compact neighbourhoods which encourage a balanced transportation system.”

COMMENT:

The subject site is located fronting on North Service Road with direct access to the EC ROW, a major city wide collector road system. The development being proposed will connect with the existing municipal trail located at the north end of the property. There is a municipal bus system within close walking distance to the site. The proposed development will support a balanced transportation system and in my professional opinion, the proposed development conforms with the policy direction.

“6.3.1.3 INTENSIFICATION, INFILL & REDEVELOPMENT

To promote selective residential redevelopment, infill and intensification initiatives.”

COMMENT:

The proposed development will be locating on an under-utilized vacant parcel within a mixed use neighbourhood. The medium profile development will provide for residential use as an infill development on municipal services and with consideration for compatibility to the existing residential development located adjacent to the site. The intensification can be considered well managed intensification providing for a compatible development with the neighbourhood.

“6.3.2.4 LOCATIONAL CRITERIA

Residential development 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 site fronts on North Service Road with direct access to the EC Row, a major collector road within the City of Windsor.

The infilling development will provide for wise management of the existing municipal infra structure and services. The SWM Report and Sanitary Sewer Study provided by the Civil Engineer provides a professional opinion that there is sufficient services and capacity to support the development proposal.

The development is proposed with a significant 41 % landscaped open space while providing connections to municipal trail, extensive landscaping, a gathering place, pickle ball courts, and outdoor pavilions.

Based on the locational criteria, the proposed development location conforms with the relevant policy of the Official Plan to ensure appropriate criteria is met for a sound development and a healthy neighbourhood and community.

“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) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;*
- (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.”*

COMMENT:

Based on all studies completed and included with this PRR, there are no environmental hazards on site; no negative impact resulting from the traffic that will be generated by the development; all noise impact can be mitigated through architectural or design features; and there are no development constraints associated with the property.

The proposed development is a residential infilling of a medium profile building within a neighbourhood of mix of profiles and uses. The lot size and configuration provides opportunities to support the inclusion of a medium profile building while providing for increased setbacks, appropriate orientation of buildings and buffering to support a compatible new development within an older neighbourhood.

The infilling development will provide for a variety of housing style and tenure to the neighbourhood and the community that supports a healthy community. The condominium style of housing will allow some existing residents stay within their established neighbourhood and 'age in place'. The housing style also provide for a style of housing that is considered the 'missing middle' of the community.

The proposed development is a wise utilization of an under-utilized parcel with the efficient and effective use of municipal services.

The proposed development, in my professional opinion, conforms with this policy by providing for an appropriate and compatible development within the existing

"8.7.2.3 INFILL DEVELOPMENT

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

- (a) massing;*
- (b) building height;*
- (c) architectural proportion;*
- (d) volumes of defined space;*
- (e) lot size;*
- (f) position relative to the road; and*
- (g) building area to site area ratios.*
- (h) the pattern, scale and character of existing development; and,*
- (i) exterior building appearance."*

COMMENT:

The large lot has been utilized to provide for a significant setback of the buildings from the existing residences on the east. Landscaping and buffering have been utilized to further buffer and provide separation of the new development from the existing residences.

Significantly the buildings have been designed with an east/west orientation so that the non-habitable portion (stairway) of the buildings are facing the existing residences providing privacy of use for the existing residences to the east.

As demonstrated in the rendering and the elevations prepared by ADA Architects, the medium profile buildings are of a high quality design that will be a positive attribute to the neighbourhood. The buildings will provide a vibrancy to a property that has been vacant and under utilized. The vibrancy of the new building will help to rejuvenate a neighbourhood that has not recently seen change.

The Shadow Study shows that the new buildings will not create a shadow or negative impact on the enjoyment of the sunshine on the adjacent residences.

The medium profile buildings provide for a nice transition and separation between the existing residences and the commercial use of the Fogolar Furlon and the institutional Chartwell senior's home.

The buildings provide for a diversity of housing style as well as tenure needed within a community to support the healthy community created through diversity.

In my professional opinion, policy directions have been regarded in the design of the proposed development and that the proposal is a sound, compatible development with the 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.

6.0 CITY OF WINDSOR ZONING REGULATIONS

The subject lands are zoned 'Green District GD1.2' in the CBZ 8600 for the City of Windsor. The land use of residential is not a permitted use in the 'Green District GD1.2' zone presently applied to the subject lands. The change of use from a Green District does not comply with the existing regulatory framework applied to the property.

Zoning By-law Amendment (ZBA) is requested to rezone the subject lands to 'Residential RD 3.3' zone under the CZB 8600 for the City of Windsor will ensure compliance of the proposed development of the site as 5 large scale high profile residential building of 6 storeys high at a density of 95 units per hectare.

| PROVISION | GREEN DISTRICT GD1.2 | RESIDENTIAL R3.3 | PROPOSED DEVELOPMENT |
|-------------------------------------|-------------------------|--|--------------------------------------|
| LOT AREA | 1,850 m ² | 1,825 m ² for first 19 units 45 m ² each additional unit (18,385 m ² for 387 units) | 4.07 ha 40,703 m ² |
| LOT FRONTAGE | N/A | 45 m | 143 m |
| FRONT SETBACK | N/A | | 21 m |
| REAR SETBACK | N/A | | 11.4 m |
| INTERIOR SIDE YD | N/A | | 19.7 m (east) |
| LANDSCAPED OPEN SPACE | N/A | 35% (min) | 41% |
| LOT COVERAGE | 25% | 35% (max) | 20% |
| PARKING | N/A | 1.25 sp x 387 = 484 spaces | 491 spaces |
| BICYCLE PARKING | N/A | 26 spaces | 26 spaces |
| DWELLING UNIT DENSITY | N/A | 180 units/ ha | 95 units/ha |
| MAXIMUM MAIN BUILDING HEIGHT | 14 m | 24 m | 20.7 m |

COMMENT:

After review and evaluation of the CZB for the City of Windsor, the proposed site development complies with the 'Residential District 3.3 (RD3.3)' regulations without modification to recognize site specific provisions.

It is therefore my professional opinion that a ZBA to establish the (RD3.3) zone regulatory framework for the subject lands meets the intent of the CZB for the City of Windsor.

7.0 SUMMARY

In my professional opinion, the requested Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' specific regulatory framework to allow for an appropriate land use for the subject site.

The condominium buildings will provide for an alternative style and tenure of housing than the standard single detached residence within the mixed use and mixed density neighbourhood. The ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures accommodating a healthy community. The condominium as infilling housing within an older residential neighbourhood with a mix of housing styles and densities that will provide alternative housing. In addition, the condo style and tenure of housing will provide the neighbours an alternative option for them to continue within their neighbourhood and to 'age in place' as a next stage housing alternative to their single detached residence.

In my professional opinion, the residential condominiums have been designed with respect for the existing adjacent residences and with the location of the buildings on the property, the orientation of the buildings, the beautiful design, separation spacing, extensive landscaping, provision of amenities and parking on site, and the medium profile aspect of the buildings will result in a suitable and compatible development within the existing neighbourhood.

The proposed residential condo development will support the rejuvenation of the existing neighbourhood; will provide for a compatible development as an infilling development; will provide an aesthetically pleasing development; will provide for alternative style and tenure of housing to assist the existing residents to age in place; will provide for an efficient and effective infilling and utilization of municipal services; and will provide for needed alternative residential housing style and tenure supporting the diversification of housing accommodation in the City of Windsor.

In my professional opinion, the requested ZBA makes sound planning and the necessary amendment is supportable.

7.2 CONCLUSION

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, in my professional opinion the proposed Zoning By-law Amendment (ZBA) is consistent with policies of the PPS, OP, and regulations found in the Zoning By-law.

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 Justification Report dated May 27, 2022.

In summation, the proposal conforms with the proposed Zoning Bylaw Amendment (ZBA) that will appropriately establish a regulatory framework under the 'Residential District 3.3 (RD3.3)' zone. The ZBA provides a regulatory framework to authorize for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with the established policy framework of the OP;
- 3) maintains the intent of the City of Windsor CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to 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.



Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX A: ZONING

9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

- Child Care Centre
- Club
- Private Park
- Public Park
- Any use accessory to the preceding uses

9.2.5 PROVISIONS

| | | |
|----|---|------------------------|
| .2 | Lot Area – minimum | 1,850.0 m ² |
| .3 | Lot Coverage – maximum | 25.0% |
| .4 | Building Height – maximum | |
| | Lot having a lot area of less than 0.5 ha | 9.0 m |
| | Lot having a lot area of 0.5 ha or more | 14.0 m |

APPENDIX B:

12.3 RESIDENTIAL DISTRICT 3.3 (RD3.3)

12.3.1 PERMITTED USES

Lodging House

Multiple Dwelling

Religious Residence

Residential Care Facility

Any of the following existing dwellings:

Double Duplex Dwelling

Duplex Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Any use accessory to any of the preceding uses

12.3.5 PROVISIONS

- .1 Lot Frontage – minimum 45.0 m
- .2 Lot Area – minimum
For a *corner lot* having a minimum *lot frontage* of 45.0 m on each of the *exterior lot lines*:
 - a) For the first 23 *dwelling units* 1,825.0 m²
 - b) For each additional *dwelling unit* 37.0 m² per unitFor any other *lot*:
 - c) For the first 19 *dwelling units* 1,825.0 m²
 - d) For each additional *dwelling unit* 45.0 m² per unit
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
 - Corner Lot* 30.0 m
 - Interior Lot* 24.0 m
- .8 Landscaped Open Space Yard – minimum 33.0% of *lot area*
- .13 Dwelling Unit Density – *dwelling units* per hectare – maximum
For a *corner lot* having a minimum *lot frontage* of 45.0 m on each of the *exterior lot lines* 225 units per ha
For any other *lot* 180 units per ha
- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any accessory use. [ZNG/5630]
(AMENDED by B/L 95-2019, Sept. 27/2019)
- .55 An addition to an existing *Double Duplex Dwelling*, existing *Duplex Dwelling*, existing *Semi-Detached Dwelling* or an existing *Single Unit Dwelling* and any use accessory to the foregoing uses, shall comply with the provisions of Section 11.2.5.

OPEN HOUSE

MAY 10, 2022 | 5 PM – 7 PM

FOGOLAR FURLAN CLUB – WINDSOR HALL NORTH



We are hosting a community information meeting to discuss the proposed 387-unit multi-residential development at 1850 North Service Road (next to Fogolar Furlan Club).

You are invited to attend the open house to learn about the project. We will be there and will be happy to answer any of your questions.



HD development group
DESIGN | BUILD

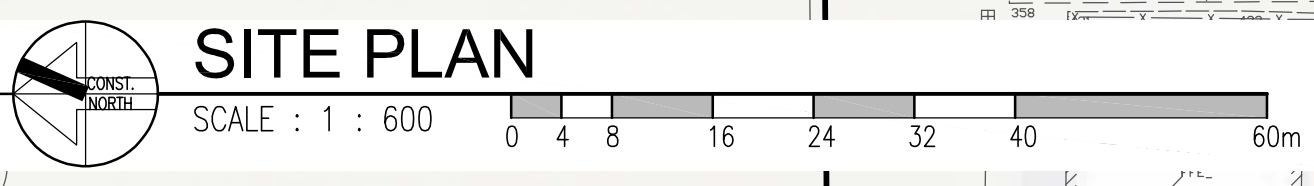
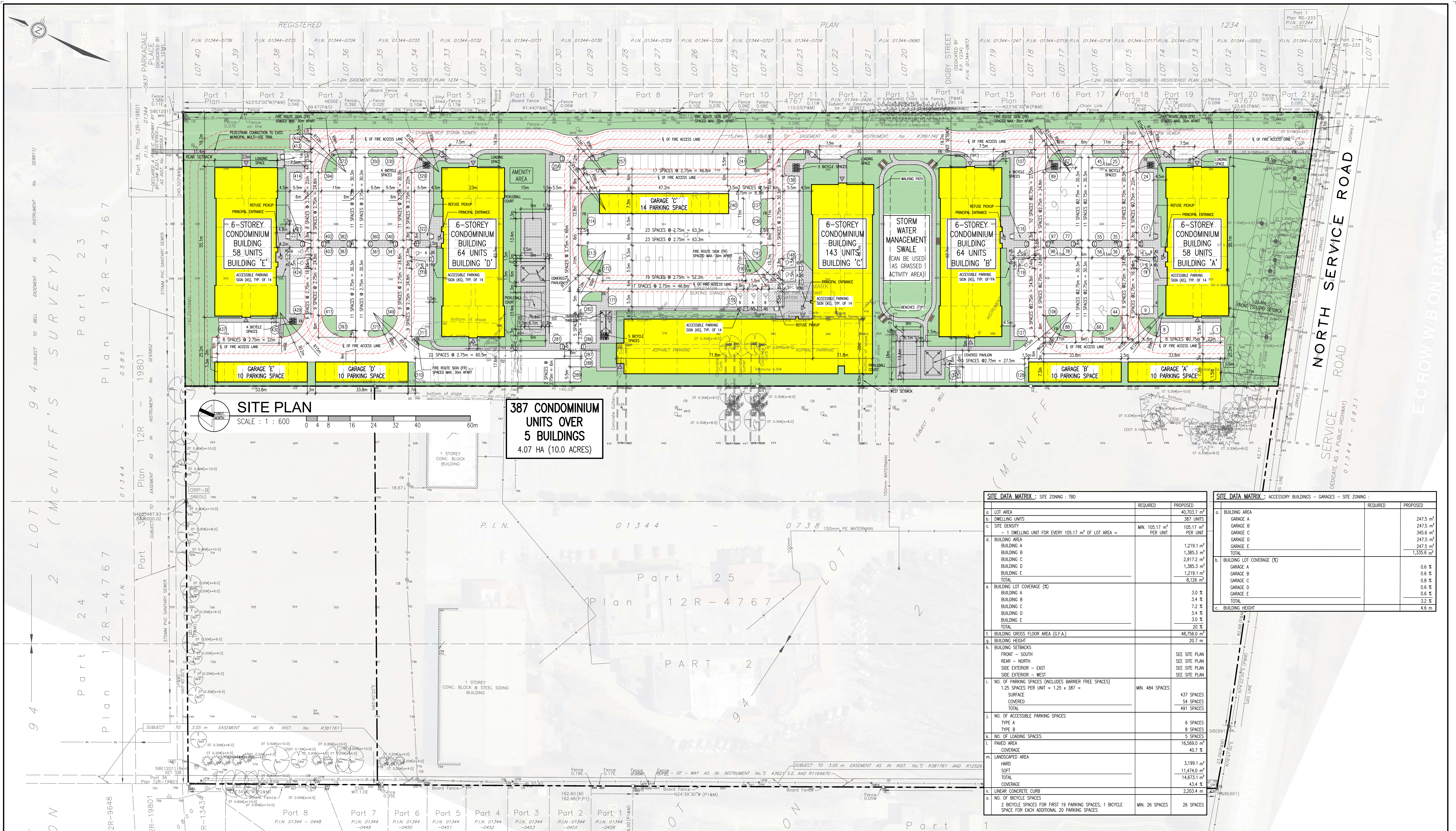
**FOR MORE
INFORMATION REGARDING
THE OPEN HOUSE**

**PHONE:
519-966-6200**

**EMAIL:
info@HDdevelopmentgroup.com**

| Fogolar Open House Attendant List - May 10th, 2022 | | | | |
|--|--------------------|--------------------|------------------------------|--------------|
| # | Name | Address | Email | Phone Number |
| 1 | Y. HANLIN | 1875 BUNG RD | Y. HANLIN | 519-991-1520 |
| 2 | DEBORAH | 2947 BUNG RD | DEBORAH DEBORAH@GMAIL.COM | 519-250-8674 |
| 3 | A. PETER OLUSOJO | 2932 BUNG RD | PETER@OLUSOJO.COM | 519-265-0174 |
| 4 | Y. GUARDIA SORRANO | 5365 OLD APOSTLE | Y. GUARDIA SORRANO | 519-818-5600 |
| 5 | BARBARA MARTINEZ | 8997 8Y NG | BARBARA.MARTINEZ.A.YAHOO.COM | 519-945-5321 |
| 6 | BARBARA MARTINEZ | 7074 WILHELMY BLVD | BARBARA.MARTINEZ.A.YAHOO.COM | 519-998-1335 |
| 7 | BARBARA MARTINEZ | 8997 8Y NG | BARBARA.MARTINEZ.A.YAHOO.COM | 519-945-5321 |
| 8 | LISA WELING | 8997 8Y NG | LISA.WELING@GMAIL.COM | 519-559-0816 |
| 9 | LISA WELING | 8997 8Y NG | LISA.WELING@GMAIL.COM | 519-559-0816 |
| 10 | LISA WELING | 8997 8Y NG | LISA.WELING@GMAIL.COM | 519-559-0816 |
| 11 | SAI ANAND | 1945 GRAND MANISE | SAI.ANAND@GMAIL.COM | 519-291-9644 |
| 12 | MARGA GORDON | 3011 BUNG | MARGA.GORDON@GMAIL.COM | 519-290-9200 |
| 13 | KERRY SHAW | 2947 BUNG | KERRY.SHAW@GMAIL.COM | 519-830-1008 |
| 14 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 15 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 16 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 17 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 18 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 19 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 20 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 21 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 22 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |
| 23 | STOLLY S. AZIBANA | 2947 BUNG | STOLLY.S.AZIBANA@GMAIL.COM | 519-966-6442 |

| Fogolar Open House Attendant List - May 10th, 2022 | | | | |
|--|---------------|-----------------|-----------------------------|--------------|
| # | Name | Address | Email | Phone Number |
| 24 | Lynne Frouger | 1141 So. Harris | lynne.frouger@cedarbrook.ca | 519-566-7188 |
| 25 | Daniel McLeod | 3015 Bryn | | |
| 26 | | | | |
| 27 | | | | |
| 28 | | | | |
| 29 | | | | |
| 30 | | | | |
| 31 | | | | |
| 32 | | | | |
| 33 | | | | |
| 34 | | | | |
| 35 | | | | |
| 36 | | | | |
| 37 | | | | |
| 38 | | | | |



**387 CONDOMINIUM
UNITS OVER
5 BUILDINGS**
4.07 HA (10.0 ACRES)

| SITE DATA MATRIX - SITE ZONING: TBD | | REQUIRED | PROPOSED |
|---|--|-------------------------------------|--------------------------------|
| a. LOT AREA | | | 40,703.7 m ² |
| b. DWELLING UNITS | | | 387 UNITS |
| c. SITE DENSITY | | MIN. 105.17 m ² PER UNIT | 105.17 m ² PER UNIT |
| d. BUILDING AREA | | | |
| BUILDING A | | | 1,219.1 m ² |
| BUILDING B | | | 1,385.3 m ² |
| BUILDING C | | | 2,917.2 m ² |
| BUILDING D | | | 1,385.3 m ² |
| BUILDING E | | | 1,219.1 m ² |
| TOTAL | | | 8,126 m ² |
| e. BUILDING LOT COVERAGE (%) | | | |
| BUILDING A | | | 3.0 % |
| BUILDING B | | | 3.4 % |
| BUILDING C | | | 7.2 % |
| BUILDING D | | | 3.4 % |
| BUILDING E | | | 3.0 % |
| TOTAL | | | 20 % |
| f. BUILDING GROSS FLOOR AREA (G.F.A.) | | | 48,756.0 m ² |
| g. BUILDING HEIGHT | | | 20.7 m |
| h. BUILDING SETBACKS | | | |
| FRONT - SOUTH | | SEE SITE PLAN | |
| REAR - NORTH | | SEE SITE PLAN | |
| SIDE EXTERIOR - EAST | | SEE SITE PLAN | |
| SIDE EXTERIOR - WEST | | SEE SITE PLAN | |
| i. NO. OF PARKING SPACES (INCLUDES BARRIER FREE SPACES) | | MIN. 484 SPACES | |
| 1.25 SPACES PER UNIT = 1.25 x 387 = | | | 484 SPACES |
| SURFACE COVERED | | | 437 SPACES |
| TOTAL | | | 491 SPACES |
| j. NO. OF ACCESSIBLE PARKING SPACES | | | |
| TYPE A | | | 6 SPACES |
| TYPE B | | | 8 SPACES |
| k. NO. OF LOADING SPACES | | | 5 SPACES |
| l. PAVED AREA | | | 16,569.0 m ² |
| m. LANDSCAPED AREA | | | |
| HARD | | | 3,199.1 m ² |
| SOFT | | | 11,474.0 m ² |
| TOTAL | | | 14,673.1 m ² |
| n. LINEAR CONCRETE CURB | | | 2,203.4 m |
| o. NO. OF BICYCLE SPACES | | | |
| 2 BICYCLE SPACES FOR FIRST 19 PARKING SPACES, 1 BICYCLE SPACE FOR EACH ADDITIONAL 20 PARKING SPACES | | MIN. 26 SPACES | 26 SPACES |

| SITE DATA MATRIX - ACCESSORY BUILDINGS - GARAGES - SITE ZONING: | | REQUIRED | PROPOSED |
|---|--|----------|------------------------|
| a. BUILDING AREA | | | |
| GARAGE A | | | 247.5 m ² |
| GARAGE B | | | 247.5 m ² |
| GARAGE C | | | 345.6 m ² |
| GARAGE D | | | 247.5 m ² |
| GARAGE E | | | 247.5 m ² |
| TOTAL | | | 1,335.6 m ² |
| b. BUILDING LOT COVERAGE (%) | | | |
| GARAGE A | | | 0.6 % |
| GARAGE B | | | 0.6 % |
| GARAGE C | | | 0.8 % |
| GARAGE D | | | 0.6 % |
| GARAGE E | | | 0.6 % |
| TOTAL | | | 3.2 % |
| c. BUILDING HEIGHT | | | 4.6 m |

A architectural
D design
A associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

| | | | | |
|--------|--------------------------------|--|--|--|
| stamp: | date (yyyy/mm/dd): issued for: | | | |
| | 2022/05/25 ZBA | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

general notes:
1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
2. DRAWINGS SHALL NOT BE SCALED.
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND/OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:
PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]
client:
HD DEVELOPMENTS
drawing title:
PROPOSED SITE PLAN

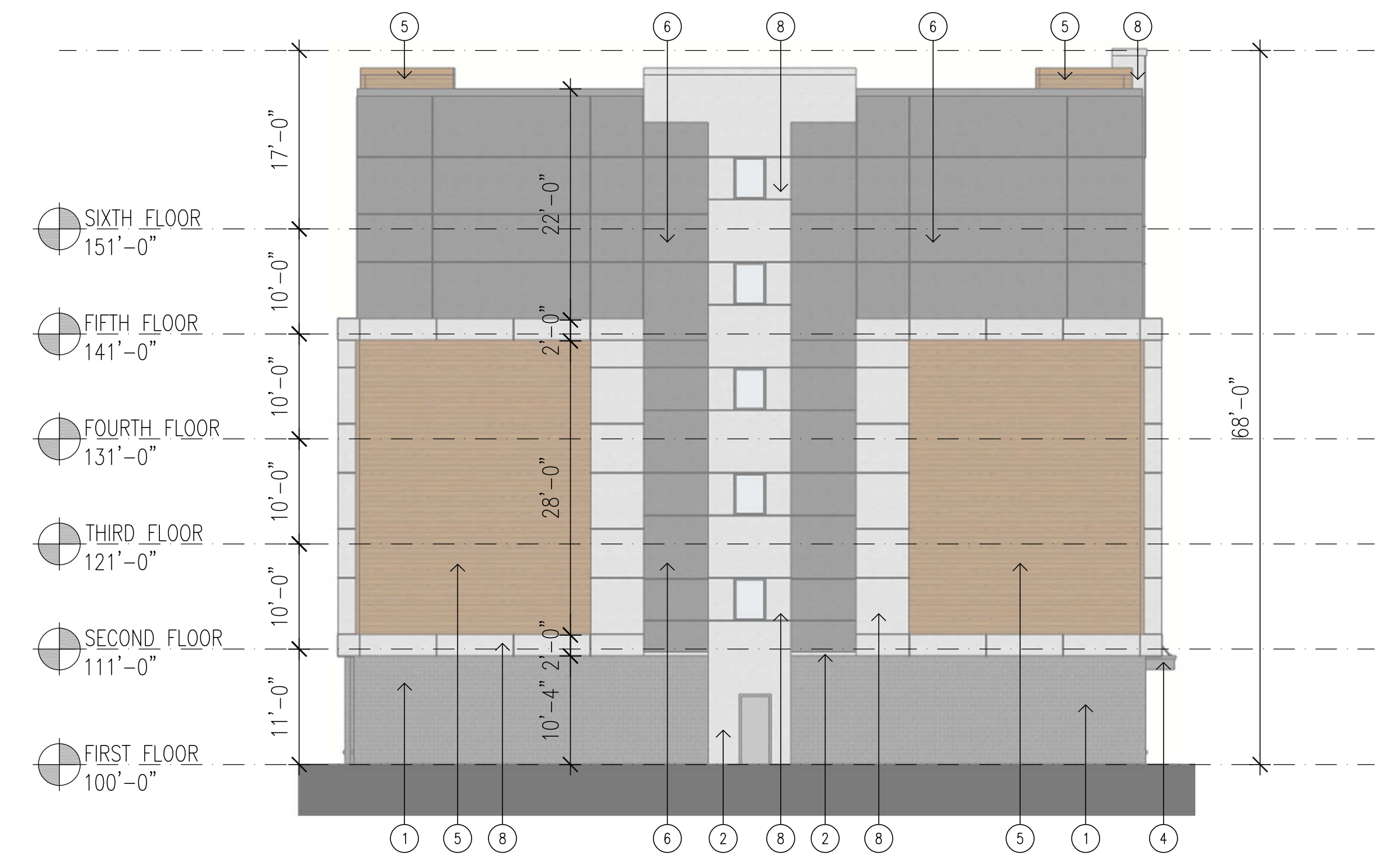
scale: **1:600**
drawn by: **TK**
checked by: **SMB**
date: **MAY, 2022**
comm. no.: **2021-062**

sheet no.:
SPC 1.0



FRONT ELEVATION

SCALE : 3/32" = 1'-0"



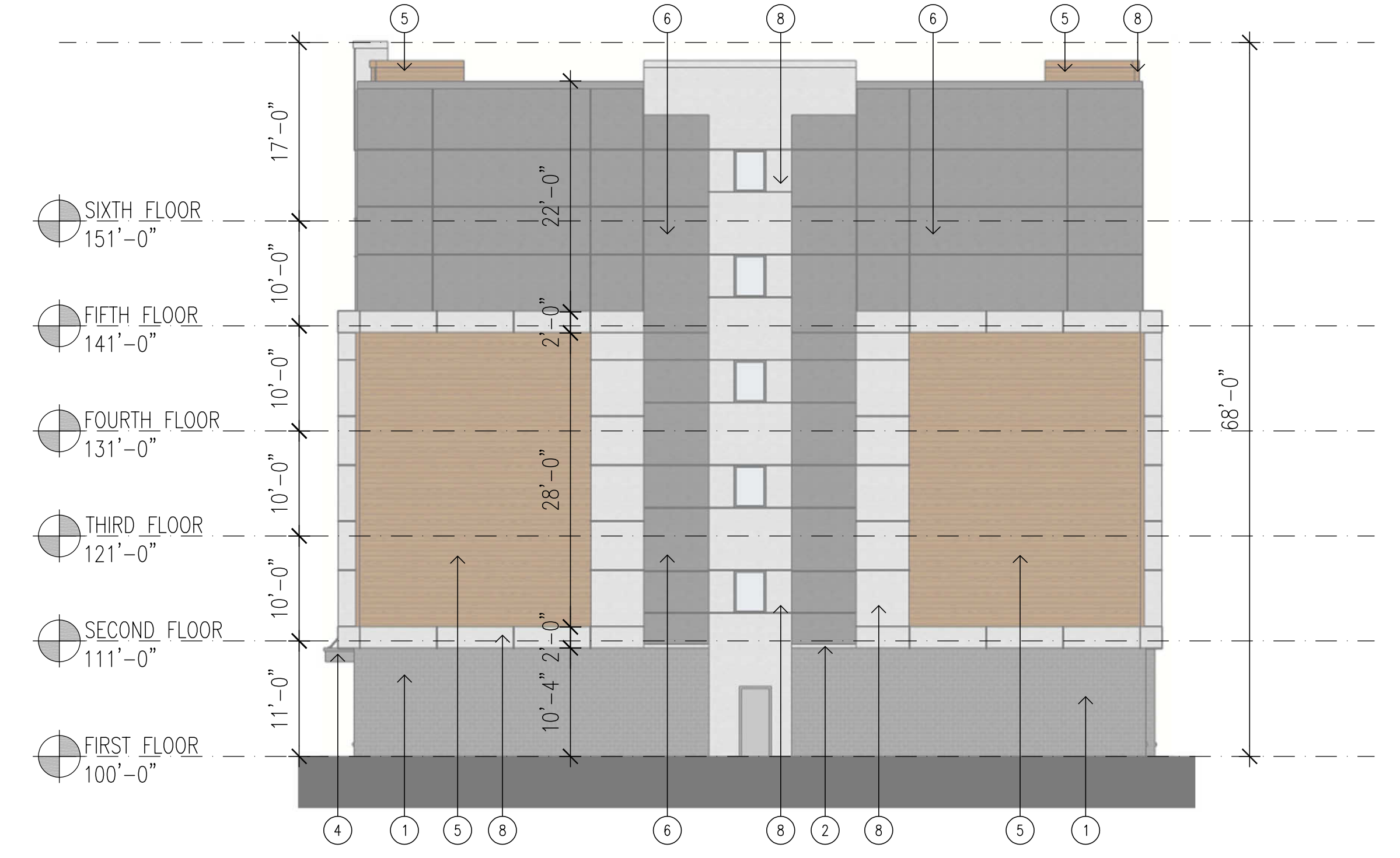
LEFT ELEVATION

SCALE : 3/32" = 1'-0"



REAR ELEVATION

SCALE : 3/32" = 1'-0"



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"

A architectural
D design
A associates inc. architect
1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

stamp:

date (yyy/mm/dd): issued for:

2022/05/25 ZBA

general notes:

- THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
- DRAWINGS SHALL NOT BE SCALED.
- CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
- ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
- IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
- CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING A & E - ELEVATIONS

scale:

AS SHOWN

drawn by:

TK

checked by:

SMB

date:

MAY, 2022

comm. no.:

2021-062

sheet no.:

SPC
3.1



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



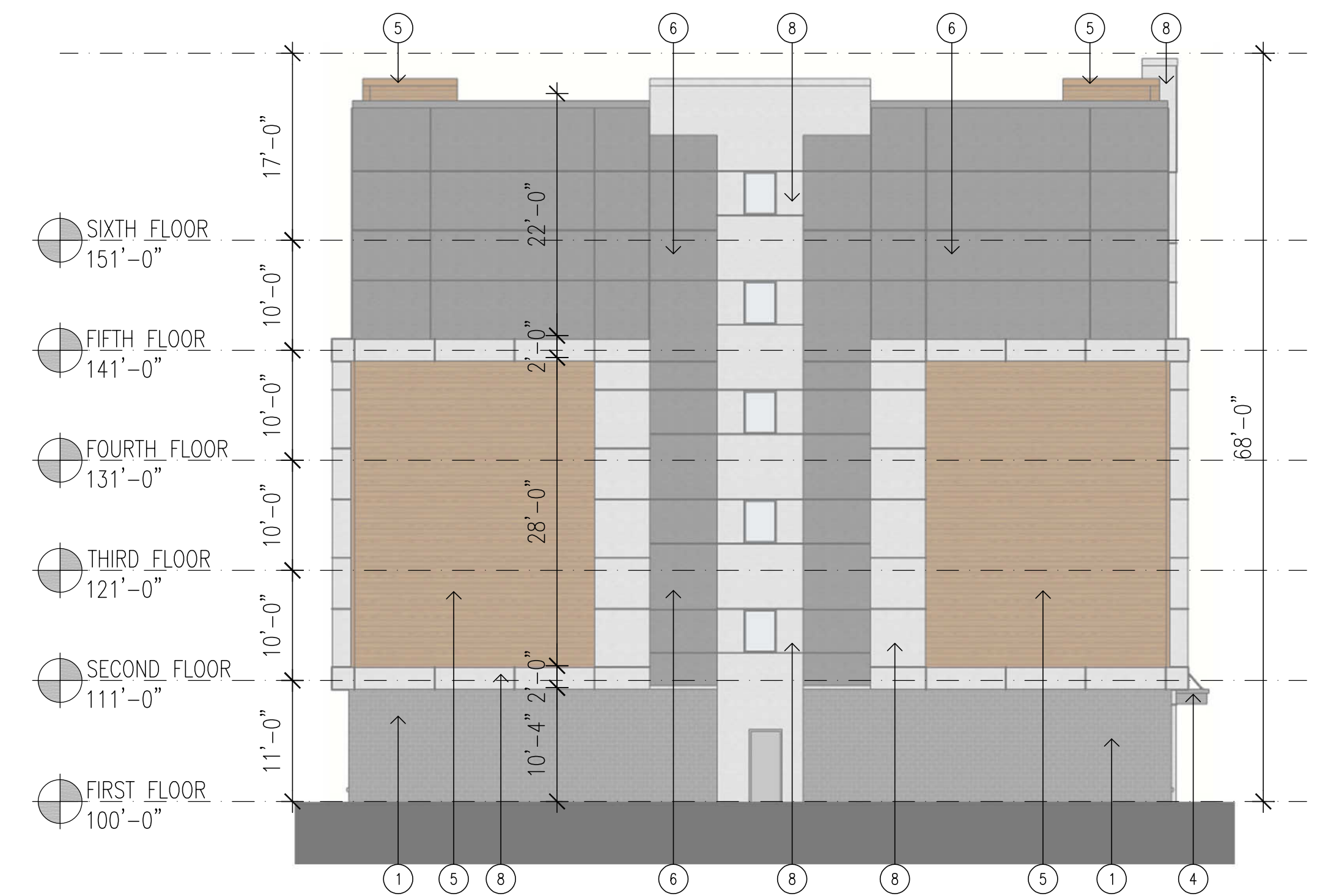
REAR - SOUTH EAST CORNER

| | | | | | | | |
|--|---|--------------------|---|---|---|--|--|
| | <div><div><div>A</div>architectural</div><div><div>D</div>design</div><div><div>A</div>associates</div><div>inc. architect</div></div> <div>1670 mercer street windsor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email - info@ada-architect.ca www.ada-architect.ca</div> | stamp: <div></div> | <div><div>date (yyyy/mm/dd): issued for:</div><div>2022/05/25 ZBA</div><div></div><div></div><div></div><div></div></div> | <div>general notes:</div> <div><div>1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.</div><div>2. DRAWINGS SHALL NOT BE SCALED.</div><div>3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.</div><div>4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.</div><div>5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.</div><div>6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.</div><div>7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.</div></div> | <div>project:</div> <div>PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD]</div> <div>client:</div> <div>HD DEVELOPMENTS</div> <div>drawing title:</div> <div>BUILDING A & E - RENDERERS</div> | <div>scale:</div> <div></div> <div>drawn by:</div> <div>TK</div> <div>checked by:</div> <div>SMB</div> <div>date:</div> <div>MAY, 2022</div> <div>comm. no.:</div> <div>2021-062</div> | <div>sheet no.:</div> <div>SPC 3.2</div> |
|--|---|--------------------|---|---|---|--|--|



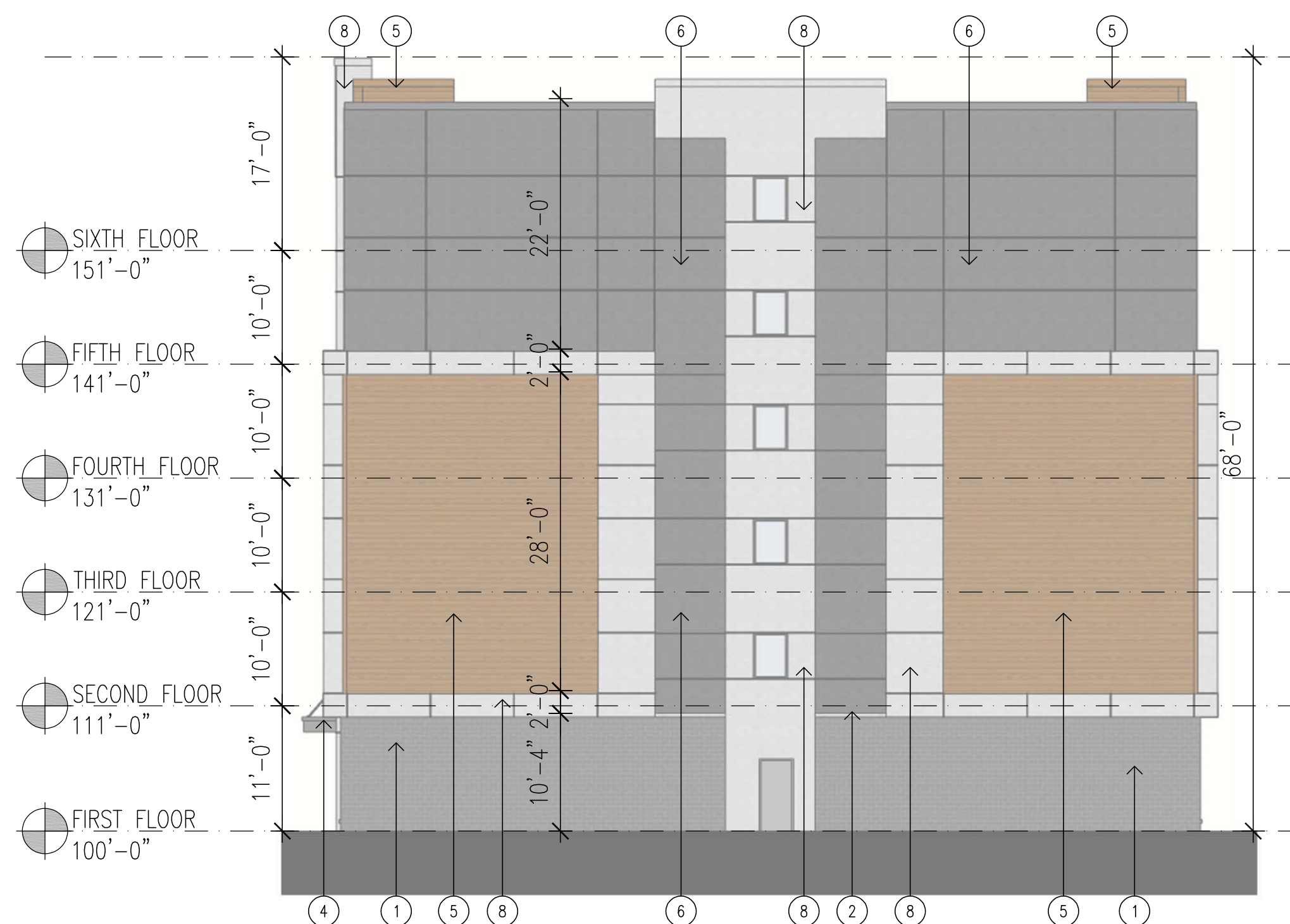
FRONT ELEVATION

SCALE : 3/32" = 1'-0"



LEFT ELEVATION

SCALE : 3/32" = 1'-0"



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"



REAR ELEVATION

SCALE : 3/32" = 1'-0"

A architectural
D design
A associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

stamp:

date (yyyy/mm/dd): issued for:

2022/05/25 ZBA

general notes:

1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
2. DRAWINGS SHALL NOT BE SCALED.
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING B & D - ELEVATIONS

scale:

AS SHOWN

drawn by:

TK

checked by:

SMB

date:

MAY, 2022

comm. no.:

2021-062

sheet no.:

SPC
3.3



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER

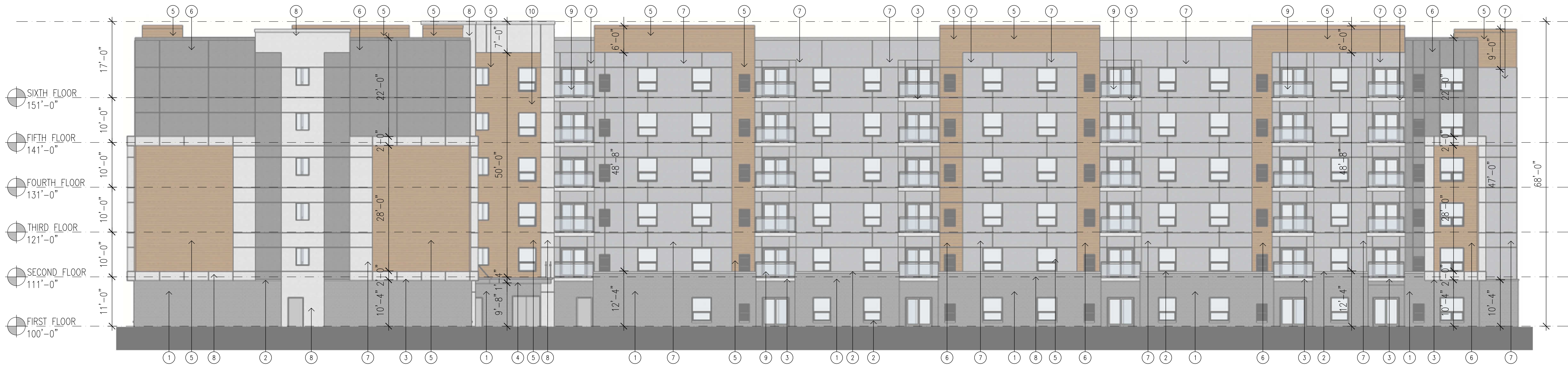


REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

| | | | | | | | |
|--|--|--------------------|---|---|--|--|---|
| | <div><div><div>A</div>architectural</div><div><div>D</div>design</div><div><div>A</div>associates</div><div>inc. architect</div></div> <div><div>1670 mercer street</div><div>windsor ontario canada n8x 3p7</div><div>ph 519.254.3430 fax 519.254.3642</div><div>email - info@ada-architect.ca www.ada-architect.ca</div></div> | stamp: <div></div> | <div><div>date (yyyy/mm/dd): issued for:</div><div>2022/05/25 ZBA</div><div></div><div></div><div></div><div></div></div> | <div>general notes:</div> <div><div>1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.</div><div>2. DRAWINGS SHALL NOT BE SCALED.</div><div>3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.</div><div>4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.</div><div>5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.</div><div>6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.</div><div>7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.</div></div> | <div>project:</div> <div>PROPOSED RESIDENTIAL DEVELOPMENT</div> <div>[ADDRESS TBD]</div> <div>client:</div> <div>HD DEVELOPMENTS</div> <div>drawing title:</div> <div>BUILDING B & D - RENDERERS</div> | <div>scale:</div> <div></div> <div>drawn by:</div> <div>TK</div> <div>checked by:</div> <div>SMB</div> <div>date:</div> <div>MAY, 2022</div> <div>comm. no.:</div> <div>2021-062</div> | <div>sheet no.:</div> <div>SPC</div> <div>3.4</div> |
|--|--|--------------------|---|---|--|--|---|



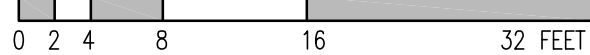
FRONT ELEVATION

SCALE : 3/32" = 1'-0"



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"



EXTERIOR FINISH SCHEDULE

| IDEN. NO. | FINISH DESCRIPTION | COLOUR |
|-----------|--------------------------------------|------------|
| ① | BRICK | DARK GREY |
| ② | PRECAST SILL | LIGHT GREY |
| ③ | CONCRETE BALCONY | LIGHT GREY |
| ④ | ACM | CHARCOAL |
| ⑤ | SIDING | |
| ⑥ | E.I.F.S. 01 | CHARCOAL |
| ⑦ | E.I.F.S. 02 | LIGHT GREY |
| ⑧ | E.I.F.S. 03 | WHITE |
| ⑨ | ALUM./GLASS BALCONY GUARDRAIL SYSTEM | |
| ⑩ | SPANDREL PANEL | GREY |

A architectural
D design
A associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

stamp:

date (yyyy/mm/dd): issued for:

2022/05/25 ZBA

general notes:

- THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
- DRAWINGS SHALL NOT BE SCALED.
- CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
- ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
- IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
- CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - ELEVATIONS

scale:

AS SHOWN

drawn by:

TK

checked by:

SMB

date:

MAY, 2022

comm. no.:

2021-062

sheet no.:

SPC
3.5



REAR ELEVATION

SCALE : 3/32" = 1'-0"



LEFT ELEVATION

SCALE : 3/32" = 1'-0"

| EXTERIOR FINISH SCHEDULE | | |
|--------------------------|--------------------------------------|------------|
| IDEN. NO. | FINISH DESCRIPTION | COLOUR |
| ① | BRICK | DARK GREY |
| ② | PRECAST SILL | LIGHT GREY |
| ③ | CONCRETE BALCONY | LIGHT GREY |
| ④ | ACM | CHARCOAL |
| ⑤ | SIDING | |
| ⑥ | E.I.F.S. 01 | CHARCOAL |
| ⑦ | E.I.F.S. 02 | LIGHT GREY |
| ⑧ | E.I.F.S. 03 | WHITE |
| ⑨ | ALUM./GLASS BALCONY GUARDRAIL SYSTEM | |
| ⑩ | SPANDREL PANEL | GREY |

A architectural
D design
A associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

stamp:

date (yyyy/mm/dd): issued for:

2022/05/25 ZBA

general notes:

1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
2. DRAWINGS SHALL NOT BE SCALED.
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - ELEVATIONS

scale:

AS SHOWN

drawn by:

TK

checked by:

SMB

date:

MAY, 2022

comm. no.:

2021-062

sheet no.:

SPC
3.6



FRONT - NORTH WEST CORNER



FRONT - NORTH WEST CORNER



REAR - NORTH - FRONT ENTRANCE



REAR - SOUTH EAST CORNER

| | | | | | | | |
|--|--|--------------------|---|--|---|--|--|
| | <div><div><div>A</div>architectural</div><div><div>D</div>design</div><div><div>A</div>associates</div><div>inc. architect</div></div> <div><div>1670 mercer street</div><div>windsor ontario canada n8x 3p7</div><div>ph 519.254.3430 fax 519.254.3642</div><div>email - info@ada-architect.ca www.ada-architect.ca</div></div> | stamp: <div></div> | <div><div>date (yyyy/mm/dd): issued for:</div><div>2022/05/25 ZBA</div><div></div><div></div><div></div><div></div></div> | <div><div>general notes:</div><div>1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.</div><div>2. DRAWINGS SHALL NOT BE SCALED.</div><div>3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.</div><div>4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.</div><div>5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.</div><div>6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.</div><div>7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.</div></div> | <div><div>project:</div><div>PROPOSED RESIDENTIAL DEVELOPMENT</div><div>[ADDRESS TBD]</div><div>client:</div><div>HD DEVELOPMENTS</div><div>drawing title:</div><div>BUILDING C - RENDERS</div></div> | <div><div>scale:</div><div></div><div>drawn by:</div><div>TK</div><div>checked by:</div><div>SMB</div><div>date:</div><div>MAY, 2022</div><div>comm. no.:</div><div>2021-062</div></div> | <div><div>sheet no.:</div><div>SPC</div><div>3.7</div></div> |
|--|--|--------------------|---|--|---|--|--|

APPENDIX C - Extracts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

3.10 DEFINITIONS

DWELLING means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

MULTIPLE DWELLING means one *dwelling* containing a *minimum* of three *dwelling units*. A *double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling* is not a *multiple dwelling*.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

YARD means an open space, which is located on the same *lot* as a *building* or other *structure*, and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by this by-law.

LANDSCAPED OPEN SPACE YARD means a *yard* used for *landscaped open space, patios, terraces, decks and pedestrian walkways*.

SECTION 9 - GREEN DISTRICTS 1 (GD1.)

9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

Child Care Centre

Club

Private Park

Public Park

Any use accessory to the preceding uses

9.2.5 PROVISIONS

| | | |
|----|--|------------------------|
| .2 | Lot Area – minimum | 1,850.0 m ² |
| .3 | Lot Coverage – maximum | 25.0% |
| .4 | Building Height – maximum | |
| | <i>Lot having a lot area of less than 0.5 ha</i> | 9.0 m |
| | <i>Lot having a lot area of 0.5 ha or more</i> | 14.0 m |

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

12.3 RESIDENTIAL DISTRICT 3.3 (RD3.3)

12.3.1 PERMITTED USES

Lodging House

Multiple Dwelling

Religious Residence

Residential Care Facility

Any of the following *existing* dwellings:

Double Duplex Dwelling

Duplex Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Any use accessory to any of the preceding uses

12.3.5 PROVISIONS

- | | | |
|-----|---|------------------------------|
| .1 | Lot Frontage – minimum | 45.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> : | |
| | a) For the first 23 <i>dwelling units</i> | 1,825.0 m ² |
| | b) For each additional <i>dwelling unit</i> | 37.0 m ² per unit |
| | For any other <i>lot</i> : | |
| | c) For the first 19 <i>dwelling units</i> | 1,825.0 m ² |
| | d) For each additional <i>dwelling unit</i> | 45.0 m ² per unit |
| .3 | Lot Coverage – maximum | 35.0% |
| .4 | Main Building Height – maximum | |
| | <i>Corner Lot</i> | 30.0 m |
| | <i>Interior Lot</i> | 24.0 m |
| .8 | Landscaped Open Space Yard – minimum | 35.0% of <i>lot area</i> |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> | |
| | | 225 units per ha |
| | For any other <i>lot</i> | |
| | | 180 units per ha |

- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*.

[ZNG/5630]

(AMENDED B/L 95-2019 Sept 27/2019)

- .55 An addition to an existing *Double Duplex Dwelling*, existing *Duplex Dwelling*, existing *Semi-Detached Dwelling* or an existing *Single Unit Dwelling* and any use accessory to the foregoing uses, shall comply with the provisions of Section 11.2.5.

APPENDIX D - COMMENTS

CANADA POST - Bruno DeSando

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

CITY OF WINDSOR - ASSET PLANNING - Jennifer Nantais, Environmental & Sustainability Coordinator

The Environmental Sustainability and Climate Change team request an energy strategy.

In response to the application there are no objections. Please also note the following comments for consideration:

Energy Conservation, Air Quality and Climate Change:

Please note PPS 2020 energy conservation and efficiency policies as they relate to long-term economic prosperity (1.7.1 (j)), as well as improved air quality and reduced greenhouse gas emissions (1.8.1). In addition, the City of Windsor Community Energy Plan (approved July 17 2017) aims to improve energy efficiency; modifying land use planning; reducing energy consumption and greenhouse gas emissions; and fostering green energy solutions throughout Windsor, while supporting local economic development.

As per these policies the developer should consider energy efficiency in the building design. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors.

EV Charging

Due to increased production and escalating demands, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is suggested.

In addition, the large scale paving of natural space will increase the urban heat island in the area. It is recommended that the developer consider shade trees, white colour roofs or green roofs to mitigate this impact. For more suggestions please consult the following resources: LEED, Built Green Canada, and EnerGuide.

To promote the use of active transportation, bike racks should be considered.

Landscaping

Consideration for shade trees are recommended to minimize the urban heat island impacts. Consideration of native, drought resistant plants is encouraged to limit watering requirements.

Windows

The City of Windsor has recently been designated a Bird Friendly City. In order to make structures safer and prevent window collisions it is recommended that bird safe window treatments be considered. See FLAP Canada [recommendations](#).

CITY OF WINDSOR - ENGINEERING DEPARTMENT - RIGHT-OF-WAY DIVISION - Amy Kurek, Technologist I

SEWERS – The site may be serviced by a 375mm PVC sanitary sewer located approximately 7m north of the northerly property line, and a 1200mm reinforced concrete pipe storm sewer located approximately 5m west of the easterly property line. Prior to any approvals, the owner shall provide a Servicing Study analyzing the capacity of the proposed outlets and analyzing the added impact based on the proposed development. Stormwater Management satisfying the requirements of the Windsor/Essex Region Stormwater Management Standards Manual shall be provided. This property is within the Conservation Authority's regulated area and as such, ERCA clearance is required. Existing connections shall be video inspected for proposed reuse at the cost of the Owner and utilized if possible in order to minimize work within the right-of-way. Any redundant connections shall be abandoned as per Best Practice BP 1.3.3.

RIGHT-OF-WAY – The Official Plan classifies North Service Road as a Class 2 collector road with a required right-of-way width of 26.2 m. North Service Road currently has a right-of-way width of 26.2 m, therefore; a land conveyance is not required. The owner will be required to provide cash contribution for the future construction of sidewalks and curb and gutter.

In summary we have no objection to the proposed rezoning, subject to the following requirements (requirements will be enforced at the time of Site Plan Control):

Site Plan Control Agreement - The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Development Agreement – The applicant(s) shall agree to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to:

1. Construct at their own expense and according to City of Windsor Standard Specifications, a concrete curb and gutter along the entire North Service Road frontage of the subject lands. All work to be to the satisfaction of the Corporation's City Engineer; or
2. Pay to the Corporation, prior to the issuance of a construction permit, the sum of \$8,632.20 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

It will be up to the discretion of the City Engineer whether a cash contribution will be allowed in lieu of curb and gutter construction by the Owner.

Sidewalks -The owner(s) agrees, to:

1. Construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire North Service Road frontage of the subject lands. All work to be to the satisfaction of the City Engineer; or
2. Pay to the Corporation, prior to the issuance of a Building Permit, the sum of \$16,545.05 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Service Road frontage of the subject lands.

It will be up to the discretion of the City Engineer whether or not a cash contribution will be allowed in lieu of sidewalk construction by the Owner.

ERCA Requirement – The owner(s) further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval by the City Engineer. If applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

Sewer Easement – *Prior to the issuance of a construction permit*, the owner shall gratuitously convey to the Corporation a 6m wide easement on North Service Road and the northerly property line for the purposes of construction and/or maintenance.

CITY OF WINDSOR - OPERATIONS DEPARTMENT - Anne Marie Albidone, Manager, Environmental Services

No concerns from Environmental Services

CITY OF WINDSOR - PLANNING DEPARTMENT - HERITAGE PLANNING - Tracy Tang, Planner II – Revitalization & Policy Initiatives

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential. The Applicant is notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the MHSTCI and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the MHSTCI.

Contacts:

Windsor Planning & Development Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaadegaard@citywindsor.ca

Windsor Police: 911

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Ontario Ministry of Government & Consumer Services (MGCS)

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures,
1-416-212-7499, Crystal.Forrest@ontario.ca

CITY OF WINDSOR - PLANNING DEPARTMENT – LANDSCAPE ARCHITECT - Stefan Fediuk

Pursuant to the application for a zoning amendment (Z 021/22) to change the zoning from Green District 1.2 (GD1.2) to a Residential District 3.3 (RD3.3) with a site specific exception to allow a residential development on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback: Please include a site-specific zoning provision in conjunction with the amendment for change of permitted use, specifying preservation or enhancement of the existing earth berm and vegetative screening along the North Service Road frontage as a buffer for the condominium development from the E.C Row Expressway.

Tree Preservation: The Topographic plan of Survey and the Planning Rationale Report have identified the existing trees and that the existing trees located on top of the earth berm are to be preserved as part of the overall landscaping of the site. This effort is to be considered in the overall tree planting requirements of the Site Plan Control process.

Climate Change: The proposed site plan identifies a storm water management swale in the center of the development. Provision of Low Impact Design features (i.e. trees and shrubs) around the periphery of the SWM area will help to slow and reduce the amount of storm water runoff entering the SWM area, provide shade for the spectators and users of the proposed activity area, while helping to reduce the impacts of climate change.

Parkland Dedication: All requirements will be determined at the time a Site Plan application is received

CITY OF WINDSOR - PLANNING DEPARTMENT - SITE PLAN CONTROL - Jackie Cabral

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

CITY OF WINDSOR - TRANSIT WINDSOR - Jason Scott

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stops to this property are located on Walker at Parkdale SW Corner and Walker at Digby SW Corner. They are approximately 350 metres and 475 metres away each. The one at Parkdale falls within the 400 metre walking distance guideline to a bus stop whereas the one at Digby doesn't. It would depend where on the property people are coming from to access the bus to determine if they would fall within that guideline or not. This will be maintained with our Council approved Transit Master Plan.

CITY OF WINDSOR - TRANSPORTATION PLANNING - Rania Toufeili, Policy Analyst

- North Service Road is classified as a Class II Collector Road with a required right-of-way width of 26.2 meters according to Schedule X. The existing right-of-way along the frontage of the subject property is sufficient, therefore, a conveyance is not required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - Driveway width must comply with AS-203 and AS-204 with straight flares.
 - Raised curbs are not allowed within the right-of-way.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- The applicant is to make a contribution towards the construction of sidewalks as required by Engineering Right-of-Way.
- All parking must comply with Zoning By-Law 8600.
- A Transportation Impact Study (TIS) has been received for this development. This study still needs to be reviewed and comments will be provided in a separate memo.

CITY OF WINDSOR - TRANSPORTATION PLANNING - Shannon Deehan, Transportation Planner I, & Jeff Hagan, Transportation Planning Senior Engineer

We have reviewed the Transportation Impact Study for the above-noted application "1850 North Service Road, Windsor, Transportation Impact Study" dated March 2022, by Matthew Brouwer (P. Eng.) of Paradigm Transportation Solutions Limited.

The report is satisfactory in its current form. Overall, the TIS establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.

ENBRIDGE – WINDSOR MAPPING

After reviewing the provided drawing at 1850 North Service Rd E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing is available for reference. *Please Note:*

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

ENWIN UTILITIES

Hydro Engineering: No Objection to Re-zoning.

However please note the following distribution and services:

- Overhead 120v street light duplex, adjacent to the south limit of the property
- Underground 120/240v triplex, at the southwest corner of the property

Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

Water Engineering: Water Engineering has no objections to the rezoning.

ESSEX REGION CONSERVATION AUTHORITY (ERCA)

The following is provided as a result of our review of the Zoning By-Law Amendment Z-021/22 ZNG/6784.

Delegated Responsibility to Represent the Provincial Interest in Natural Hazards (PPS) and Regulatory Responsibilities of the Conservation Authorities Act

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Grand Marais Drain. The property owner will be required to obtain a Permit or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The municipal drain typically has an unregistered working space, and the municipality has the right to use it to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information. Furthermore, please contact our Water Resources Engineer, Tian Martin, at tmartin@erca.org to obtain any ERCA setback requirements from the drain.

Watershed Based Resource Management Agency

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Section 1.6.6.7 PPS, 2020 - Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

We request to be included in the circulation of the Site Plan Control and/or Plan of Condominium application. We reserve to comment further on stormwater management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage and/or Plan of Condominium process.

The Turkey Creek Watershed Hydrologic and Hydraulic Modeling study applies to this property.

Planning Advisory Service to Planning Authorities - Natural Heritage Policies of the PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

Final Recommendation

With the review of the background information provided and the aerial photograph, the ERCA advises that the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Specific building setbacks from a municipal drain are applicable for this site. Please contact your local municipality's drainage superintendent for more information. Furthermore, please contact our Water Resources Engineer, Tian Martin, at tmartin@erca.org to obtain any ERCA setbacks.

We request to be included in the circulation of the Site Plan Control and/or Plan of Condominium application. We reserve to comment further on stormwater management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage and/or Plan of Condominium process.

THIS IS A WRITTEN SUBMISSION
PERTAINING TO PROPOSED ZONING
CHANGE FOR 1850 NORTH SERVICE
ROAD (387 UNIT RESIDENTIAL PROJECT)

NO ZONING CHANGE SHOULD BE
ALLOWED ON THIS PROPERTY
WITHOUT TOTAL REDESIGN.

THE PROPOSAL HAS A 8 TO 9
TIMES DENSITY OF BUNK RD.

THE PROPOSAL HAS INSUFFICIENT
PARKING FOR NUMBER OF UNITS
PROPOSED.

THE PROPOSAL WOULD TOTALLY
CHANGE QUALITY OF LIFE FOR
ALL RESIDENCE OF BUNK RD.!

a) BACKYARD LIVING (ENTOMBMENT)
FOR HOMES BACKING ONTO PROJECT

i) FROM OPEN SPORTS FIELDS
TO ASPHALT PARKING LOT.

ii) CLIMATE CHANGE IN
SUMMER DUE TO HEAT OF
ASPHALT AND INCREASED
DUST (POLLUTION).

iii) PRIVACY, DO TO HEIGHT
AND SCOPE OF PROPOSED
PROJECT.

iv) TRAFFIC AND PARKING, DO TO
~~THE~~ NUMBER OF UNITS AND LACK
OF PARKING ON SITE. THIS
WILL CREATE A HAZAR-
DOUS ENVIRONMENT FOR
PEDESTRIANS ON ELY RD.

(3)

WILL ALSO CREATE A PARKING NIGHT-MARE ON BUNK RD. (NOW UNITS ON BUNK RD. AVERAGE 7 TO 8 SPOTS PER UNIT ^{MORE THAN} ONE OF WHICH IS A CLIMATE CONTROLLED UNIT (GARAGE).)

PARKING FOR PROPOSED PROJECT WILL ONLY BE ONE PER UNIT, OF WHICH NONE WILL BE TOTAL CLIMATE CONTROLLED (UNDER GROUND AND ACCESSED WITHOUT GOING OUTSIDE)

THIS WILL LEAD TO PROJECT NOT BEING CONSIDERED ^{AS A} ~~TO BE~~ LUXURY CONDOS ^{PROJECT} AS ALLEGED.

TO ALLEVIATE STATED CONCERNS,
THE FOLLOWING IS REQUESTED.

1) A TRANSITION ZONE ON EAST
SIDE OF PROJECT CONSISTING OF
A ROW OF 4 TO 6 UNIT^{RACH} RAISED
RANCH STYLE CONDOS WITH GARAGES.
THESE^{UNITS} MAY FRONT OR ~~BE~~ BACK ONTO
BANK RD. UNITS.

2) AT LEAST 2 PARKING SPOTS
PER UNIT FOR ANY HIGH RISE
UNITS, WITH ONE BEING A
CLIMATE CONTROLLED UNIT (UNDER
GROUND OR 1ST FLOOR).

3) HIGH RISE UNITS NO MORE
4 LEVELS HIGH TO BETTER
FIT IN WITH EXISTING CHARACTER
OF AREA AND PRIVACY.

(5)

4) MAX. GREEN SPACE (w) GRASS
WATER, TREES, ETC

5) DENSITY OF PROJECT (PEOPLE)
MUST NOT BE GREATER THAN
4 TO 5 TIMES THAT OF BANG RD.

// IN SUMMATION, THIS PROJECT
AS PROPOSED IS IN NO WAY IN
CHARACTER WITH SURROUNDING
AREA:

1) DENSITY TOO HIGH (4 TO 5 TIMES
MAX.)

2) PARKING (AMOUNT & TYPE) NOT
TO LUXURY STANDARD (AS STATED);
WILL CREATE PARKING LOT ON
BANG RD AND HAZARDOUS
ENVIRONMENT FOR PEDESTRIANS.

④

3) QUALITY OF LIFE FOR BYNG RD.
WILL BE GRAVELY DETROMENTED
IF ALLOWED TO PROCEED AS
NOW DESIGNED.

PLEASE DO NOT ALLOW THIS
5 HEADED HYDRA TO BE
BUILT ~~TO~~ AS DESIGNED

YOURS TRULY,

ADRIANO

BERTOLUCCI

* VERY CONCERNED RESIDENT
OF BYNG RD.

From: Maria Anzolin
Sent: September 30, 2022 3:37 PM
To: voteforjim22@outlook.com
Cc: clerks <clerks@citywindsor.ca>; Szymczak, Adam <aszymczak@citywindsor.ca>
Subject: RE: Development & Heritage Standing Committee (Monday, October 3, 2022) - Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10

(Re-sending to correct a few typos and to respond to your question)

Q: What was the reply by other candidates?

A: Not certain that I should be replying to this question, because each responded in a different manner (phone, in-person and/or in writing). Regardless, the other candidates did indicate that the existing residents deserve a proper consultation/engagement process now that the detailed material has been made available.

Dear Mr. Morrison,

Thank you for your reply to my message. I did not reply earlier because I wanted to review the report being submitted by the City of Windsor to the Committee on this proposal and I only accessed the documents yesterday evening further complicated by toadying being a holiday to commemorate the National Day for Truth and Reconciliation.

In reading the report by the City of Windsor's Administration, I am disappointed that the re-zoning of Z-021/22 ZNG/6784 is being endorsed by the City's Administration for review by Council. I respectfully suggest that this development requires further consideration. And, as indicated in my earlier message, I do not understand why the City of Windsor is allowed to conduct new business during an active election. Most governments adhere to "care-taking" practices during an election to respect the democratic process.

Given that the meeting is scheduled for Monday, October 3, 2022 at 4:30PM, I am emailing you my comments for you to consider as my representative for Ward 4. Due to my limited mobility, I cannot attend but wanted to make sure that I did not miss the opportunity to have my comments on record. I have copied the City in hopes that this message will be treated as an official request to be notified of the decision

In reviewing many of the documents, including the City's Official Plan and the Multi-Residential Interim Control By-law Study adopted by the Council, here are some key issues for consideration by you and other Committee members:

1) City of Windsor's Official Plan: The City's Plan cites that new developments should strengthen existing and future neighbourhood. The analysis pertaining to Z-021/22 ZNG/6784 focuses the impact on the future neighbourhood but fails to outline the impact on the existing neighbourhood. In fact, I was surprised to see that none of the material provided to the committee refers to the views by those currently residing in the neighbourhood. As you attended the public session, you know that the reaction was strongly against the proposal as it exists..

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor hold a proper public engagement session and not just an open house.

The City's site plan control is used to ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards of quality and appearance
- there is safe and easy access for pedestrians and vehicles
- the appearance and design features of buildings, and their sustainable design, are satisfactory
- there is adequate landscaping and drainage
- nearby properties are protected from incompatible development.

2) "Incompatible development": The City's Plan makes numerous reference to "compatibility" with that any new developments must take into account the existing neighbourhood. Here is where I think the analysis provided to Committee members is weak (if not negligent). While many can argue "compatibility" is subjective, I will argue that there several areas that provide clear evidence of incompatibility and thus the Administration should recommend that the Developer undertake additional due diligence.

The City's Official Plan cites through Policies 3.2.1.1 and 3.2.1.3 the importance of walkable neighbourhood centres and importance of retaining distinctive character within existing neighbourhoods. I think the impact on these two elements was not properly considered within the proposal nor through the assessment by the City Administration. As an example, a single copy of the "transportation study" was available at the open house but residents were not provided any detailed information for further review despite having made requests. In quickly reviewing the transportation study (that evening at the open house) in a cursory manner, the study did **NOT** conduct an assessment of the impact of traffic on Byng Road - the road that is likely to be impacted most. Similarly, the study does not take into account the impact of increased traffic on Walker Road with the increase in production at the Windsor Assembly Plant

within a short period of time. Nor did the analysis refer to the distinctive nature of the existing neighbourhood – a quiet, green neighbourhood.

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor conduct an impact analysis of transportation on Byng Road and provide a copy of the revised assessment to residents on Byng Road.

3) Multi-Residential Interim Control By-law: Adopted by Council in June 2022, the Infill Design Guidelines provide further direction for the design of infill development that respect the unique character of Windsor's existing neighbourhoods. In reviewing, I found reference to townhouses but not large apartment/condo buildings. Suggesting that the focus should be townhouses and not apartment buildings. Of further note, the by-law indicates that buildings should be no more than three storeys of building height (height will depend on the height of housing in the immediate vicinity of the development). These references suggest that one 6-storey building is incompatible, imagine five, 6-storey buildings!

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor should engage with existing residents to discuss possible mitigation measures to promote compatible development!

This enormous building proposal is NOT compatible with the existing quiet neighbourhood. I respectfully request that more analysis is needed to understand how the area can safely accommodate a new development that is five-fold the size of the existing neighbourhood in a relatively closed ecosystem. I submit it cannot but we deserve the respect of having a proper discussion and not just an open house.

I hope, as you wrote, that you will represent views of the existing neighbourhood. This is an important issue to me and my neighbours. The demise of an existing neighbourhood needs to be carefully assessed and MUST involve the voices of existing residents and NOT just the wallets of the developers!

Yours respectfully,

Maria

PS: Thank you for the update on Udine Park. The addition of lights is a great step in making the area more secure. As per my messages, I think proper cleaning (removal of dead or decaying trees and de-thinning of the trees along the creek is also required.

From: [MARIA ANZOLIN](#)

Sent: September 30, 2022 12:35 PM

To: voteforjim22@outlook.com

Cc: [clerks](#); [aszymczak](#)

Subject: Development & Heritage Standing Committee (Monday, October 3, 2022) - Rezoning
– HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10
Importance: High

Dear Mr. Morrison,

Thank you for your reply to my message. I did not reply earlier because I wanted to review the report being submitted by the City of Windsor to the Committee on this proposal. Unfortunately, I am disappointed that a recommendation to go ahead is being submitted to Council. I respectfully suggest that this development requires further consideration. And, as indicated in my earlier message, I do not understand why the City of Windsor is allowed to conduct new business during an active election. Most governments adhere to "care-taking" practices during an election to respect the democratic process.

Given that the meeting is scheduled for Monday, October 3, 2022 at 4:30, I am emailing you my comments for you to consider as my representative for Ward 4. Due to my limited mobility, I cannot attend but wanted to make sure that I did not miss the opportunity to have my comments on record. I will also submit a request to be notified of the decision. However, the (expedited) deadline for doing so was yesterday because of the commemoration of the National Day for Truth and Reconciliation.

In reviewing many of the documents, including the City's Official Plan and the Multi-Residential Interim Control By-law Study adopted by the Council, here are some key issues for consideration by you and other Committee members:

1) City of Windsor's Official Plan: The City's Plan cites that new developments should strengthen existing and future neighbourhood. The analysis focus the impact on the future neighbourhood but fails to outline the impact on the existing neighbourhood. In fact, I was surprised to see that none of the material provided to the committee refers to the views by those currently residing in the neighbourhood. As you attended the public session - unfortunately I did not see you there - you know that the reaction was strongly against the proposal as it exists.

- **Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor hold a proper public engagement session and not just an open house.**

The City's site plan control is used to ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards of quality and appearance
- there is safe and easy access for pedestrians and vehicles

- the appearance and design features of buildings, and their sustainable design, are satisfactory there is adequate landscaping and drainage
- nearby properties are protected from incompatible development.

2) "Incompatible development": The City's Plan makes numerous reference to "compatibility" with the existing neighbourhood. Here is where I think lies the issue for greatest disagreement. And, while many can argue "compatibility" is subjective, I will argue that there are several areas that need to be studied with greater rigour. The City's Official Plan cites through Policies 3.2.1.1 and 3.2.1.3 the importance of walkable neighbourhood centres and importance of retaining distinctive character within existing neighbourhoods. I think the impact on these two elements was duly considered within the proposal nor the assessment by the City Administration. As an example, a copy of the "transportation study" was available at the open house but residents were not provided any detailed information despite having made requests. In reviewing the transportation study in a cursory manner at the open house, the study DID not conduct an assessment of the impact of traffic on Byng Road - the road that is likely to be impacted most. Similarly, the study does not take into account the impact of traffic on Walker Road with the increase in production at the Windsor Assembly Plant.

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor conduct an impact analysis of transportation on Byng Road and provide a copy of the revised assessment to residents on Byng Road.

3) Multi-Residential Interim Control By-law: Adopted by Council in June 2022, the Infill Design Guidelines provide further direction for the design of infill development that respect the unique character of Windsor's existing neighbourhoods. In reviewing, I found reference to townhouses but not large apartment/condo buildings. Suggesting that the focus should be townhouses and not apartment buildings. Of further note, the by-law indicates that buildings should be no more than three storeys of building height (height will depend on the height of housing in the immediate vicinity of the development).

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor should engage with existing residents to discuss possible mitigation measures to promote compatible development!

As mentioned in my earlier correspondence, I do not understand how an enormous building proposal is compatible with the existing quiet neighbourhood. Moreover, more analysis is needed to understand how the area can safely accommodate a new development that is five-fold the size of the existing neighbourhood in a relatively closed ecosystem.

I hope, as you wrote, that you will represent review of the existing neighbourhood. This is an important issue to me and my neighbours. The

demise of an existing neighbourhood needs to be carefully assessed and MUST involve the voice of existing residents and just the wallets of the developers!

Yours respectfully,

Maria

PS: Thank you for the update on Udine Park. The addition of lights is a great step in making the area more secure. As per my messages, I think proper cleaning (removal of dead or decaying trees and de-thinning of the trees along the creek is also required.

October 3, 2022
Development & Heritage Standing Committee
Item 7.1
Written Submission

From: Moe R.
Sent: September 13, 2022 2:48 PM
To: clerks <clerks@citywindsor.ca>
Subject: File ZNG/6784 Z-021/22

I propose traffic calming in this neighborhood specifically Byng Road by making Parkdale a dead end at Byng Road (see below). This has been successful in other areas eg Remington Park & Roseland. At present Byng Road is used as a short cut from Walker Road to North Service Road - with the increased traffic with the proposed development we will desperately need traffic calming measures- please consider this proposal.

Thank you,

Maureen Rudowicz Byng Road



December 5, 2022
Development & Heritage Standing Committee Meeting
Item 7.4 – Written Submission

From: Patricia Mattiuz
Date: November 16, 2022 at 8:54:08 AM EST
To: clerk@citywindsor.ca
Subject: Amendment to zoning by-law

This letter is to the Development & Standing Committee regarding the amendment to rezone the lands at 1850 North Service Rd. Windsor Ontario. I am a homeowner at 2997 Byng Rd. and attended the meeting in May 2021 at the Fogolar Club with the developer HD Development Group and at that time was advised of the proposed 5 building 6 story units on the land. Myself as others also on Byng Rd. made suggestions of perhaps several 3 story units or townhomes be built at which time were told are not profitable. I believe there are better uses for this land perhaps a senior residence or individual homes or townhomes to accommodate all those who will be employed and searching for homes with the new battery plant the new hospital or the bridge in the near future. The proposal of 387 units on this land would make this area very congested in my view and cause considerable traffic problems. There is very little land for development in the core city and this should be considered when rezoning this area. The developer has another similar project being built on Walker Rd. less than 5 km. from this area that will accommodate those wishing to live in a multi- unit building. It is my hope that the committee will consider the surrounding neighbourhood and my suggestions and not allow this proposed development. Regards Patricia Mattiuz

Rezoning

1850 North Service Rd.

File Number ZNG/6784

Z-021/22

I, Gino Sovran, have resided at 2927 Byng rd. for my whole life which is 66 years.

This is a very nice residential area and I would like you to keep it as a residential neighbourhood, not a conglomerate of concrete high rise buildings.

I am not against housing, but just not 5-6 storey high buildings.

Lastly, I do not think anyone here would appreciate 5-6 high storey buildings going next to them.

1. Impact on Residential Neighbourhood
 - a. Decrease in Home Values
 - b. Traffic – the plan is proposing 387 units, consisting of five (5) Six (6) storey high buildings with 491 parking spots.
 - c. Noise – besides the noise level in the construction periods, every home will have increased noise levels
 - d. Privacy – the residents will have none whatsoever
 - e. Pollution – adding all these units will add more pollution and especially at a time where we are all concerned about “climate change”

Recommendations

1. Structure of Buildings
 - a. Minimize amount of floors
 - b. Road constructed on the opposite side of buildings situated more green space from neighbours' property line, which decrease noise and pollution and increase privacy.
2. Privacy
 - a. Install high berm with trees or sound barrier fence at its maximum height.

Thank you,

Gino Sovran

Subject: Additional Information Memo to S 105/2022 - Ward 10

Reference:

Date to Council: December 5, 2022
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: November 14, 2022
Clerk's File #: Z/14429

To: Mayor and Members of City Council

Additional Information:

Re: Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10 S 105/2022

At the October 3, 2022 meeting of the Development & Heritage Standing Committee (DHSC) deferred the application:

*THAT the report of the Senior Planner dated August 25, 2022 entitled "Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10" **BE DEFERRED** to a future meeting of the Development & Heritage Standing Committee to allow for additional information related to the traffic study and Byng Road to be provided.*

This Additional Information Memo provides the information requested in the motion.

Attached as an Appendix to this memo is a Transportation Impact Study Addendum prepared by Matt Brouwer, P.Eng, Senior Project Manager, Paradigm Transportation Solutions Limited and dated October 26, 2002. The TIS Addendum notes that prior to submitting the Transportation Impact Study (TIS):

"... the scope of the analysis was discussed with and approved by City of Windsor Staff. The intersection of North Service Road and Byng Road was not identified as an intersection to be studied."

As part of the circulation of the rezoning application to municipal departments and external agencies, Transportation Planning Services provided the following comment:

“The report is satisfactory in its current form. Overall, the TIS establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.”

Regarding Byng Road, the TIS Addendum notes that while there is a possibility that vehicles could use Byng Road, the likelihood is low, as Byng Road is a longer route. It is further noted that *“using Byng Road as a “cut-through” route to access Walker Road is not a likely outcome for traffic generated by the subject development”*. Transportation Planning Services reviewed the TIS Addendum and had no concerns.

The staff recommendations in Report S 105/22 to approve an amendment to Zoning By-law 8600 and provide direction to the Site Plan Approval Officers remain unchanged and are as follows:

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff’s Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).
2. THAT the Site Plan Approval Officer **BE DIRECTED**:
 - a) To incorporate the following into site plan approval of the required site plan control agreement:
 - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
 - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
 - b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

Approvals:

| Name | Title |
|----------------|--|
| Adam Szymczak | Senior Planner |
| Neil Robertson | Manager of Urban Design / Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administration Officer |

Appendices:

- 1 Transportation Impact Study Addendum

2022-10-26
Project: 210752

Steve Habib
HD Development Group
5335 Outer Drive
Oldcastle ON N9G 0C4

Dear Mr. Habib:

**RE: 1850 NORTH SERVICE ROAD TRANSPORTATION IMPACT STUDY ADDENDUM
IMPACT ON BYNG ROAD**

The Transportation Impact Study (TIS) for the proposed development located at 1850 North Service Road was completed in March 2022. Questions regarding the potential impact on Byng Road have been asked. This letter addendum will address those potential impacts.

Before the TIS commenced, the scope of the analysis was discussed with and approved by City of Windsor staff. The intersection of North Service Road and Byng Road was not identified as an intersection to be studied. Turning movement counts were not collected at that intersection and therefore, the current volumes on Byng Road are not available for analysis.

The concern regarding Byng Road is that vehicles would use Byng Road and Parkdale Place to access Walker Road for trips to/from the north, instead of North Service Road, Turner Road, and Digby Street.

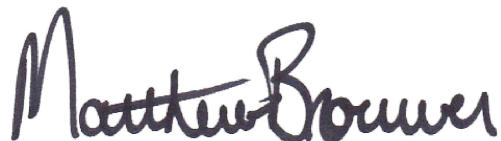
The only trips that would have potential to use Byng Road would be trips heading to / from the north on Walker Road. The other origin / destinations (south on Walker Road, south via Conservation Drive, and West via Grand Marias Road East) for trips from the subject development would not use Byng, as it does not serve trips taken in those directions. According to the estimated trip distribution, trips to / from the north on Walker Road will account for 20% of trips from the subject development.

While it is possible that a vehicle would use the Byng Road, instead of continuing on North Service Road, as drivers are free to use any public road they wish, the likelihood of using Byng Road is low, as it is a longer route. **Figure 1** shows the comparison of the two routes. Using Byng Road as a “cut-through” route to access Walker Road is not a likely outcome for traffic generated by the subject development.

If a condition of cut-through traffic or speeding exists on Byng Road, the City of Windsor could undertake a traffic calming study to identify any issues and potential solutions.

Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED

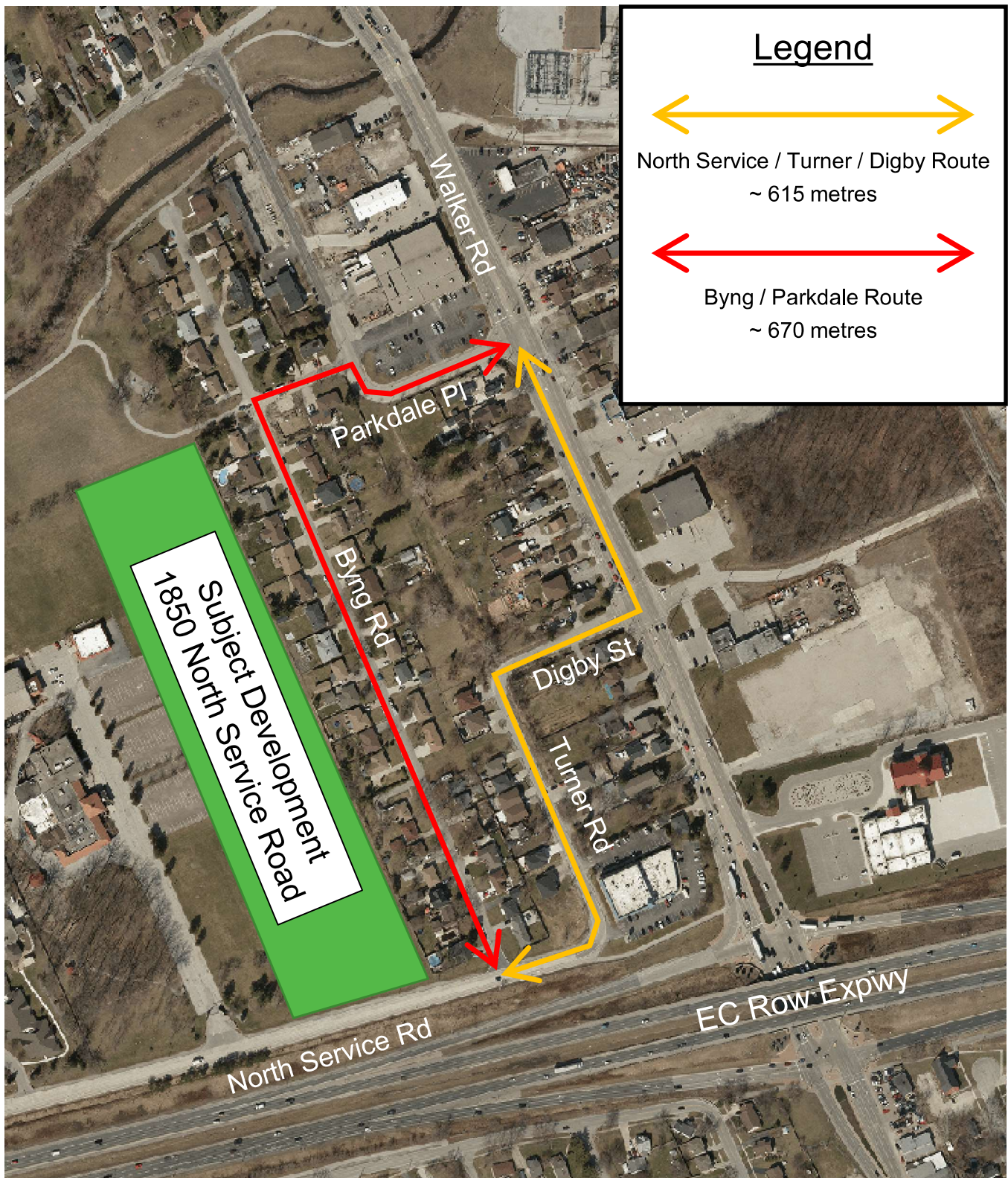
A handwritten signature in dark ink that reads "Matt Brouwer". The signature is written in a cursive, flowing style.

Matt Brouwer

P.Eng.

Senior Project Manager





Subject: Additional Information Memo #2 to S 105/2022 - Ward 10

Reference:

Date to Council: February 6, 2023
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: January 13, 2023
Clerk's File #: Z/14429

To: Mayor and Members of City Council

Additional Information:

Re: Rezoning – HD Development Group – 1850 North Service Road – Z-021/22
ZNG/6784 - Ward 10 S 105/2022 and AI 15/2022

At the December 5, 2022 meeting of the Development & Heritage Standing Committee (DHSC) deferred the application:

*THAT Report S 105/2022 of the Senior Planner dated August 25, 2022 entitled "Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10" and Additional Information Memo AI 15-2022 **BE DEFERRED** to allow the Applicant, in discussion with Administration, to determine if the proposed buildings can be moved further west on the subject parcel, and to determine what options are available to the Applicant that will allow vehicular access at the north end of the subject parcel; and,*

*That this information **BE BROUGHT FORWARD** to the January 9, 2023 Development & Heritage Standing Committee meeting if possible.*

This Additional Information Memo #2 provides the information requested in the December 5, 2022 motion.

Shifting Buildings to the West

Area residents via oral and written submissions requested that the proposed buildings be shifted westerly towards the Fogolar Furlan property, creating a larger setback from the east lot line adjacent to the parcels on Byng. The Applicant noted that the buildings had been shifted westerly based on comments at the open house.

The Applicant's architect noted it may be possible to shift Buildings A, B, D, and E to the west, however, they need to consider matters such as the Building Code, fire routes, parking spaces and aisles.

The Agent submitted a revised conceptual site plan (attached to this memo as Appendix 2A) to the Planning Department. Buildings A, B, D, and E were shifted to the west by about 15 to 20 m, increasing the building setback from the east lot line from 19.7 m to a range of 34.2 to 40.3 m. Building C remains mostly unchanged with an increase in setback from 25.7 m to 26.2 m. The garage buildings were relocated to the east side of the multiple dwelling buildings and will provide some mitigation of vehicular noise and lights. Appendix 2B provides further zoning information comparisons.

Second Vehicular Access Options

DHSC asked Administration why a second vehicular access at the north end of the subject parcel was not permitted. Rob Perissinotti, Development Engineer (A), Engineering Department – Development Division, replied that based on the initial concept plan for a townhouse development, a proposed north access encroached on municipal land (Udine Park), which is why the Engineering Department denied it.

The Parkdale Place right-of-way is open adjacent to the subject parcel. This portion of the right-of-way is grassed with a paved trail that connects to the trail that runs along the Grand Marais Drain. A small playground is located off the trail in Udine Park. A row of bollards at Byng Road prevents vehicles from using the trail and entering the park. 2903 Byng Road, at the southwest corner of Byng and Parkdale, has a fence and hedge that are located within the Parkdale right-of-way.

The use of Parkdale Place as a second vehicular access presents, in no particular order, the following challenges and issues:

- Submission of a new/revised Transportation Impact Study (TIS) by the applicant to determine what improvements, if any, are required to area roads.
- Use of a Local Road for vehicular access.
- Potential conflicts at the intersection of Parkdale Place & Turner Road, including northbound traffic turning left from Turner onto westbound Parkdale and the proximity of that left turn movement to the curve in the Turner / Parkdale roadway and the off-street parking spaces located within the Parkdale right-of-way for the multiple dwelling at the northwest corner of Parkdale & Turner (2162-2184 Parkdale Place).
- The extension of Parkdale Place is to municipal standards which includes a standard width road with curbs, sidewalk and a cul-de-sac, and may include changes to fencing and any landscaping of the residential properties adjacent to the Parkdale Place right-of-way, and the construction of a new trail in Udine Park, with all costs to be borne by the applicant.

The TIS submitted by the Applicant did not recommend a second vehicular access to the parcel. Transportation Planning Services provided the following comment regarding the TIS:

“The report is satisfactory in its current form. Overall, the TIS establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.”

Additional Information Memo AI 15/2022 provided further information regarding the impact of traffic on Byng Road. The TIS Addendum noted that *“using Byng Road as a “cut-through” route to access Walker Road is not a likely outcome for traffic generated by the subject development”*. Transportation Planning Services reviewed the TIS Addendum and had no concerns.

Conclusion

The staff recommendations in Report S 105/22 to approve an amendment to Zoning By-law 8600 and provide direction to the Site Plan Approval Officers remain unchanged and are as follows:

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff's Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).
2. THAT the Site Plan Approval Officer **BE DIRECTED**:
 - a) To incorporate the following into site plan approval of the required site plan control agreement:
 - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
 - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
 - b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

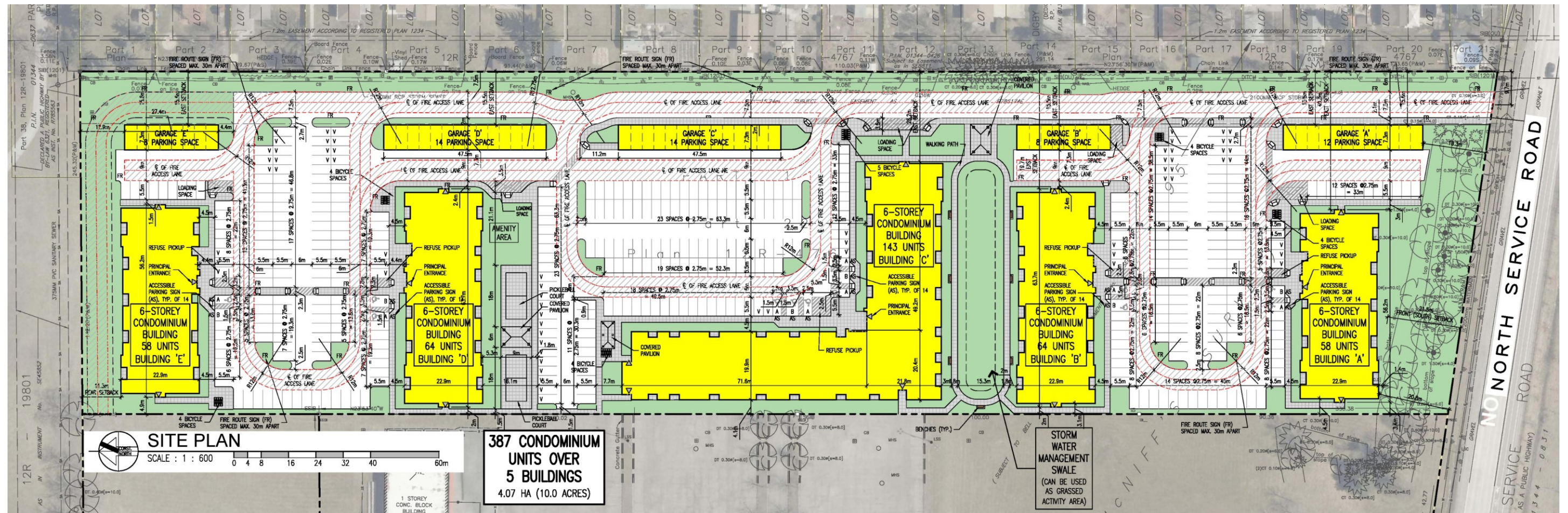
Approvals:

| Name | Title |
|----------------|--|
| Neil Robertson | Manager of Urban Design / Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administration Officer |

Appendices:

- 1 Appendix 2A – Revised Conceptual Site Plan
- 2 Appendix 2B – Zoning Matrix Comparison

APPENDIX 2A – REVISED CONCEPTUAL SITE PLAN



APPENDIX 2B – ZONING MATRIX COMPARISON

| PROVISION | RESIDENTIAL RD3.3 | PREVIOUS PROPOSED DEVELOPMENT | REVISED SITE PLAN |
|--|--|---|---|
| LOT AREA | 1,825 m ² for first 19 units 45 m ² each additional unit (18,385 m ² for 387 units) | 4.07 ha 40,703 m ² | N/C |
| LOT FRONTAGE | 45 m | 143 m | N/C |
| FRONT SETBACK | | 21 m | 20.8 m |
| REAR SETBACK | | 11.4 m | 11.3 m |
| INTERIOR SIDE - EAST | | BLDG A - 19.7 m BLDG B - 19.7 m BLDG C - 25.7 m BLDG D - 19.7 m BLDG E - 19.7 m | BLDG A - 40.3 m BLDG B - 34.2 m BLDG C - 26.2 m BLDG D - 34.3 m BLDG E - 39.4 m |
| INTERIOR SIDE - WEST | | BLDG A - 23.3 m BLDG B - 17.6 m BLDG C - 4.5 m BLDG D - 17.6 m BLDG E - 25.2 m | BLDG A - 4.5 m BLDG B - 2.0 m BLDG C - 4.1 m BLDG D - 2.0 m BLDG E - 4.9 m |
| LANDSCAPED OPEN SPACE | 35% (min) | 41% | N/C |
| LOT COVERAGE | 35% (max) | 20% | N/C |
| PARKING | 1.25 sp x 387 = 484 spaces | 491 spaces | 494 spaces |
| BICYCLE PARKING | 26 spaces | 26 spaces | 25 spaces |
| DWELLING UNIT DENSITY | 180 units/ ha | 95 units/ha | N/C |
| MAXIMUM MAIN BUILDING HEIGHT | 24 m | 20.7 m | N/C |
| N/C = No Change This zoning matrix provided by Applicant. | | | |



Committee Matters: SCM 41/2023

**Subject: Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22
ZNG/6926 - Ward 2**

Moved by: Councillor Angelo Marignani
Seconded by: Member Arbour

Decision Number: **DHSC 464**

I. That Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

459. SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET

For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Area – minimum 432.0 m²
- b) Lot Width – minimum 12.0 m

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6926]

Report Number: S 7/2023

Clerk's File: Z/14506

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.2 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

**Subject: Rezoning - Damon & Kelly Winney - 966 California Ave - Z
041/22 ZNG/6926 - Ward 2**

Reference:

Date to Council: February 6, 2023
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: January 13, 2023
Clerk's File #: Z/14506

To: Mayor and Members of City Council

Recommendation:

I. THAT Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

459. SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET

For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- | | |
|------------------------|----------------------|
| a) Lot Area – minimum | 432.0 m ² |
| b) Lot Width – minimum | 12.0 m |

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6926]

Executive Summary:

N/A

Background:



KEY MAP - Z-041/22, ZNG-6926



● SUBJECT LANDS

APPLICATION INFORMATION

Location: Southeast corner of California Avenue and Davis Street, municipally known as 966 California Avenue and described as Plan 50; Lot 88; N PT Lot 87; Roll No. 050-370-01600.

Applicant: Damon & Kelly Winney

Proposal: The subject lands are situated southeast corner of California Avenue and Davis Street. The subject site is occupied by a single unit dwelling. The applicant proposes to demolish the existing building and to construct a semi-detached dwelling, with 2 units on the first floor, 2 additional dwelling units in the basement and 1 additional dwelling unit in the backyard, for a total of 5 residential units. Four parking spaces are proposed.

The subject amendment to Zoning By-Law 8600 will maintain the current 'Residential District 1.3' (RD1.3) and add a site specific provision to allow a semi-detached dwelling as an additional permitted use, reduce the minimum lot area to 432 m², and reduce the minimum lot width to 12.6 m.

Submissions by Applicant: Rezoning Application, Conceptual Site Plan

SITE INFORMATION

| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|--|----------------------------------|----------------------|--------------|
| Residential | Residential District 1.3 (RD1.3) | Single Unit Dwelling | N/A |
| FRONTAGE | DEPTH | AREA | SHAPE |
| 12.7 m | 32.92 m | 418.07 sq. m | Rectangular |
| Note: All measurements are approximate | | | |

REZONING MAP



PART OF ZONING DISTRICT MAP 4

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Damon & Kelly Winney



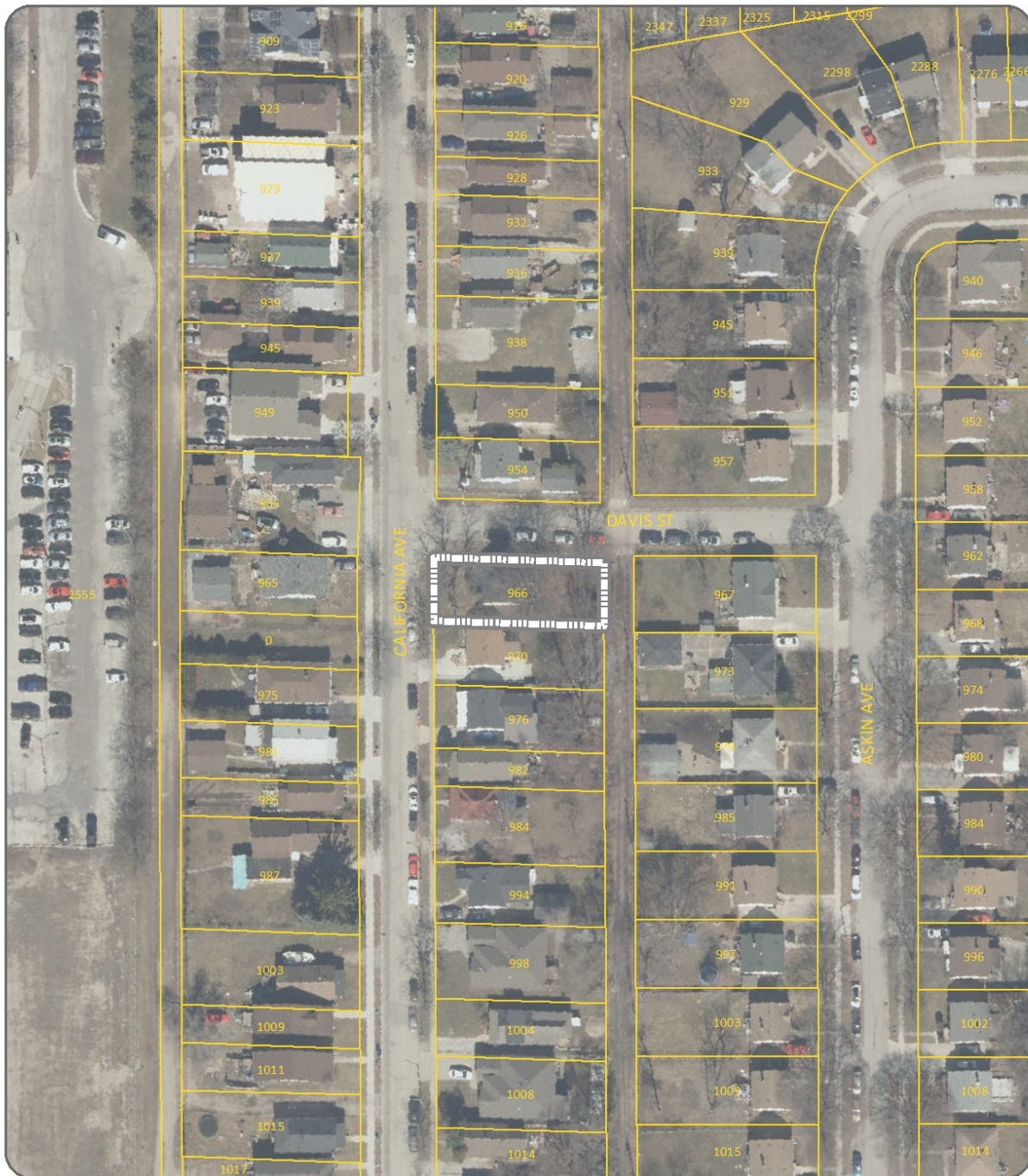
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : NOVEMBER, 2022
FILE NO. : Z-041/22, ZNG/6926

NEIGHBOURHOOD MAP



NEIGHBOURHOOD MAP - Z-041/22, ZNG/6926



SUBJECT LANDS

Surrounding Land Uses

North side of subject lands contains: Residential

East side of the subject lands contains: Residential

West side of the subject lands contains: Residential Area, University Campus

South side of the subject lands consists of: Residential Area

Site photos (Google Street View) are attached to this report as Appendix B: Site Photos to identify the surrounding land uses.

Municipal Infrastructure

Road: California Avenue and Davis Street are classified as a Local Road in the Official Plan. The roads have two travel lanes, single side on-street parking. California Avenue has sidewalks on both sides, while Davis Street has no sidewalks.

Sanitary / Storm sewer: A storm sewer and sanitary sewer made of reinforced concrete pipe is located southwest of the subject property along California Avenue.

Fire Hydrants: Two fire hydrants are within proximity to the property, approximately 71 m to the south of the property and 66 m east of the property.

Public Transit: Transit Windsor operates the Central 3 – Westbound bus route nearby with the closest stop at College Avenue and California Avenue, approximately 160 m from the property.

Discussion:

Planning Act

The comments, submissions or advice affecting planning matters provided by the council of a municipality, as well as the decision of the council of a municipality shall be consistent with the Provincial Policy Statement 2020 and shall conform to the Official Plan.

Provincial Policy Statement 2020 (PPS)

The recommended amendment to Zoning By-law 8600 is consistent with the PPS. The recommended amendment to reduce the minimum required lot area and lot width, and add semi-detached as an additional permitted use is consistent with PPS policies described in this section.

PPS provides policy direction for appropriate development. This policy direction takes into consideration efficient use of land and resources, accommodating an appropriate mix of residential uses, supporting active transportation/transit while preparing for the impacts of climate change. The PPS recognizes that land use are to be managed to meet the full range of current and future needs, while protecting public safety and natural environment.

The proposed semi-detached use contributes to the building of a strong healthy community as per policy 1.1.1. of the PPS. The proposed amendment is consistent with the PPS as follows:

- The subject building is connected to municipal services.
- The subject site complements the surrounding neighbourhood of residential uses.
- Accessibility will be established in compliance with Ontario Building Code (OBC).
- There are no impacts on the natural environment, public health and safety.

The subject lands are within the urban area of the settlement for the City of Windsor. The proposed amendment would permit a higher density of residential units, making a more efficient use of land within the existing built up area.

PPS defines Intensification as “means of development of a property at a higher density than currently exists. The proposed semi-detached will increase the residential density of the subject property from its previous single unit dwelling use.

The PPS recommends accommodating affordable, market-based range, and a mix of residential types including multiple-unit housing, affordable housing such as the proposed semi-detached unit. The subject site is located near a transit route which provides an opportunity to promote transit ridership.

The applicable PPS sections promote the vitality of the existing settlements recognizing the importance of long-term prosperity of the community while making use of existing infrastructure.

In my opinion, the proposed development is an efficient intensification of the property and promotes a healthy, liveable and safe community. The recommended amendment to Zoning By-Law 8600 is consistent with the PPS.

Official Plan

The Official Plan, Schedule D: Land Use designates the subject land as “Residential”.

The permitted uses in the Residential land use include low, medium and high profile dwelling units. The proposed development is a low profile, small scale form complying with the Official Plan policies. The majority of houses fronting California near the subject property contain dwellings with 1 to 2 units. The proposed use integrates well with the surrounding residential area.

Section 3.3.3 Neighbourhood policies denotes that the residential areas are the most basic component on Windsor’s urban structure, facilitating a range of “low-to-medium density residential” built forms.

Section 6.3.1.3 Intensification Infill & Redevelopment promote selective residential redevelopment, infill and intensification initiatives similar to the subject proposal.

The Residential policies (Sections 6.3.2.4 and 6.3.2.5) stipulate location and evaluation criteria for Residential development. The proposed development meets the locational criteria that includes access to a collector road, full services, adequate open spaces and community services, and public transportation service.

The land use policies associated with the Residential Land Use designation support a complementary range of housing forms and tenures in all neighbourhoods, promote compact neighbourhoods that encourage a balanced transportation system, promote selective residential redevelopment, infill and intensification initiatives. The proposed development is a compatible residential housing type that will contribute to the diversity of housing forms in the neighbourhood.

The recommended Zoning By-law Amendment maintains conformity with the OP.

Zoning By-Law 8600

The Zoning Bylaw 8600 designates the zoning for the subject property as Residential District 1.3 (RD1.3). Applicable zoning excerpts are in Appendix B: Excerpts from the Zoning Bylaw 8600.

As per Section 10.3.1, permitted uses include an existing semi-detached dwelling.

The subject amendment to Zoning By-Law 8600 will add site specific provisions to permit a new semi-detached dwelling, and permit a reduction in the minimum required lot area and lot width. The site specific provisions in RD1.3 are appropriate for the development as proposed. Other semi-detached and multiple dwellings exist along California Avenue, so the proposed development is consistent with the other uses in the surrounding area. The Planning Department recommends that the RD1.3 zoning be maintained and that a site specific exception permitting a semi-detached dwelling as an additional permitted use.

The Applicant is not requesting any changes to the building setbacks, building height or parking requirements.

The recommended Zoning By-law amendment provides for an appropriate use of the property.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, residential intensification minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

The proposed construction of these new dwellings provides an opportunity to increase resiliency for the development and surrounding area.

Financial Matters:

N/A

Consultations:

Municipal Departments and External Agencies - Comments from the municipal departments and external agencies are attached as Appendix C: Consultations to this report. There are no objections to the proposed amendment.

Public Notice - The official notice will be advertised in the Windsor Star newspaper as mandated by the Planning Act.

A courtesy notice will be mailed to all properties within 120 m of the subject parcel.

Conclusion:

The recommended site-specific amendment to Zoning By-law 8600 is consistent with the Provincial Policy Statement 2020 as it provides an efficient use of intensification of the property and promotes a healthy, liveable and safe community. The recommended Zoning By-law Amendment maintains conformity with the Official Plan as the proposed semi-detached dwelling is a compatible residential housing type that will contribute to the diversity of housing forms in the neighbourhood. The proposed Zoning By-law Amendment constitutes good planning as it provides for an appropriate more intensive use of the property.

Planning Act Matters:

*Michael Cooke, MCIP RPP
Manager, Planning Policy*

*Neil Robertson, MCIP RPP
Manager, Urban Design*

*Thom Hunt, MCIP RPP
City Planner/Executive Director*

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP OC

Approvals:

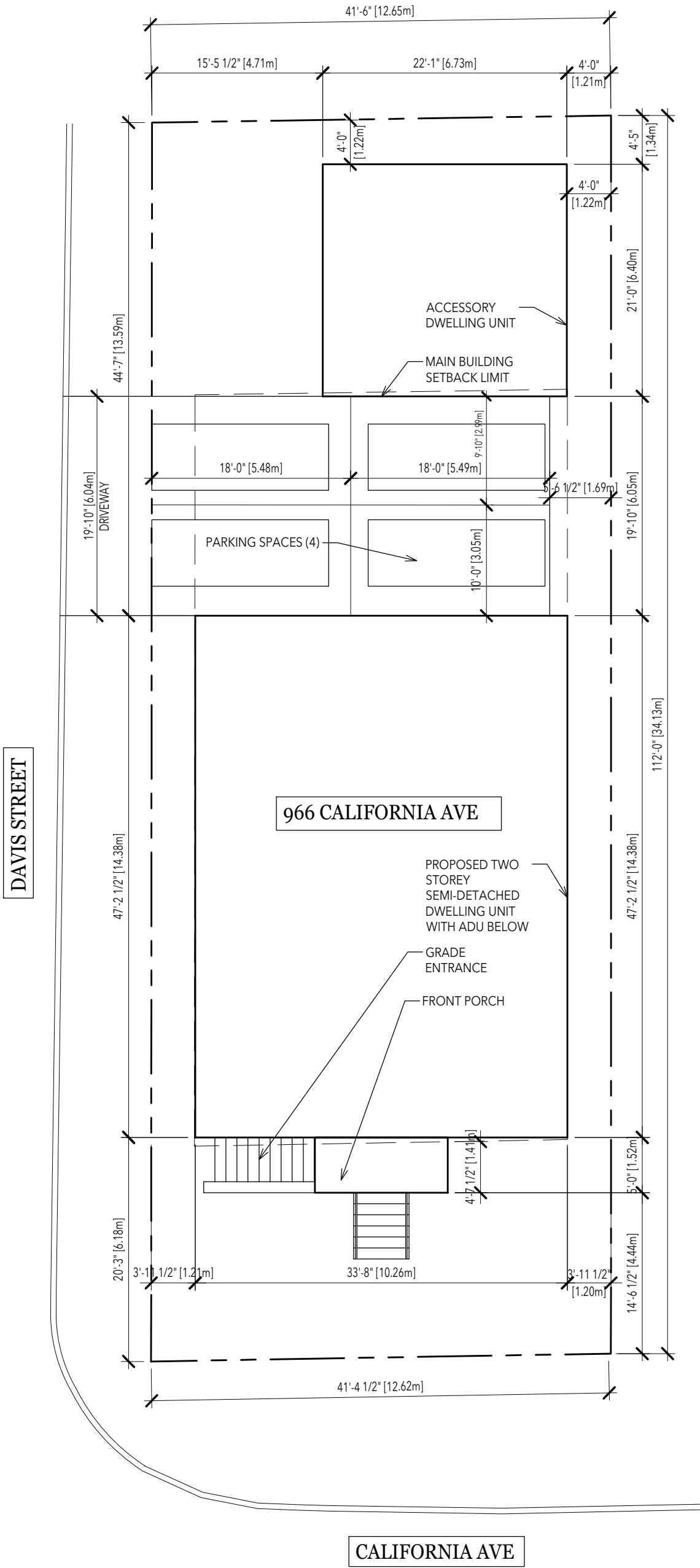
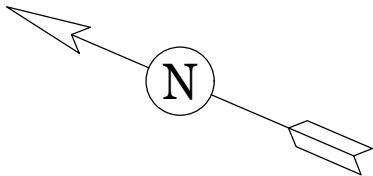
| Name | Title |
|----------------|---|
| Michael Cooke | Manager of Planning Policy / Deputy City Planner |
| Neil Robertson | Manager of Urban Design / Deputy City Planner |
| Thom Hunt | City Planner, Executive Director of Planning & Building |
| Wira Vendrasco | Deputy City Solicitor |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---|--|----------------------|
| Damon & Kelly Winney | 866 Old Tecumseh Road Belle River, ON N0R 1A0 | damon@jumprealty.ca |
| Pillon Abbs Inc. Tracey Pilon-Abbs | 23669 Prince Albert Road Chatham, ON N7M 5J7 | tracey@pillonabbs.ca |
| Councillor Costante | | |
| All property owners and tenants within 120 m of the subject parcel. | | |

Appendices:

- 1 APPENDIX A - Conceptual Site Plan
- 2 APPENDIX B - Site Photos
- 3 APPENDIX C - Excerpts from Zoning By-law 8600
- 4 APPENDIX D - Consultations



LOT CALCULATIONS
ZONED: RD1.3

| ZONING | REQ'D | PROV'D |
|--------------------------------------|---|---|
| LOT AREA | 450.0m ² (4,844ft ²) | 432.8m ² (4,960ft ²) |
| LOT WIDTH FOR SEMI DETACHED DWELLING | 15.0m (49.2') | 12.698m (41.6') |
| SEMIDETACHED FOOTPRINT (INCL. PORCH) | - | 153.1m ² (1,648ft ²) |
| MAIN BLDG LOT COVERAGE | - | 33.2% |
| ACCESSORY DWELLING UNIT | - | 43.1m ² (464ft ²) |
| ACCESSORY COVERAGE | 10% | 9.4% |
| TOTAL LOT COVERAGE | 45% | 43.00% |
| FRONT YARD | 6.0m (19.7') | 6.0m (19.7') |
| PERMITTED FRONT YARD ENCROACHMENT | 2.5m (8.20') | 1.41m (4.625') |
| REAR YARD MAIN BUILDING SETBACK | 7.5m (24.606') | 13.6m (44.625') |
| REAR YARD ACCESSORY BUILDING SETBACK | 1.2m (3.93') | 1.22m (4.0') |
| MIN SIDE YARD | 1.2m (3.93') | 1.2m (3.93') |

CALIFORNIA AVE

S I T E P L A N

SCALE:3/32" = 1'-0"



PHILIP FERNANDES
CUSTOM ARCHITECTURAL DESIGN

CLIENT: 966 CALIFORNIA AVE
PROJECT: 22-TBD
DATE: 2022 10 07



Image 1 - Subject Parcel – 966 California Ave - Looking East
Subject Property on the left



Image 2 - Looking South towards Tecumseh Road

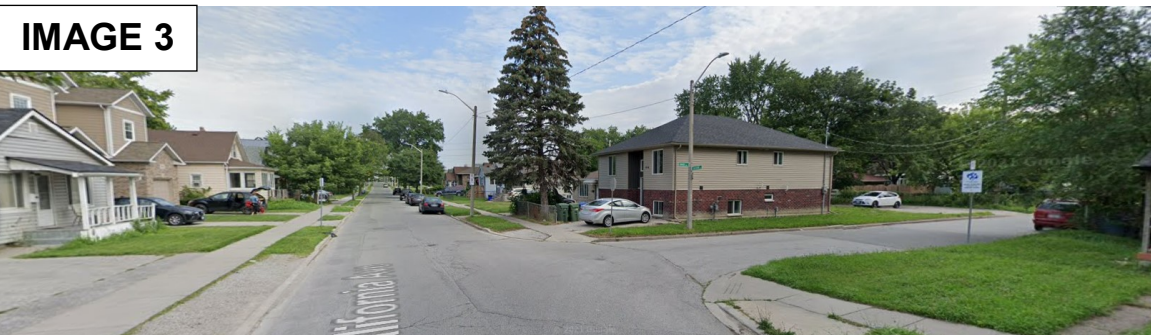


Image 3 - Looking North towards College Avenue – Subject Parcel on right



Image 4 - Looking West from subject parcel

APPENDIX C

Excerpts from the Zoning By-Law 8600

SECTION 3 - DEFINITIONS

BUILDING means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: *access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.*

ACCESSORY BUILDING means a completely detached *building* used for an *accessory use* of the *lot*, for one *dwelling unit* where permitted by Section 5.99.80, or for any combination thereof.

MAIN BUILDING means a *building* used for the *main use* of the *lot* and may also include in combination therewith an *accessory use* subject to any applicable provisions for an *accessory use*.

DWELLING means a *building or structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

SEMI-DETACHED DWELLING means one *dwelling* divided vertically into two *dwelling units* by a common interior wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, up to two additional *dwelling units*.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a *building or structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

SEMI-DETACHED DWELLING UNIT means one *dwelling unit* in a *semi-detached dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

EXISTING means:

1. where a provision states a specific date, a *building, lot, premises, structure, or use* lawfully existing on the date specified;
2. where clause 1 does not apply and an amending by-law added the defined term “existing” after July 22, 2002, a *building, lot, premises, structure, or use* lawfully existing on the date the amending by-law came into force; or
3. where clause 1 and clause 2 do not apply, a *building, lot, premises, structure, or use* lawfully existing on July 22, 2002.

Where the term “existing” is not italicized, the ordinary meaning shall apply to a lawfully existing *building, lot, premises, structure, or use*.

FLOOR AREA means the area of a floor in a *building*.

GROSS FLOOR AREA means the total combined floor area in square metres of all *buildings* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of each *building*.

STRUCTURE means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

LOT means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

APPENDIX C

Excerpts from the Zoning By-Law 8600

USE

1. when used as a noun means the purpose for which a *building, lot, premises* or *structure* is designed, maintained or occupied.
2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a *building, lot, premises* or *structure*.

ACCESSORY USE means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

MAIN USE means the principal *use* or *uses* of a *building, lot, premises* or *structure*.

SECTION 10 – RESIDENTIAL DISTRICT 1. (RD1.)

10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

10.3.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.3.5 PROVISIONS

| | Duplex Dwelling | Semi-Detached Dwelling | Single Unit Dwelling |
|---|----------------------|------------------------|----------------------|
| .1 Lot Width – minimum | 9.0 m | 15.0 m | 9.0 m |
| .2 Lot Area – minimum | 360.0 m ² | 450.0 m ² | 270.0 m ² |
| .3 Lot Coverage – maximum | 45.0% | 45.0% | 45.0% |
| .4 Main Building Height – maximum | 9.0 m | 9.0 m | 9.0 m |
| .5 Front Yard Depth – minimum | 6.0 m | 6.0 m | 6.0 m |
| .6 Rear Yard Depth – minimum | 7.50 m | 7.50 m | 7.50 m |
| .7 Side Yard Width – minimum | 1.20 m | 1.20 m | 1.20 m |
| .8 Gross Floor Area – main building – maximum | 400 m ² | 400 m ² | 400 m ² |

(AMENDED by B/L 101-2022, July 11, 2022)

APPENDIX D – CONSULTATIONS

City of Windsor - Building Department - Barbara Rusan

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reached at 519-255-6267 or email at buildingdept@citywindsor.ca

City of Windsor - Engineering Department – Rob Perissinotti

We have reviewed the subject rezoning application and have the following comments:

The site may be serviced by a 600mm vitrified storm sewer and a 300mm PVC sanitary sewer both fronting the property on California Ave. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. A site servicing drawing will be required to determine location of existing services. Storm water management calculation are to be completed in accordance with the Windsor/Essex Region Stormwater Standards Manual (<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>)

Both California Ave Davis St are classified as Local Roads according to the Official Plan with a required right-of-way width of 20.0 meters. The current right-of-way widths of these roads are insufficient, however, no conveyance is required. Driveways shall be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way as per BP2.3.1. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. Permits are required for any work in the right-of-way.

In summary, we have no objections to the proposed Site Plan Control application, subject to the following requirements:

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

If you have any questions or concerns, please contact Rob Perissinotti of this department at 519-255-6257, ext.6615.

City of Windsor – Transportation Planning - Shannon Deehan, Transportation Planning Coordinator

- Davis St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is insufficient, however, a conveyance is not being requested at this time.

APPENDIX D – CONSULTATIONS

- California Ave is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is insufficient, however, a conveyance is not being requested at this time.
- All parking must comply with zoning by-law 8600, otherwise a parking study may be required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Enbridge Gas - Kelly Buchanan

Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

Enbridge Gas – Sandro Aversa

After reviewing the provided drawing at 966 California Ave and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing is available for reference.

Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

APPENDIX D – CONSULTATIONS

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Enwin Engineering Ltd – Nillavon Balachandran

HYDRO ENGINEERING:

No objection provided adequate clearances are achieved and maintained.

ENWIN has existing overhead primary conductor at 16kV on the east side of the property in the back alley

ENWIN has existing overhead secondary conductor at 120/240 Volts on the east side of the property running east-west

Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

WATER ENGINEERING:

Water Engineering has no objections. The existing water service may not be sufficient for the proposed development.

APPENDIX D – CONSULTATIONS



Committee Matters: SCM 42/2023

**Subject: Rezoning – Hussain Alameri – 3857 Wyandotte Street East Z-033/22:
ZNG/6868 - Ward 5**

Moved by: Councillor Kirean McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 465**

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

461. SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Report Number: S 1/2023
Clerk's File: Z/14514

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 7.3 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

**Subject: Rezoning – Hussain Alameri – 3857 Wyandotte Street East
Z-033/22: ZNG/6868 - Ward 5**

Reference:

Date to Council: February 6, 2023
Author: Frank Garardo, MCIP, RPP
Senior Planner
519-255-6543 x6446
fgarardo@citywindsor.ca

Planning & Building Services
Report Date: January 19, 2023
Clerk's File #: Z/14514

To: Mayor and Members of City Council

Recommendation:

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

461. SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Executive Summary:

N/A

Background:

Application Information

Location: 3857 Wyandotte Street East
Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: (3739-010-060-09000-0000)
south side of Wyandotte Street East, west of George Avenue

Ward: 5 **Planning District:** East Windsor **Zoning District Map:** 6/10

Applicant: Hussain Alameri

Owner: Hussain Alameri (Ontario Inc.)

Agent: Same as Owner

Proposal:

The Applicant is requesting an amendment to Zoning By-law 8600 to permit a *Motor Vehicle Dealership* as an additional permitted use. The parcel is designated as "Mixed Use Corridor" in the City of Windsor Official Plan, zoned Commercial District 3.3 CD), has a total lot area of 3778 m², lot frontage of 60.96.m and an irregular lot depth of 80.83 m, and is occupied by a single storey building currently used as an automobile parts supply and automotive repair shop. No addition to the existing building is proposed at this time.

See Appendix A for site images of the subject lands.

Submissions: Rezoning Application Form; Topographic Survey; Concept Plan

Site Information:

| OFFICIAL PLAN | ZONING | CURRENT USE | PREVIOUS USE |
|--|---------------------------------|------------------------|--------------|
| Mixed Use Corridor | Commercial District 3.3 (CD3.3) | Automobile Repair Shop | N/A |
| LOT FRONTAGE | LOT DEPTH | LOT AREA | LOT SHAPE |
| 60.96 m | 80.83 m | 3778 sq. m | irregular |
| <i>All measurements are approximate and are for information purposes only.</i> | | | |

Figure 1: Key Map

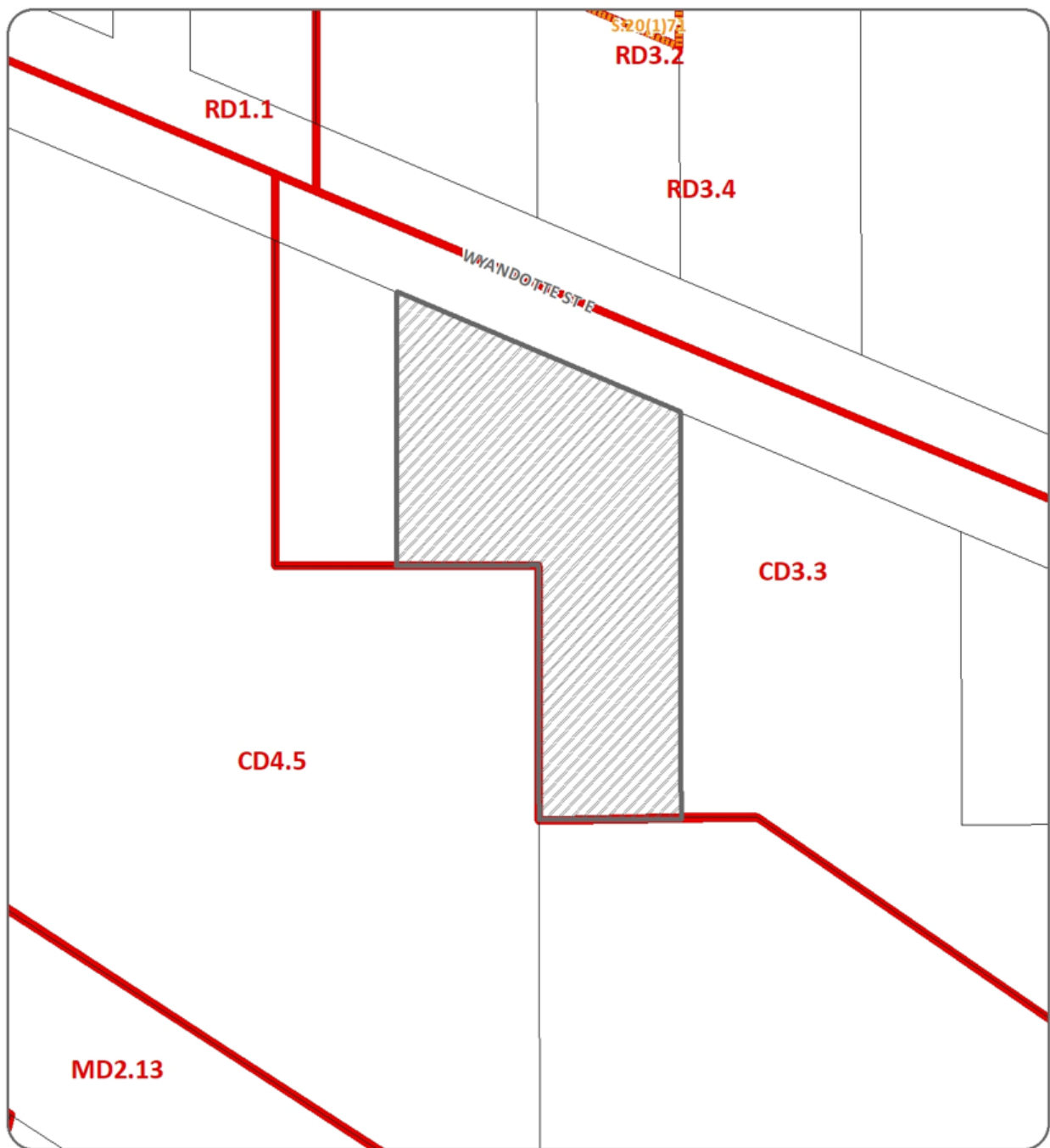


KEY MAP - Z-033/22, ZNG-6868



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAPS 6 & 10

N.T.S.

REZONING

Applicant: Hussain Alameri



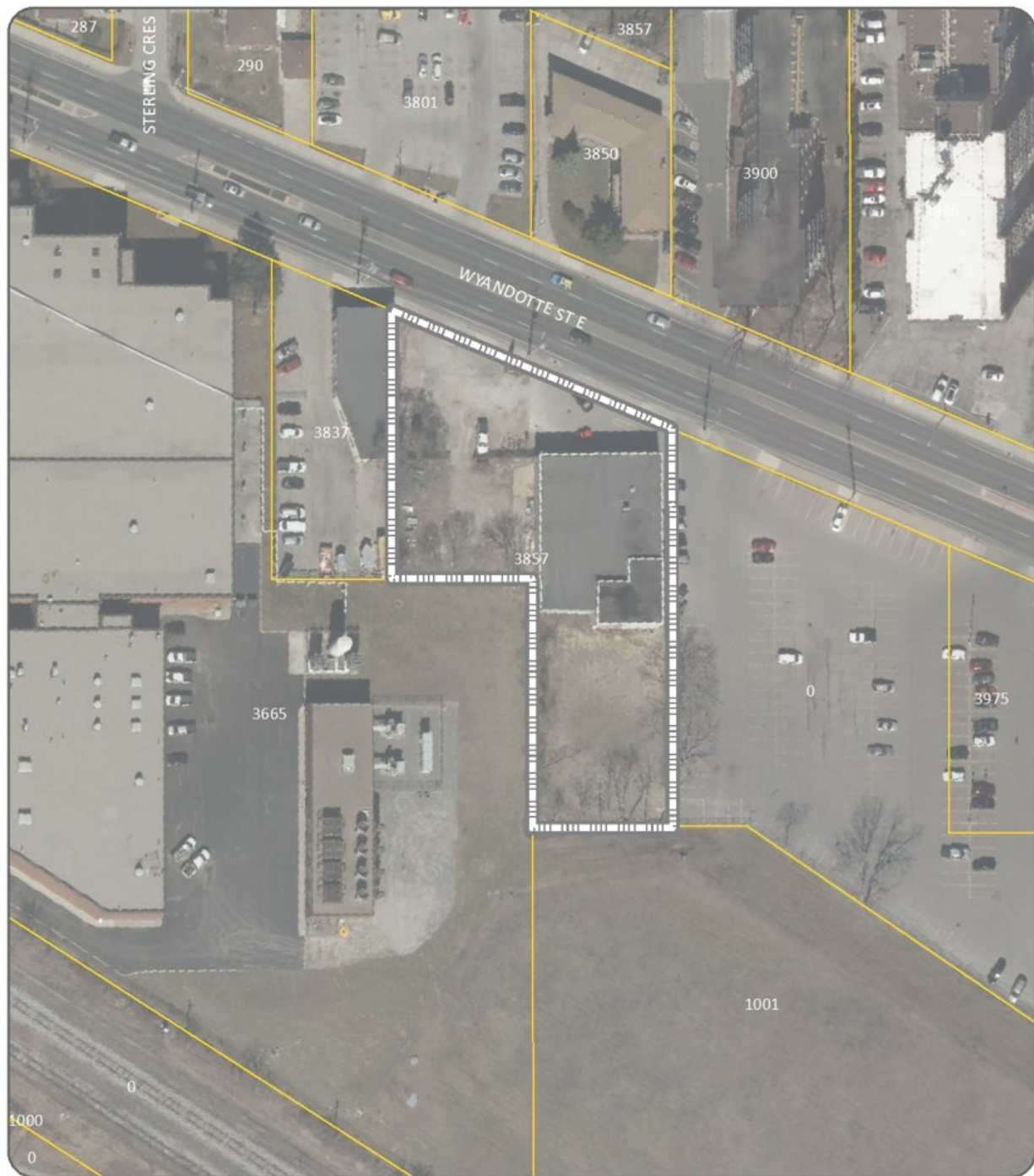
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022
FILE NO. : Z-033/22, ZNG/6868

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-033/22, ZNG-6868



SUBJECT LANDS

Neighbourhood Characteristics:

The subject parcel is located within a commercial area on the south side of Wyandotte Street East. The area consists of mixed land uses including retail land uses to the east and west, industrial land uses to the south and high density residential development to the north. The subject site currently contains an existing one-storey building with several garage doors and is currently operating as an automobile repair shop.

Wyandotte Street East is a Class II Arterial road with four travel lanes and curbs and sidewalks on both sides, and is a major east-west corridor. On-street parking is prohibited.

Transit Windsor operates the Crosstown 2 bus route along Wyandotte St with stops within walking distance of the subject parcel.

Sewers are available in the Wyandotte Street East right-of-way.

Discussion:

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Policy 1.1.1 of the PPS states:

“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;*
- 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;*
- 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;”*

The proposed Motor Vehicle Dealership represents an efficient development that will have no adverse impact on the financial well-being of the City, land consumption, and servicing costs, accommodates an appropriate range of employment uses, minimizes land consumption and servicing costs, and optimizes investments in transit. The zoning amendment is consistent with Policy 1.1.1.

Policy 1.1.3.1 of the PPS states:

“Settlement areas shall be the focus of growth and development.”

Policy 1.1.3.2 of the PPS states:

“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;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The parcel is located within the settlement area. The zoning amendment promotes a land use that makes efficient use of land and existing infrastructure and is transit-supportive. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

Policy 1.3.1 of the PPS states:

“Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b. providing opportunities for a diversified economic base, including maintaining 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;*
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d. ensuring the necessary infrastructure is provided to support current and projected needs.”*

Policy 1.7.1 of the PPS states:

“Long-term economic prosperity should be supported by:

- a. promoting opportunities for economic development and community investment-readiness;*
- b. optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*
- c. maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;”*

Allowing a Motor Vehicle Dealership as an additional permitted use enhances the mix and range of employment uses, incorporates a compatible use, diversifies the economic base, provides a wider range of economic activities and ancillary uses, improves the viability of the subject parcel and represents an opportunity for economic development, and optimizes the use of land, resources and infrastructure. No deficiencies in infrastructure have been identified. The requested amendment is consistent with Policy 1.3.1 and Policy 1.7.1 of the PPS.

The requested amendment to Zoning By-law 8600 to add an Motor Vehicle Dealership as an additional permitted use is consistent with the PPS.

Relevant excerpts from the Provincial Policy Statement are attached as Appendix B.

Official Plan:

The subject parcel is located on an arterial road and within a commercial area; the subject site is designated as “Mixed Use Corridor” on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.5.1.1 encourages the orderly development and distribution of commercial uses across the City. Objective 6.5.1.4 seeks to locate commercial activities in areas, which have sufficient and convenient access by all modes of transportation. Objective 6.5.1.5 seeks to ensure that there are limited negative impacts of expanded commercial uses on adjacent sensitive uses. Objective 6.5.1.7 seeks to accommodate an appropriate range of commercial uses for the trade area.

The Mixed use corridor designation permits primarily retail, wholesale store and service oriented uses, and to a lesser extent, office uses.

Objective 6.5.2.4 encourages Mixed Use development to locate where direct access to Class I or Class II Arterial roads are present, full municipal services can be provided, commercial related traffic can be directed away from residential areas, and public transportation service can be provided. Objective 6.5.2.5 promotes development that can be compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas.

There is access to a Class II Arterial Road, full municipal physical services are available, there is adequate parking and the proposed uses are compatible with the existing land use and surrounding area in terms of scale, massing, height, siting, orientation, setbacks parking and landscaped areas.

The proposed Motor Vehicle Dealership is compatible with the existing automotive-related land uses, helps accommodate a complimentary range of commercial uses, and improves the viability of the existing site. The parcel is located on a major east-west arterial road, has access to public transit, directly abuts industrial land uses to the south, and no deficiencies in services have been identified.

The zoning amendment satisfies the objectives in Section 6.5.1 of the Official Plan.

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

Relevant excerpts from the Official Plan are attached as Appendix C.

Zoning By-Law:

The applicant is requesting a site-specific exception to allow a Motor Vehicle Dealership as an additional permitted use. The site consists of an existing automotive repair shop and there are existing parcels selling motor vehicles in the surrounding areas. The parcel is of adequate area to accommodate the proposed additional use. A Motor Vehicle Dealership is compatible with existing and adjacent land uses in the surrounding area. Based on the size and gross floor area of the existing building and existing land uses, administration is recommending a minimum of 18 parking spots and a minimum Parking space separation of 3 metres from the street.

The subject parcel has multiple curb cuts for vehicular access; the engineering department has provided comments for consideration during the site plan review process including servicing, and curb cut requirements.

Relevant excerpts from the Zoning By-Law are attached as Appendix D.

Site Plan Control

The change of use is subject to site plan review. The applicant has provided a concept site plan. Further details on parking layout, parking area surface, road widening, and engineering comments will be considered during that process.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, adaptive reuse of existing buildings minimizes the impact on the Community greenhouse gas emissions as these developments use currently available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

Minimal opportunity to increase resiliency of the development or surrounding area.

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix E.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and tenants within 120m of the subject parcel.

Planner's Opinion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the Official Plan.

Based on the information in this report, it is my opinion that an amendment to Zoning By-law 8600 to add a site specific exception to allow a Motor Vehicle Dealership as an additional permitted use is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan, and constitutes good planning.

Conclusion:

Staff recommend that Zoning By-law 8600 be amended by adding a site specific exception to allow Motor Vehicle Dealership as an additional permitted use.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Michael Cooke, MCIP, RPP

Thom Hunt, MCIP, RPP

Manager of Planning Policy

City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

OC

Approvals:

| Name | Title |
|----------------|--|
| Michael Cooke | Manager of Planning Policy/Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administration Officer |

Notifications:

| Name | Address | Email |
|--|---------|-------|
| Property owners and tenants within 120 m of the subject parcel | | |

Appendices:

- 1 Appendix A Site Images
- 2 Appendix B Excerpts from PPS
- 3 Appendix C Excerpts from OP
- 4 Appendix D Excerpts from Zoning By-law
- 5 Appendix E Consultations
- 6 Appendix F Amending By-law
- 7 3857 Wyandotte St E Site Plan

Appendix 'A' – Site images







* Images from google earth

Appendix B

Excerpts from the Provincial Policy Statement (PPS) 2020

Applicable PPS Sections:

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;
- 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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- 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;
- 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

Appendix B

Excerpts from the Provincial Policy Statement (PPS) 2020

- 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*; and

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.

1.1.3.3 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.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining 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;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

1.7.1 Long-term economic prosperity should be supported by:

- a. promoting opportunities for economic development and community investment-readiness;
- b. optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;

Appendix B
Excerpts from the
Provincial Policy Statement (PPS) 2020

c. maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;”

Appendix C

Excerpts from the City of Windsor Official Plan (OP)

Applicable Official Plan Sections:

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 possible second floor commercial uses and upper floor residential dwellings. (Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)

The following objectives and policies establish the framework for development decisions in all Commercial areas.

6.5.1 Objectives

| | | |
|---|---------|--|
| <i>ORDERLY DEVELOPMENT & DISTRIBUTION</i> | 6.5.1.1 | To encourage the orderly development and distribution of commercial uses across the City. |
| <i>SUFFICIENT SUPPLY</i> | 6.5.1.2 | To ensure that a sufficient land supply for commercial purposes is maintained over the 20 year period of this Plan. |
| <i>IMPROVE CENTRES & CORRIDORS</i> | 6.5.1.3 | To promote the stabilization, consolidation and improvement of existing commercial centres and corridors. |
| <i>ACCESSIBLE</i> | 6.5.1.4 | To locate commercial activities in areas which have sufficient and convenient access by all modes of transportation. |
| <i>MINIMIZE NEGATIVE IMPACTS</i> | 6.5.1.5 | To ensure that there are limited negative impacts of expanded commercial uses on adjacent sensitive uses. |
| <i>ACTIVE COMMUNITY AREAS</i> | 6.5.1.6 | To ensure that commercial areas are designed to function as locations for social interaction. |

Appendix C

Excerpts from the City of Windsor Official Plan (OP)

| | | |
|--|---------|--|
| <i>RANGE OF USES</i> | 6.5.1.7 | To accommodate an appropriate range of commercial uses for the trade area. |
| <i>RESIDENTIAL INTENSIFICATION</i> | 6.5.1.8 | 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. (Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022) |

6.5.3 Mixed Use Corridor

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 commercial 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. (Added by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022)

| | | |
|---------------------------|--------------------|---|
| <i>PERMITTED USES</i> | 6.5.3.1 | Uses permitted in the Commercial 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. (Deleted by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022) |
|---------------------------|--------------------|---|

| | | |
|---------------------------|---------|---|
| <i>PERMITTED USES</i> | 6.5.3.1 | 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. (Added by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022) |
|---------------------------|---------|---|

| | | |
|---------------------------|---------|--|
| <i>ANCILLARY USES</i> | 6.5.3.2 | In addition to the uses permitted above, Council may permit the following ancillary uses in areas designated as Commercial Corridor on Schedule D: Land Use without requiring an amendment to this Plan: |
|---------------------------|---------|--|

- (a) adult entertainment parlours provided that:
 - (i) such uses are a minimum of 150 metres from lands used or zoned for residential, institutional or open space purposes; and

Appendix C
Excerpts from the
City of Windsor Official Plan (OP)

- (ii) policy 6.5.3.7 is satisfied, with the exception that the proponent demonstrate that the proposal's market impact is acceptable; and

- (b) Open Space uses subject to the policies of section 6.7.

***STREET
PRESENCE***

6.5.3.3

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

- ~~(a) no more than two storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of the building(s) may be no more than six storeys in height; and~~
 - ~~(b) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.~~
- ~~(Deleted by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022)~~

***STREET
PRESENCE***

6.5.3.3

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 Road, 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

Appendix C

Excerpts from the City of Windsor Official Plan (OP)

- (b) Notwithstanding the identified maximum building height, the Council may consider additional 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.
(Added by OPA #159 – APPROVED July 11, 2022 , B/L# 100-2022)

| | | |
|--|---------|---|
| <i>INFILL & CONSOLIDATION</i> | 6.5.3.4 | Council shall promote the infilling and consolidation of existing Commercial Corridors. |
| <i>NEW OR EXTENDED CORRIDORS</i> | 6.5.3.5 | Council shall discourage the development of new Commercial Corridors or the extension of existing Commercial Corridors and may only designate or extend a Commercial Corridor when the Municipality is satisfied that the market impact of the proposal on other commercial areas is acceptable (see Procedures chapter). |
| <i>LOCATIONAL CRITERIA</i> | 6.5.3.6 | Commercial Corridor development shall be located where: <ul style="list-style-type: none"> (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. |
| <i>EVALUATION CRITERIA</i> | 6.5.3.7 | At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial development is: |

Appendix C

Excerpts from the City of Windsor Official Plan (OP)

- (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) 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).

11.6.3 Zoning By-law Amendment Policies

| | | |
|--|----------|---|
| <i>AMENDMENTS MUST CONFORM</i> | 11.6.3.1 | All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan. |
| <i>REVIEW PROCEDURE</i> | 11.6.3.2 | All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the <i>Planning Act</i> , and regulations pursuant thereto, and the procedural requirements of this Plan. In |

Appendix C

Excerpts from the City of Windsor Official Plan (OP)

general, after an applicant's pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: Added by OPA 65 – 10/22/2007– By-law 192-2007

- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; Added by OPA 65 – 10/22/2007– By-law 192-2007
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the Planning Act; and Added by OPA 65 – 10/22/2007– By-law 192-2007
- (c) Be given due and thorough consideration by Council. Added by OPA 65 – 10/22/2007– By-law 192-2007

EVALUATION CRITERIA

- 11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:
- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
 - (b) Relevant support studies;
 - (c) The comments and recommendations from municipal staff and circularized agencies;
 - (d) Relevant provincial legislation, policies and appropriate guidelines; and
 - (e) The ramifications of the decision on the use of adjacent or similar lands.

Appendix D Excerpts from the Zoning By-Law 8600

The City of Windsor Zoning Bylaw 8600 designates the zoning for the subject property as ‘Commercial District 3.3 (CD 3.3)

16.3.1 PERMITTED USES --‘Commercial District 3.3 (CD 3.3)

Ambulance Service, Automobile Repair Garage, Bakery, Business Office, Child Care Centre, Commercial School, Confectionery, Food Outlet - Drive-Through, Food Outlet - Take-Out, Funeral Home, Garden Centre, Gas Bar, Hotel, Medical Appliance Facility, Medical Office, Micro-Brewery, Parking Garage, Personal Service Shop, Place of Entertainment and Recreation, Place Of Worship, Print Shop, Professional Studio, Public Hall, Public Parking Area, Repair Shop – Light Restaurant, Restaurant with Drive-Through, Retail Store, Service Station, Temporary Outdoor Vendor’s Site, Veterinary Office, Warehouse, Wholesale Store, Workshop, Existing Automobile Collision Shop, Existing Industrial Use, Existing Motor Vehicle Dealership, Any use accessory to any of the above uses.

An Outdoor Storage Yard is prohibited, save and except with the following main uses: Ambulance Service, Garden Centre, Temporary Outdoor Vendor’s Site, Existing Automobile Collision Shop, Existing Industrial Use, Existing Motor Vehicle Dealership.

16.3.5 PROVISIONS

- .4 Building Height – maximum 20.0 m
- .10 Gross Floor Area – maximum
 - a) Bakery or Confectionary 500.0 m²
 - b) Workshop – Percent of the gross floor area of the Retail Store or Wholesale Store 200.0%
- .26 A Temporary Outdoor Vendor’s Site is prohibited in a Business Improvement Area.

24.20.5 REQUIRED PARKING SPACES

| TABLE 24.20.5.1 - REQUIRED PARKING SPACES | |
|---|------------------------------------|
| USE | PARKING RATE - MINIMUM |
| Motor Vehicle Dealerhsip | 1 for each 45 m ² GFA |
| Automobile Repair Garage | 1 for each 45 m ² GFA |
| Retail Store | 1 for each 22.5 m ² GFA |
| Service Station | 1 for each 45 m ² GFA |

Appendix D
Excerpts from the
Zoning By-Law 8600

The proposal would amend the Zoning By-law 8600 to a site specific “Commercial District 3.3” (CD 3.3) zoning category to permit a motor vehicle dealership as an additional permitted use for the subject property.

COMMENTS

ENBRIDGE GAS – Kelly Buchanan

Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.

Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.

Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

We trust the foregoing is satisfactory.

Transit Windsor – Jason Scott

Transit Windsor has no objections to this development.

Canada Post

Canada Post has no comments.

VIA Rail – John Walsh

No comments.

Jacqueline Cabral – Site Plan Control

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

Jose Dellosa – Enbridge **DRAWING IN EMAIL **

After reviewing the provided drawing at 3857 Wyandotte St E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

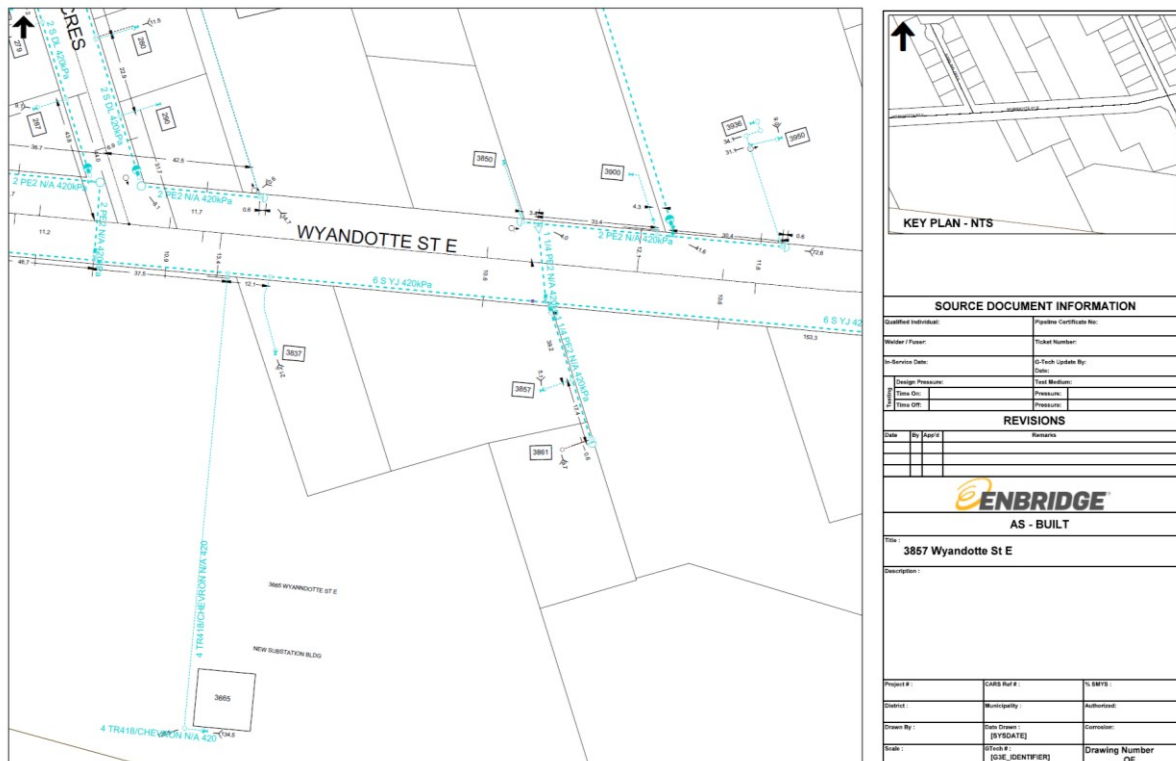
- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**

3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly



ENWIN Utilities Ltd.

HYDRO ENGINEERING:

No Objection to Re-zoning

Please note ENWIN has the following hydro plant within and adjacent to the above noted address:

- Existing 27.6kV primary overhead hydro distribution along Wyandotte St. E.
- Existing 120/240V secondary overhead hydro distribution along Wyandotte St. E.
- Existing 120/240V overhead service wires to 3857 Wyandotte St. E.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and also the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

WATER ENGINEERING:

Water Engineering has no objections to the rezoning.

Shannon Deehan – Transportation Planning

- Wyandotte St E is classified as a Class II Arterial road with a required right-of-way width of 32 metres per Schedule X. The current right-of-way width is insufficient, therefore, a conveyance of 3.7 metres is required.
- All parking must comply with Zoning By-Law 8600, otherwise a parking study may be required.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings AS-204/AS-203.
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Barbara Rusan – Building Department

Comments from the City of Windsor, Building Department relating to the subject line matter are as follows:

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

Sandy Mio –Engineering

We have reviewed the subject rezoning application and have the following comments:

SEWERS - The site may be serviced by a 250mm Polyethylene sanitary sewer and a 535mm RCP storm sewer, located within the Wyandotte Street East right-of-way. If possible, existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P1.3.3. The applicant will be required to submit lot grading and site servicing drawings to the satisfaction of the City Engineer. Storm water management calculation are to be completed in accordance with the Windsor/Essex Region Stormwater Standards Manual (<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWMStandards-Manual.pdf>)

Right-of-Way - The Official Plan classifies Wyandotte Street East Road as a Class II Arterial Road with a required right-of-way width of 32 meters per Schedule X. The current right-of-way width is insufficient, however, it is not being requested at this time. Right-of-Way Permits will be required for all new proposed driveways, removal of any exiting redundant driveways and any other work that may be required in the right-of-way. All driveways are to be constructed as per AS-221 or AS-222, AS-542C and BP2.2.2. The applicant is required to enter into a reciprocal access agreement with the adjoining lands. In summary we have no objection to the proposed rezoning, subject to the following requirements (requirements will be enforced at the time of Site Plan Control):

Site Plan Control Agreement – The applicant enter into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Right-of-Way Permits – The owner agrees to obtain right-of-way permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway. City of Windsor | 350 City Hall Square West | Windsor, ON | N9A 6S1 www.citywindsor.ca

Redundant Curb Cuts – The owner agrees to remove and replace any redundant curb cuts fronting Wyandotte Steer East with full height curb to the satisfaction of the City Engineer.

Reciprocal Access – The applicant shall agree to enter into a reciprocal agreement with the abutting property.

If you have any further questions or concerns, please contact Sandy Mio, of this department at smio@citywindsor.ca

Stefan Fediuk – Landscape & Urban Design

Pursuant to the application for a zoning amendment (**Z 033/22**) to permit the additional use of a Motor Vehicle Sales Dealership on the subject, please note no objections. Please also note the following comments:

Urban Design and Zoning Provisions for Parking Setback:

It is strongly recommended that landscape buffers be provided along the Wyandotte Street frontage to reduce the visual impact of hard surface paving, as well reduce any potential of conflicts between vehicles using the site and passing pedestrian on the sidewalk of Wyandotte street in the front of the property.

Climate Change & Tree Preservation:

There are several trees located along the periphery of the property proposed for the development of a paved storage yard. The development will be subject to Site Plan Control and the urban tree canopy loss will be calculated into the tree replacement requirements.

Parkland Dedication:

All requirements will be determined at the time a Site Plan application is received.

BY - LAW NUMBER -2023

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2023.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

461. SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1, a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10; ZNG/6868]

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

| 1. Item Number | 2. Zoning District Map Part | 3. Lands Affected | 4. Official Plan Amendment Number | 5. Zoning Symbol |
|----------------------|--------------------------------------|------------------------------|--|---------------------|
| 1 | 6/10 | Lot 5, Registered Plan 82 | - - | S.20(1)461 |

(Con 1, PT LOT 103, PLAN 61, N PT
LOT 1 (known municipally as 3857
Wyandotte Street East; Roll No. 3739-
010-060-09000-0000, situated on the
South side of Wyandotte Road East, West
of George Avenue)

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023
Second Reading - , 2023

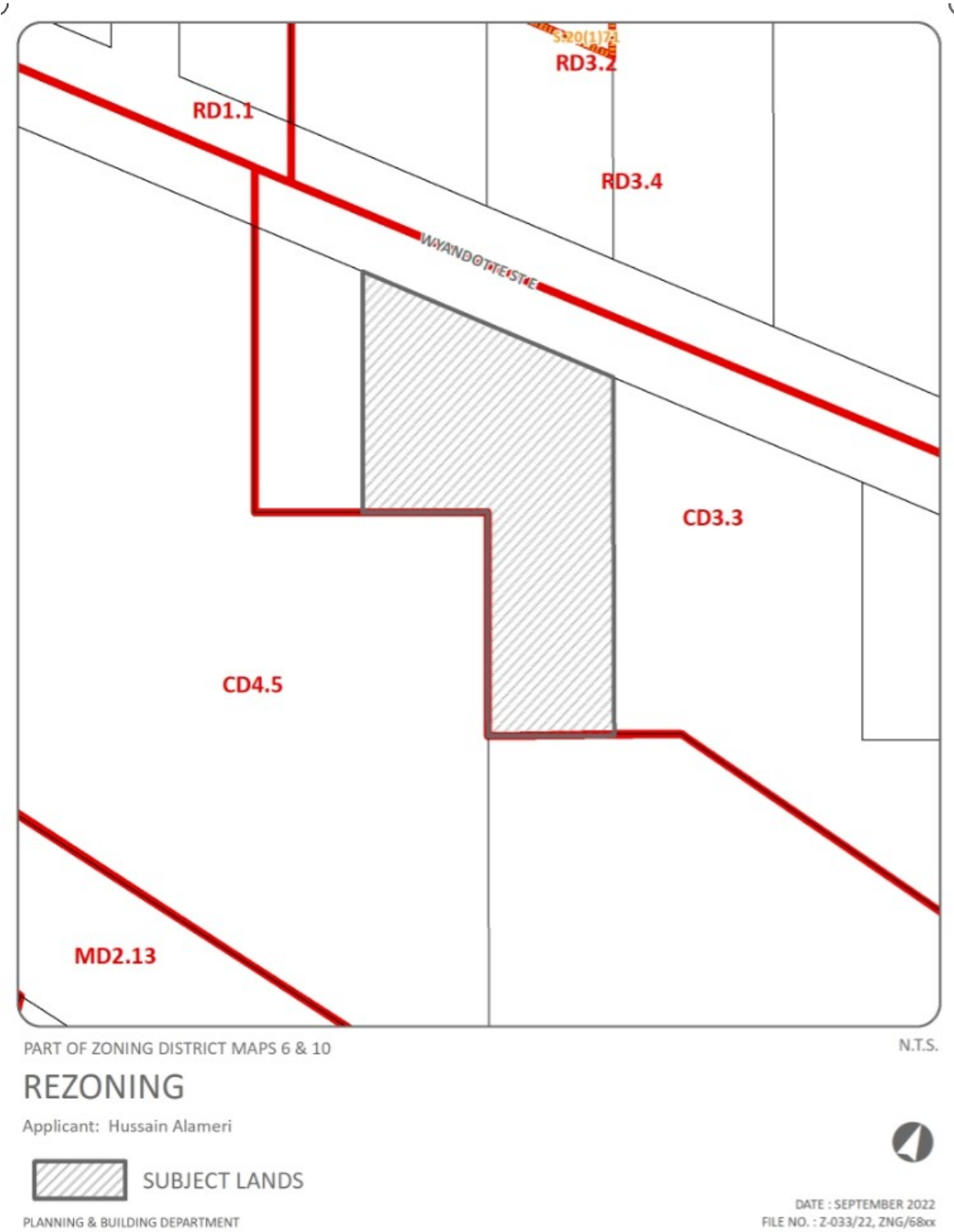
Third Reading - , 2023

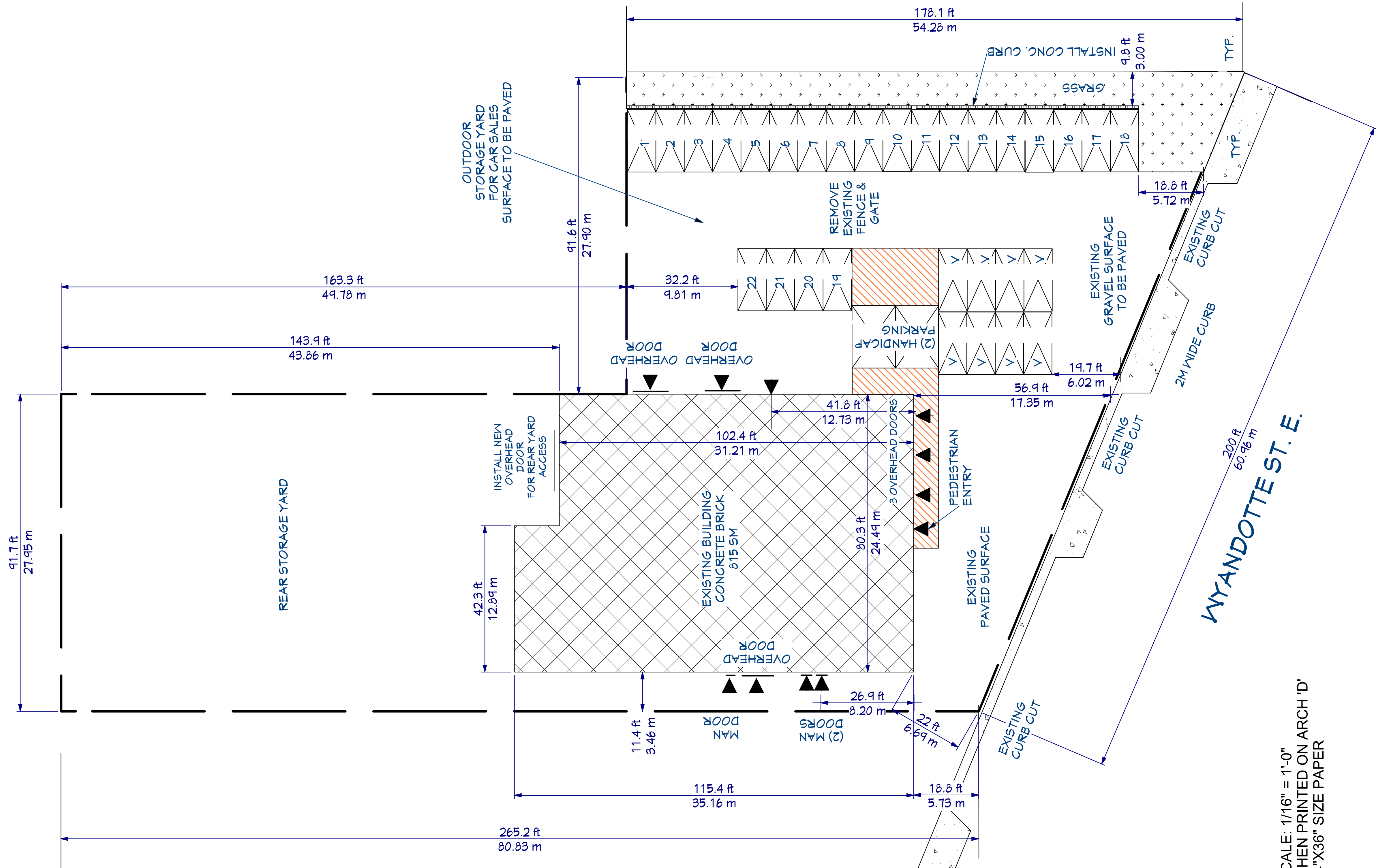
SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.3739-010-060-09000-0000, situated on the east side of Wyandotte Road East, south of George Avenue) by adding a site specific exception to Section 20(1) to allow a single unit dwelling as an additional permitted use subject to the provisions in the site specific exception.

2. Key map showing the location of the lands to which By-law _____ applies.





SCALE: 1/16" = 1'-0"
WHEN PRINTED ON ARCH 'D'
24"x36" SIZE PAPER

CON 1; PT LOT 103; PLAN 61; N PT LOT 1
ZONING: CD3.3
LOT: 40,686 SQ FT = 3,778 SM
MAIN BUILDING: = 8,774 SQ FT = 815 SM
TOTAL COVERAGE: = 22%
GRADING: LEFT UNCHANGED - FLAT
BUILDING HEIGHT UNCHANGED @ 5M
PARKING SPACES:
MINIMUM SIZE 2.5M X 5.5M
FRONT & SIDE YARDS:
(22) SPACES FOR CAR SALES
(8) VISITORS PLUS
(2) HANDICAP PARKING SPACES
@ 3.8M X 5.5M &
IDENTIFIED WITH PAINTED LOGO
"NO PARKING" MARKERS
SHOWN ANGLE HATCHED ORANGE



PAUL PETERSON BCIN DESIGNER
3777 Riverside Drive E., Windsor, Ontario N8Y4W6
(226) 344-5772 www.BCINdesigner.com
**HOUSES, HOMES, GARAGES, ADDITIONS,
ADU'S, CUSTOM ARCHITECTURAL DESIGN**
over 20 years experience!

| | | | |
|-----|--------|----------------------|----------|
| 07 | | | |
| 06 | | | |
| 05 | | | |
| 04 | | | |
| 03 | C | PARKING CHANGES | 22/11/29 |
| 02 | B | SOME CORRECTIONS | 22/11/01 |
| 01 | A | PLANNING APPLICATION | 22/09/06 |
| NO. | LETTER | ISSUED FOR: | DATE YMD |

PROPERTY OWNER:
1000089473 ONTARIO INC.
HUSSAIN ALAMERI - EXECUTIVE OFFICER

TELEPHONE: 519-980-2282
EMAIL: alimobeen2@hotmail.com

OWNER: HUSSAIN ALAMERI
GENERAL CONTRACTOR:

PROJECT DESCRIPTION:
SITE PLAN FOR CHANGE OF USE
APPLICATION
BUILDING SITE:
**3857 WYANDOTTE ST. E.
WINDSOR, ONTARIO
N8Y 1G4**

DRAWING TITLE:

SITE PLAN

NOTE:
- DO NOT SCALE DRAWINGS. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO CHECK & ENSURE THAT ALL MEASUREMENTS & DIMENSIONS & CONDITIONS ARE VERIFIED ON THE JOB SITE PRIOR TO QUOTING & CONSTRUCTION.
- CONSULT WITH ALL TRADES: SURVEYOR, FOUNDATION, CARPENTRY, HEATING & COOLING, PLUMBING, ELECTRICAL, WINDOWS & DOORS, ROOFING, CABINET, STAIRCASE TRADES & ANY OTHER APPLICABLE TRADE PRIOR TO CONSTRUCTION.
- ANY AND ALL DISCREPANCIES AND ADVERSE CONDITIONS ARE TO BE REPORTED TO THE GENERAL CONTRACTOR AND DESIGNER PRIOR TO CONSTRUCTION.
- ALL DRAWINGS REMAIN THE PROPERTY OF THE HOME OWNER, COPYRIGHT.

| | | |
|--|---|--|
| DATE: YMD | 22/11/29 | <div><div>A-3</div><div>B-2 C-5</div></div> |
| BUILDER: HOME OWNER TARIFF: EXEMPT OBC 3.2.4.1.(3)(b) | | |
| DESIGNER: PAUL PETERSON BCIN 22417 paul.peterson@bcin.com Cell: 226-344-5772 | | A. DETAIL NO. B. LOCATION SHEET C. DETAILED ON |
| FIRM: PAUL PETERSON BCIN DESIGNER BCIN 12115 | | |
| JOB NUMBER: 6187 | SCALE AS SHOWN ON EACH INDIVIDUAL SHEET. PRINT FOR FILE ONTO ARCH 'D' SIZE PAPER. 24"x36" FOR PROPER ILLUSTRATION. | C - 1 |
| REVISION LEVEL - SHEET # | | |



Subject: Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 466**

- I. That the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from **Business Park to Banwell Road Mixed Use Corridor**;
- II. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.X EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.

1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;

- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

**“H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET
AND VIA RAIL CORRIDOR**

For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
 - b) The following additional provisions shall apply:
 - .3 Lot Coverage – maximum 35%
 - .4 Building Height – maximum 20.0 m
 - .5 Front Yard Depth – minimum 6.0 m
 - .6 Building Setback – minimum
 - From the *rear lot line* to the nearest part of the building
 - (a) 10m or less in height 7.5 m
 - (b) Above 10m in height 22.5 m
 - .8 Landscape Open Space Yard – minimum 35% of *lot area*
 - .13 Dwelling Unit Density – dwelling units per hectare – maximum 110 units per ha
 - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
 - .95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
 - c) Non-residential use shall have a minimum gross floor area of 350 m² and shall be located at street level along the west wall of the building fronting onto Banwell Road;
 - d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
 - e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
 - f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
- [ZDM 15; ZNG/6701]

- IV. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:
- 1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;

2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
 3. The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.
- V. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- a) Sanitary Sampling Manhole;
 - b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
 - c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAЕ), including warning clauses for rail and road traffic impacts;
 - d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
 - e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
 - f) Enbridge Gas minimum separation requirements;
 - g) Adequate clearance from existing ENWIN's pole lines and power lines;
 - h) Canada Post multi-unit policy;
 - i) SAR mitigation measures as in the attached Appendix F to this report; and
 - j) Sight-triangle for Banwell Road and VIA at-grade crossing.
- VI. That the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from **Business Park** to **Banwell Road Mixed Use Corridor**
- VII. That administration from the Traffic Operations and Engineering Departments **BE REQUESTED** to be in attendance at the Council meeting when this matter is scheduled to be dealt with, in order to be available to address the concerns regarding traffic that were raised at the February 6, 2023 meeting of the Development and Heritage Standing Committee.

Report Number: S 13/2023
Clerk's File: Z/14510

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are **not** the same.
2. Please refer to Item 7.4 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7

Reference:

Date to Council: February 6, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Report Date: January 20, 2023
Clerk's File #: Z/14510

To: Mayor and Members of City Council

Recommendation:

- I. THAT the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from **Business Park to Banwell Road Mixed Use Corridor**;
- II. THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:
 - 1.X **EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR**
 - 1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.
 - 1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;
- III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA

Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

“H 460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
 - b) The following additional provisions shall apply:
 - .3 Lot Coverage – maximum 35%
 - .4 Building Height – maximum 20.0 m
 - .5 Front Yard Depth – minimum 6.0 m
 - .6 Building Setback – minimum
 - From the *rear lot line* to the nearest part of the building
 - (a) 10m or less in height 7.5 m
 - (b) Above 10m in height 22.5 m
 - .8 Landscape Open Space Yard – minimum 35% of *lot area*
 - .13 Dwelling Unit Density – dwelling units per hectare – maximum 110 units per ha
 - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
 - .95 Any new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
 - c) Non-residential use shall have a minimum gross floor area of 350 m² and shall be located at street level along the west wall of the building fronting onto Banwell Road;
 - d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use;
 - e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
 - f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
- [ZDM 15; ZNG/6701]

- IV. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:
- 1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;
 - 2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and

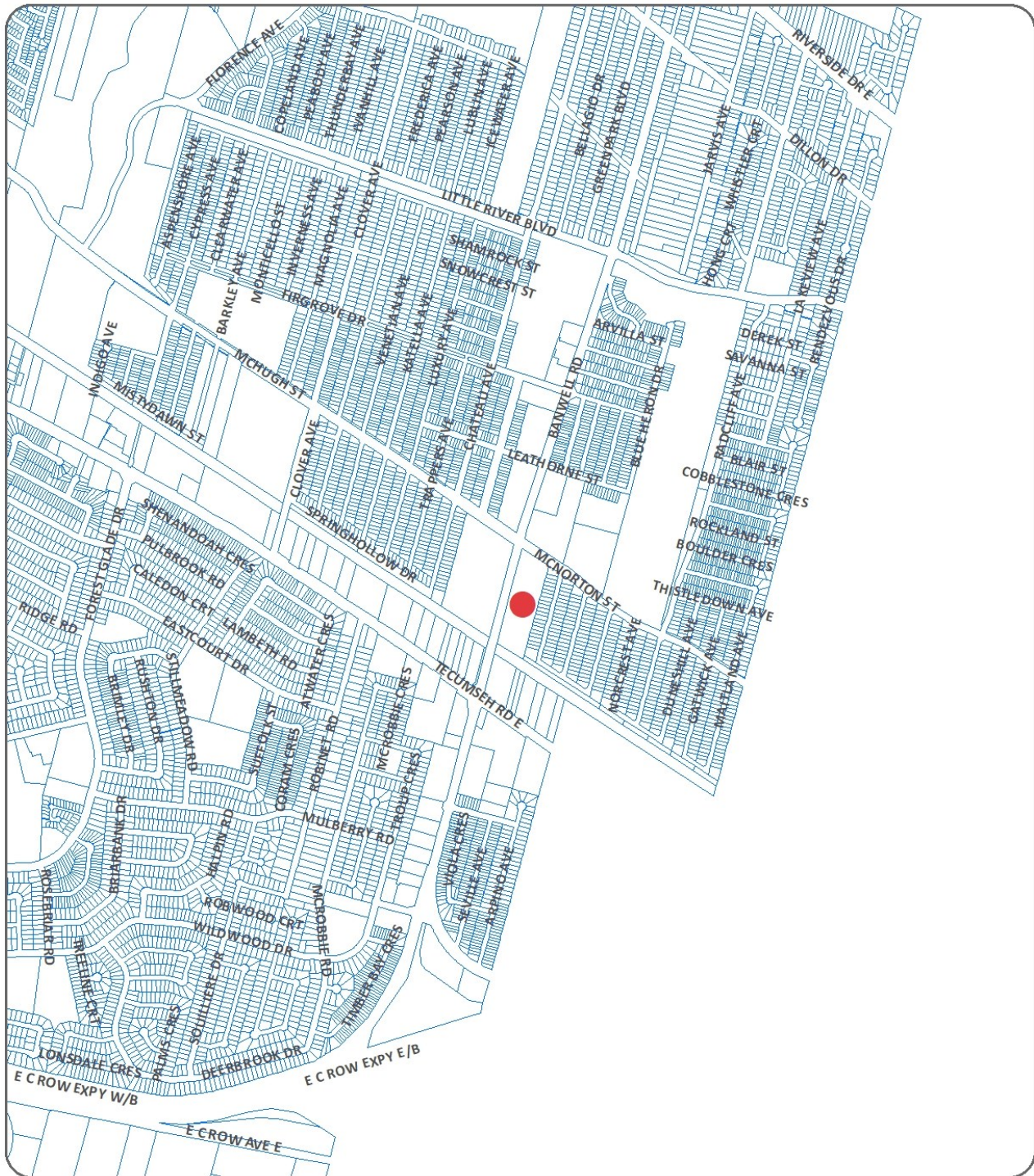
3. The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.
-
- V. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
 - a) Sanitary Sampling Manhole;
 - b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
 - c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJA), including warning clauses for rail and road traffic impacts;
 - d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
 - e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
 - f) Enbridge Gas minimum separation requirements;
 - g) Adequate clearance from existing ENWIN's pole lines and power lines;
 - h) Canada Post multi-unit policy;
 - i) SAR mitigation measures as in the attached Appendix F to this report; and
 - j) Sight-triangle for Banwell Road and VIA at-grade crossing.
 - VI. THAT the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from **Business Park** to **Banwell Road Mixed Use Corridor**.

Executive Summary:

N/A

Background:

1. KEY MAP



KEY MAP - Z-010/22, ZNG-6701 & OPA 156, OPA-6702



● SUBJECT LANDS

2. APPLICATION INFORMATION

LOCATION: VACANT SOUTHERLY 1.295HA PORTION OF THE PROPERTY KNOWN AS 2400 BANWELL ROAD [east side of Banwell Road, between McNorton Street and VIA Rail Corridor]

APPLICANT: Maple Leaf Homes Ltd. [c/o Bruno Cacilhas]

AGENT: PILLON ABBS INC [c/o Tracey Pillon-Abbs]

PROPOSAL: The applicant is requesting amendments to the Official Plan and Zoning By-law 8600, to permit residential and commercial uses on the vacant southerly portion of the lands municipally known as 2400 Banwell Road. Details of the amendments are provided below:

Official Plan Amendment: The subject land is designated Business Park on Schedule ER-2: Land Use Plan, Secondary Plan for East Riverside Planning Area, OP Volume II. The applicant proposes to change the land use designation of PART 2, 12R-29004 (being the 1.295 ha land abutting VIA Rail) from Business Park to Mixed Use, to permit residential and commercial uses in a combined use building. The applicant also requests site-specific policies to permit (i) an increase in maximum building height from 4 storeys to 8 storeys and (ii) mid-block vehicular access along Banwell Road.

Zoning By-law Amendment: The subject land is zoned Manufacturing District 1.4 (MD1.4) by Zoning By-law 8600. A site-specific zoning provision [S.20(1)113] also applies to the subject land. The applicant proposes to change the zoning category for PART 2, 12R-29004 (being the 1.295 ha land abutting VIA Rail), **from MD1.4 to CD2.2** to permit a combined use building containing residential and commercial use(s). The proposed development will have 157 residential units, 390m² commercial space and 218 parking spaces. The applicant is also requesting the following **site-specific zoning provisions**: (i) residential use on the main floor alongside the commercial use(s) and (ii) increase in building height from 14m to 24.4m.

SUBMISSIONS BY APPLICANT:

- Official Plan Amendment and Zoning Bylaw Amendment Application forms and fees;
- Concept Site Plan, Floor Plans and Renderings;
- Agreement of Purchase and Sale (signed Nov. 3, 2021);
- Employment Lands Review (dated Feb. 2022, Revised Jun. 2022, prepared by Dillon Consulting Limited);
- Planning Rationale Report (dated Mar. 8, 2022, Revised Nov. 10, 2022, prepared by Pillon-Abbs Inc.);
- Stormwater Management Report (dated Nov. 3, 2022, prepared by RC Spencer Associates Inc.);
- SWM Drawings, supplementary info. (dated Nov. 3, 2022, prepared by RC Spencer Associates Inc.);
- Traffic Impact Study & Parking brief (dated Oct. 2022, prepared by R C Spencer Associates Inc.);
- Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAЕ);
- Vibration Study (dated Oct. 13, 2022, prepared by Akoustik Engineering Limited);
- Tree Inventory and Preservation Plan (dated Feb. 14, 2022, prepared by Bezaire Partners);
- Topographic Survey (dated Jan 13, 2022, prepared by Verhaegen Land Surveyors);
- Species at Risk Impact Assessment (dated Oct. 5, 2022, prepared by Insight Environmental Solutions Inc).
- Urban Design Brief (dated Sep., 2022, prepared by MHBC Planning, Urban Design & Landscape Architecture);
- Shadow Study (dated Sep., 2022, prepared by ADA Inc. Architect)

3. SITE INFORMATION

| OFFICIAL PLAN | ZONING & ZDM | CURRENT USE(S) | PREVIOUS USE(S) |
|-------------------------------|---|---|-----------------|
| Business Park (OP Vol. II) | Manufacturing District 1.4 (MD1.4) & s.20(1)113; ZDM15 | VACANT (PART 2, Plan 12R-29004, subject of the OPA & ZBA) | Unknown |
| FRONTAGE | DEPTH | AREA | SHAPE |
| 122.85 m | 94.88 m | 1.295 hectares | irregular |

Note: (i) All measurements are taken from 12R-29004; (ii) a Committee of Adjustment Order, B-001/22, exists for a proposed severance of PART 2 on Plan 12R-29004; (iii) the applicant is the prospective new owner of PART 2, 12R-29004; and (iv) the applicant has a signed Offer to Purchase, but ownership is still under Banwell Community Church.

4. REZONING MAP



PART OF ZONING DISTRICT MAPS 14 & 15

N.T.S.

REZONING

Applicant: Maple Leaf Homes



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



SEVERED LANDS
SUBJECT OF OPA & ZBA



DATE : DECEMBER 2022
FILE NO. : Z-010/22, ZNG/6701

NEIGHBOURHOOD MAP



SURROUNDING LAND USE

The vacant land (PART 2, 12R29004) that is the subject of these applications is in an area with a mix of uses. There are residential, commercial, institutional and industrial uses nearby.

North of the subject vacant parcel:

- Place of Worship - Banwell Community Church on the south side of McNorton St. R.O.W.
- Vacant lands north side McNorton Street and east side Banwell Road (designated as *Banwell Road Mixed Use Corridor* in the East Riverside Planning Area)

South of the subject vacant parcel:

- VIA Rail Corridor
- Retail Store (Shoppers Drug Mart) fronting on Tecumseh Rd. E.

East of the subject land:

- Low Profile Residential developments (Single Unit Dwellings) fronting on Tranquility Ave.

West of the subject land:

- Vacant Business Park Lands, abutting west limit of Banwell Road right-of-way.

MUNICIPAL INFRASTRUCTURE IN THE SUBJECT AREA

- The City's records show that there is a 250mm diameter polyvinylchloride pipe sanitary sewer and a 675mm diameter reinforced concrete pipe storm sewer located within the Banwell Road right-of-way. The subject vacant site may be serviced by these available municipal sewers.
- There are concrete sidewalks and curb & gutter on both sides of Banwell Rd R.O.W.
- There is concrete median on Banwell Rd R.O.W.
- LED Streetlights and hydro poles with overhead wires are available along Banwell Rd.
- There are fire hydrants and telecommunications & Fibre Optics in the subject area.
- Municipal watermains are available in the area, but the site does not have direct access to the watermain.
- Public Transit is available via Lauzon 10, which runs along Banwell Road. The closest existing bus stop is located at the northeast corner of Banwell and Tecumseh Rd E. The bus stop is approximately 130 metres from the subject property.
- Banwell Road is classified as Class II Arterial Rd in the Official Plan.

Discussion:

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement 2020 (PPS 2020) was issued under section 3 of the Planning Act and came into effect May 1, 2020. The Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020, and shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

PPS Policy 1.1 is about ***Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns.***

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;*
- 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;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- 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;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i) preparing for the regional and local impacts of a changing climate*

The land municipally known as 2400 Banwell was subject of a recent severance (consent) application to create a buildable lot on the vacant 1.295ha southerly portion abutting the rail line (see Committee of Adjustment file B-001/22). The proposed amendments (OPA & ZBA) will facilitate a medium profile, high-density mixed-use (residential and commercial), infill development, which is an efficient use of the severed land. The amendments will promote efficient development and land use pattern in the subject area. The recommended amendments will result in the construction of a combined use building, which will improve the mix and range of residential types in the area. Policies 1.1.1(a) & (b) are satisfied.

With respect to policy 1.1.1(c), the results of the Road & Rail Traffic and Stationary Noise Impact Study, dated Oct. 24, 2022, revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJA), indicate that the potential environmental noise impact from road and rail traffic is significant. According to the Study, *“mitigation measures will be required, including ventilation requirements, special building components and noise warning clauses for each unit.”* Central air conditioning is required and is included in the noise warning clause found in Appendix F herein attached. These mitigation measures will be integrated into the Site Plan review and approval process for the proposed development on the subject site.

In addition to the noise study, the applicant submitted Vibration Assessment Report of Rail Ground vibrations for the proposed multi-storey residential development on the subject vacant parcel. The Vibration Study, dated Oct. 13, 2022, prepared by Akoustik Engineering Limited, indicates that the measured ground vibration levels due to rail traffic on the nearby VIA /CN 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. Accordingly, no vibration abatement is required.

Another health and safety concern comes from the existing overhead 27.6kV high voltage pole line with overhead conductors in the Banwell Rd R.O.W. along the west limit of the subject site. Adequate clearance is required. Based on an informal consultation with some City of Windsor Professional Engineers and staff from ENWIN, it was determined that a 5m minimum clearance is required from the conductors. To ensure compliance with the minimum clearance requirement from the overhead conductors, a minimum front yard depth of 6m is recommended in this report. It is anticipated that a 6m minimum building setback will help to achieve adequate clearance and protect the health and safety of future occupants of the proposed residential building.

With respect to policy 1.1.1(d), there are existing developments abutting the north and east sides of the subject vacant site. A rail corridor and Banwell R.O.W abut the south and west lot lines of the subject vacant site, respectively. Therefore, the proposed amendments will **not** prevent the efficient expansion of the settlement areas.

The subject land and surrounding area are currently serviced by existing infrastructure, electricity generation facilities, electricity transmission and distribution systems, and public service facilities, which satisfies policy 1.1.1(g). However, it shall be noted that municipal water services are not readily available to service the subject site. The applicant is required to provide solution(s) that such as connecting to the existing watermain on McNorton Street through Banwell Rd R.O.W. or the northerly church site by easement(s). Alternatively, the applicant can explore connection to the existing watermain on Tranquility Avenue, and obtain easement(s).

With respect to 1.1.1(i) – The existing active transportation, nearby public transit service, nearby commercial axis along Tecumseh Road and, the fact that people can live and work in their neighbourhood, show that the proposed amendments (OPA & ZBA) will contribute to reduction in carbon footprint; thereby, positively impact our environment and climate change.

The following relevant policies have also been examined with respect to these amendments:

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 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;

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.

1.1.3.3 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.

The proposed amendments are supported by the above policies (policies 1.1.3.1, 1.1.3.2 and 1.1.3.3.) The recommended amendments create opportunity for growth and development within the settlement area. The amendments promote a development type (multi-storey, multi-unit residential housing with commercial space) that will make efficient use of existing infrastructure. Discussion provided under policy 1.1.1 also applies to policy 1.1.3.2.

There are existing active transportation options (such as sidewalks Multi-Use Trails) adjacent to the subject land. There are transit services on Banwell Road. The proposed infill development creates an increase in residential units, which in turn supports public transit. The subject land has frontage on Banwell Road East, a Class II Arterial Road.

“Taking into account existing building stock or areas” is a phrase from policy 1.1.3.3, which directs our attention to compatibility. It is required that we consider the existing built form in the area to ensure compatibility in terms of scale, massing, height, orientation, etc. It should be noted that the proposed development **needs to be designed** in a manner that takes into account existing building stock or area within its vicinity. That includes making sure the maximum building height can lead to a design that is compatible with existing low profile residential buildings. The recommended amendments will promote the opportunity for a transit-supportive development that can be designed to take into account existing low profile building stock in the immediate area. The recommended amendments are consistent with policies 1.1.3.1, 1.1.3.2 and 1.1.3.3 of the PPS.

PPS Policy 1.2.6 - Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures: a) there is an identified need for the proposed use; b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c) adverse effects to the proposed sensitive land use are minimized and mitigated; and d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The subject amendments will introduce a high density, medium profile, sensitive land use in the subject area. Comment received from the abutting major facility (VIA Rail Canada) states that they are “*not in favour of the change in land use*” ... “*due to the obvious incompatibility*”.

However, it should be noted that low and medium density residential developments already exist along the north and south limits of the subject major facility (VIA Rail) within the surrounding area in Windsor and Tecumseh Town. In recognition of this fact, VIA also states that “*should the City still decide to progress the subject applications, the attached noise, vibration and safety mitigations must be addressed*”. See last page of attached APPENDIX D for afore mentioned mitigations. In addition, VIA notes that “the sight-triangle for the Banwell Road and VIA at-grade crossing could be compromised by the proposed development despite the presence of automatic protection devices at the level crossing”. The sight-triangle can be further analysed at Site Plan Control and in consultation with Transport Canada.

As noted already in this planning report, the applicant submitted a noise report for the proposed development. Please refer to the discussion under policy 1.1.1(c) above. Note that the Noise Study recommends some warning clauses, including Rail Warning Clause. The applicant also submitted a vibration study. As noted already in this report, the vibration study concludes that vibration abatement is not required for the proposed development on the subject site. Berms and fences are additional safety measures required by the OP for developments on lands abutting rail corridors and yards. This planning report recommends safety measures (such as berms and fences), including the 30m separation requirement. There is an existing berm and chainlink fence along the south limit of the subject site, being the north limit of VIA Rail Corridor.

PPS Policy 1.3 – Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining 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;

1.3.2 Employment Areas

1.3.2.1 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.

Despite the above statement in policy 1.3.2.1, Council can consider request(s) for conversion of employment lands to non-employment uses subject to the provisions stipulated in policy 1.3.2.4 below.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

The proposed residential use is prohibited on the subject site per policy 1.3.2.3; however, policy 1.3.2.4 gives Council the authority to consider a request for conversion of employment lands to non-employment uses.

*1.3.2.4 Planning authorities **may permit** conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.*

Policy 1.3.2.4 gives Council the power to permit the conversion of employment land to non-employment use through comprehensive review, and *“only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.”*

The applicant submitted an Employment Land Review (ELR) Report dated Feb. 2022 and Revised Jun. 2022, prepared by Dillon Consulting Limited). The assessment of the inventory of designated employment lands is utilized to analyze whether the employment lands of the subject site are surplus to the supply required by the City of Windsor over the 25 year planning period. Through the analysis of existing reports on forecasted employment growth and employment land needs, Dillon Consulting states that the ELR report will demonstrate that the subject site is part of the employment lands supply surplus in the City of Windsor.

The Jun 2022 ELR report shows the projected demand for employment lands in the City of Windsor to the year 2026 is estimated to be between 400 and 500 net hectares to meet demand for employment growth of the projected time period. Dillon Consulting states in the ELR report that their *“analysis of the current vacant employment land supply within the City of Windsor indicates that there are roughly 939 hectares (2,322 acres) of vacant and viable employment lands throughout the City”*.

The analysis provided in the ELR report demonstrates that the land proposed for conversion (approximately 1.3 ha site) will have negligible impacts on the supply of employment lands in the City of Windsor. The ELR report states, *“The vacancy and underutilization of the subject site demonstrates that the lands are no longer appropriate and desirable for employment uses. The proposed employment lands conversion will alter the land use designation of the subject site and enhance compatibility with surrounding uses.”* The ELR also states, *“The proposed change from Business Park designation will provide an opportunity for the vacant and underutilized lands to be redeveloped for compatible uses and promote development infill and intensification.”*

*1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas **may be** converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities **and subject to the following:***

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;*
- b) the proposed uses would not adversely affect the overall viability of the employment area; and*
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.*

The Employment Land Review summarized the following points in response to policy 1.3.2.5 (a), (b) & (c):

- That the need for conversion is to permit a proposed residential and commercial development.
- That the subject site can be considered surplus employment land.
- That the subject land is not anticipated to be required for employment purposes over the long term.
- The proposed mixed use would not adversely affect the overall viability of the employment area.
- The surrounding area has a range of existing uses that are compatible with the proposed development.

- Existing and future proposed infrastructure and public service facilities are anticipated to accommodate the proposed development.

Based on the applicant's development proposal, the current high demand for housing in the City of Windsor, the consultant's planning analysis in section 5.0 of the Planning Rationale Report submitted for these amendments, the Employment Land Review by Dillon, and the above discussion under policy 1.3.2.4 and 1.3.2.5, it is fair to say that policy 1.3.2.5 has been satisfied. The Employment Land Review and the Planning Rationale Report identified the need for the conversion. The Employment Land Review concluded that the subject land is not required for employment purposes over the long term and that the proposed residential and commercial uses would not adversely affect the overall viability of the employment area. As noted already in this report, there are existing infrastructure and public service facilities available to service existing and new developments in the subject area.

PPS Policy 1.4 – Housing

1.4.1 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;

1.4.3 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:

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;

The above policies 1.4.1 & 1.4.3 are positive directives to Planning Authorities with respect to using residential intensification and redevelopment to provide for appropriate range and mix of housing options and densities in the regional market area. These positive directives support the applicant's proposed amendments and help to increase housing supply in the region.

The recommended amendments promote the development and infilling of a vacant portion of employment land. These amendments will encourage commercial activities at street level, while accommodating higher density residential use on the site.

The proposed combined use building with multi-unit residential use and some commercial space creates the opportunity for a higher density and compact development in the subject area; thereby, resulting in a net increase in residential units or accommodation. The recommended amendments will accomplish the following and more:

- result in the intensification of the subject site and area;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- provide a variety in housing options;
- provide a form of housing that is appropriate in terms of range and mix; and
- meet the social, health and well being of current and future residents.

Appropriate level of infrastructure, active transportation and transit services are available in the subject area. The subject amendments are consistent with policy 1.4 of the PPS.

PPS Policy 1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted **wherever feasible** to optimize the use of the services.*

There are existing municipal sewers and water services in the subject area. The recommended amendments promote intensification and redevelopment in an area serviced by municipal sewage and water. Therefore, the amendments are generally consistent with policy 1.6.6.2 of the PPS. As noted already in this report, the applicant needs to extend existing watermain from McNorton Street or Tranquility Avenue to the subject vacant site.

1.6.6.7 Planning for stormwater management shall:

- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

The recommended amendments will help to promote landscaping on the subject land; thereby, creating the opportunity to maximize vegetation on the site. The Stormwater Management Report (dated Nov. 3, 2022, prepared by RC Spencer Associates Inc.) states as follows:

- The storm sewers within the development are designed to convey the 5-year storm event from the development area, restricted to a 5-year pre-development flow.
- The subject development will outlet into the existing 675 mm diameter storm sewer located in the west boulevard on Banwell Road.
- The release rate is $54L/2$, which represents the 5-year pre-development flow, using the Rational Method of calculation.
- The soil type in the subject area is characterized as Brookstone Clay (Hydraulic Soil Group 'D').
- The 5-year pre-development flow was calculated using a runoff coefficient of 0.2 for the whole site.
- The required detention storage is met by providing sufficient volume in the form of pavement surfaces, sewer pipes, manholes and catchbasins.
- A review of the Hydraulic Grade Line elevations shows that the storm sewer on Banwell Road is surcharged at the 5-year and 100-year storm events. Therefore, the application of the zero-release method has been applied for this development.
- Modelling shows that 1148.4m³ of storage would need to be available on-site for the 100-year storm event under the zero release method.

The recommended amendments are consistent with policies 1.6.6.7 (e) & (f) of the PPS.

1.6.9 Airports, Rail and Marine Facilities

1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:

- a) their long-term operation and economic role is protected; and*
- b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.*

Policy 1.6.9.1 (b) references policy 1.2.6, which has already been discussed in this report.

The subject parcel abuts a rail corridor. Consequently, noise study and vibration study were submitted by the applicant as part of a complete application for the requested amendments.

The Noise Study indicates that the potential environmental noise impact from road and rail traffic is **significant**. Accordingly, mitigation measures are required. The Noise Study recommends noise mitigation measures, including ventilation requirements, special building components and noise warning clauses as summarized in the Study. The Vibration Study

confirmed that the measured vibration levels are within compliance to the guideline and that vibration abatement is not required.

PPS Policies related to Species at Risk:

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The applicant submitted Species at Risk Impact Assessment dated Oct. 5, 2022, prepared by Insight Environmental Solutions Inc., for the subject land. The report concludes that the subject property contains poor quality habitat to support the breeding or life processes of the SAR discussed in the said report. However, the SAR Assessment report states that due to the proximity of Parent Relief Drain/Parent Outlet Drain and Research Grade record of an Eastern Foxsnake within this drain, it is possible that SAR snakes may incidentally be present within the vicinity of the project area. As such, the authors of the Species at Risk Impact Assessment report (Biologist and Ecologist from Insight Environmental Solutions Inc.) recommended mitigation measures, which are included in Appendix F, attached to this planning report.

The Biologist and Ecologist from Insight Environmental Solutions Inc. also state that based on their Species at Risk information gathering efforts and review of aerial photography, "it is argued that the project is not likely to contravene the ESA 2007." Same Biologist and Ecologist further state that the proposed development will have no impact on any Endangered or Threatened species or their habitat if the mitigation measures stated in their report, and found in attached Appendix F, are implemented during construction activities.

Summary: The applicant's planning consultant provided a Planning Rationale Report (PRR) in support of the requested amendments. In addition, the Employment Land Review submitted by the applicant also demonstrates that the employment land conversion meets the criteria set out in policies 1.3.2.4 and 1.3.2.5 of the PPS and, as such, the proposed employment land conversion is consistent with the PPS. Based on the PPS policies discussed in this planning report, the supporting information from the applicant's PRR and Employment Land Review conclusions, I am of the opinion that the requested amendments are consistent with relevant policies of the PPS 2020, as demonstrated in this report.

2. OFFICIAL PLAN (OP)

The subject land is designated **Business Park** in the Land Use Schedule ER-2, Secondary Plan for East Riverside Planning Area, OP Vol. II. It should be noted that some types of commercial uses are permitted in the Business Park designation, but residential uses are not permitted in the Business Park designation. Therefore, the proposed Combined Use Building containing residential units and commercial unit(s) is not permitted in the Business Park land use designation.

Consequently, the applicant is requesting a Mixed Use land use designation. However, the East Riverside Planning District has only one Mixed Use land use designation and it is the "*Barwell Road Mixed Use Corridor*".

The applicant's request for re-designation of PART 2, Plan 12R-29004 (being the vacant 1.295 ha land abutting the VIA Rail Corridor) will result in loss of employment lands. This report already discussed the impact of the new designation. The Employment Land Review submitted by the applicant supports the proposed conversion of the 1.295 hectare vacant employment

land and demonstrates that the proposed conversion will have negligible impacts to the supply of employment lands in the City of Windsor.

The recommended change in land use designation from Business Park to Banwell Road Mixed Use Corridor generally promotes Council's goals in the **Core Area** of East Riverside Planning Area, as shown below:

Section 2.7.5 – Core Area, OP Vol. II, provides policy framework for Developments within the Banwell Road Mixed Use Corridor designation and the Core Area Residential A & Core Area Residential B designations.

The Banwell Road Mixed Use Corridor designated on Schedule ER-2: Land Use Plan is intended to accommodate a broad range of higher intensity, mixed-use developments. (2.7.5.2, OP Vol. II)

Permitted uses in the Banwell Road Mixed Use Corridor are retail and service establishments; commercial offices; restaurants, including outdoor cafes; cultural, recreational and entertainment uses; theatres and cinemas; community, social and institutional uses; residential apartments, multi-plexes and stacked townhouses; and public transportation facilities. (2.7.5.3, OP Vol. II).

A mix of uses are encouraged in the subject Mixed Use designation. Retail and service uses are strongly encouraged at grade particularly fronting onto Banwell Road. (2.7.5.4, OP Volume II)

Developments along Banwell Road shall have a maximum building height of four storeys per 2.7.5.5, OP Volume II. The development as proposed by the applicant would be 8 storeys in height. The applicant has therefore requested a site-specific amendment to the OP to allow a maximum building height of 8 storeys. This report contains a zoning by-law analysis that leads to a recommended maximum building height of 20m on the subject vacant land. The recommended 20m maximum height is a reasonable building height for the subject area.

At least one building wall is to be located on an exterior lot line so as to afford sidewalk pedestrian access from the street (2.7.5.6, OP Volume II). The Building Code clearance requirement from overhead high voltage conductors along the east limit of Banwell Road (see discussion under PPS 1.1.1(c)) makes it difficult to locate any building wall along the exterior lot line. A site-specific amendment to the OP is recommended in this report to address this policy.

This planning report encourages parking areas at the side and rear of the buildings (per 2.7.5.7, OP Volume II) by recommending that front yard parking be prohibited.

According to policy 2.7.5.8, OP Vol. II, mid-block vehicular access shall not be permitted to properties fronting Banwell Road in order to encourage the use of signalized intersections for access and to facilitate pedestrian circulation. The applicant is requesting an amendment to the OP to permit two proposed vehicular access driveways in front of the subject 1.295 hectare land abutting the rail line. It should be noted that Banwell Road is a Class II Arterial Road and, accordingly, is governed by policy 7.2.6.5, OP Vol. I. Therefore, "Direct property access is to be discouraged, where alternatives exist. Where direct property access is required, the use of shared driveways and interconnected on-site circulation systems with adjacent properties may be required to limit the number and spacing of driveways" – 7.2.6.5 (vii), OP Vol. I. To address this policy, a vehicular access easement for the subject development, in conjunction with the abutting lands (PART 1, 12R-29004) to the north, is recommended. A holding provision is deemed necessary in order to implement this recommendation.

The following **Healthy Community** OP Objectives are relevant in discussing the subject amendments:

Section 4.2.1.5, OP Vol. I encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age – “*Healthy and Liveable City*” objective.

Section 4.2.3.1, OP Vol. I encourages a mix of uses – “*Quality of Life*” objective.

Section 4.2.3.4, OP Vol. I requests the accommodation of appropriate range and mix of housing - “*Quality of Life*” objective.

7.2.8.8 - Development Adjacent to a Corridor - See Appendix B attached to this report. As noted already in this planning report, the applicant submitted the required Noise Study and Vibration Study. See Appendix F for excerpts from the studies received from the applicant. See discussions under PPS 1.2.6 in this report.

8.0 - Urban Design Chapter, OP Vol. I

The Official Plan **Built Form** objectives include the following:

- to achieve a varied development pattern which supports and enhances the urban experience (8.7.1.1, OP Vol. I); and
- to achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles (8.7.1.2, OP Vol. I).

The zoning provisions recommended in this report, along with other relevant OP policies, will help achieve the above objectives at the Site Plan Review and Approval stage.

One of the Official Plan Built Form policies is the **infill development** policy 8.7.2.3, OP Vol. I, which states “*Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area’s existing development pattern by having regard for: (a) massing; (b) building height; (c) architectural proportion; (d) volumes of defined space; (e) lot size; (f) position relative to the road; (g) building area to site area ratios; (h) the pattern, scale and character of existing development; and (i) exterior building appearance*”.

The objective of Site Plan Control is to implement the urban design policies of the OP – s.11.7.1, OP Vol. I. Therefore, Site Plan Control is the appropriate planning tool meant for the implementation of the Built Form policies, such as the infill development policy 8.7.2.3. To address infill policy, relevant zoning provisions are recommended in this report for implementation at the Site Plan Control process and Building Permit stage. This report contains discussions on those relevant zoning provisions.

3. ZONING

As noted already in this report, the subject land is zoned Manufacturing District 1.4 (MD1.4) by the City of Windsor Zoning By-law 8600. Excerpts from Zoning By-law 8600, herein attached as **Appendix C** to this report, show the MD1.4 zone does not permit residential use. A site-specific zoning provision, S.20(1)113, also applies to the lands, but does not permit residential use.

The applicant proposes to change the zoning district from MD1.4 to CD2.2 for the vacant 1.295ha land abutting VIA Rail, to permit a combined use building containing residential and commercial use(s). The proposed development will have 157 residential units, 390m² commercial space and 218 parking spaces. There is an accompanying Official Plan Amendment (OPA #156). Details of the proposal are on page 5 of this report.

Based on the information submitted to the planning department, 157 dwelling units require 196 parking spaces at the rate of 1.25 spaces per unit, and the 390m² of retail space will require 17 parking spaces at the rate of 1 space per 22.5m² gross floor area of the retail space. A minimum of 213 parking spaces are required for the proposed development; 218 spaces are proposed.

The applicant's request for an increase in building height from 14 m to 24.4 m has been considered from an infill development perspective. It should be noted that the proposed multiple-unit, multi-storey development generated neighbourhood comments, as documented in section 3.2 of the Planning Rationale Report prepared by Pilon Abbs Inc. The resident's comments at the Open Houses further highlight the relevance of height compatibility discussion in this report.

The Banwell Road Mixed use Corridor requires a maximum building height of 4 storeys, which can range from 12m to 16m in height, depending on the design of the building. However, the current Business Park designation has no height restriction and the current MD1.4 zoning permits a 20m maximum building height. It is my opinion that recommending a maximum building height of 20m for the proposed development will allow a medium profile infill development that can be designed to conform with policy 8.7.2.3 (infill development policy) and minimize negative impact on adjacent low profile residential developments. The shadow study submitted by the applicant supports this conclusion.

The recommended maximum building height of 20m and the 2-tier rear yard setback requirements will help create compatibility with the surrounding low-profile houses. The recommended building height, setbacks, lot coverage and landscaping will promote intensification and encourage compatibility with surrounding low-profile developments.

The CD2.2 zoning and site-specific provisions [s.20(1)460] are intended to lead to a development proposal that can be designed to be compatible with the existing surrounding uses, conform with OPA#156 and other applicable OP policies and be consistent with the PPS. This report contains recommendation for a holding symbol on the CD2.2 and S.20(1)460 to ensure that the proposed development will be designed in conformity with the OP by addressing access to municipal watermain and mid-block vehicular access, along with required easement(s). An application for removal of the holding prefix would be required prior to the issuance of a building permit for any of the uses permitted in the CD2.2 zoning district and site-specific provision.

The Applicant organized two Open House sessions in 2022. An L-shaped development concept plan was presented at the first Open House. In an effort to address the residents' concerns, the applicant presented a revised concept plan (U-shaped) for discussion at a second Open House session. A summary of the comments from the Open Houses and the responses provided by the applicant's planner are in the applicant's Planning Rationale Report, dated Nov. 10, 2022.

The recommendations in this report implement applicable OP policies, address the applicant's requests and some neighbourhood concerns raised at the Open House sessions, and address requirements of municipal departments and external agencies.

Based on the above analysis of the relevant policies and objectives of the OP, together with the above zoning analysis, I am of the opinion that the recommended zoning by-law amendment will be in conformity with the Official Plan when OPA#156 comes into effect.

DRAFT BY-LAW: A draft by-law is attached as Appendix H to this report. The Planning Act, in subsection 24(1) requires that no by-law shall be passed for any purpose that does not conform with the Official Plan. As noted already in this report, the recommended amendment will

conform with the OP when OPA#156 comes into effect; therefore, the draft by-law can be passed at the appropriate time.

4. SITE PLAN.

The proposed redevelopment meets the definition of a “development” per the Planning Act and the City of Windsor Site Plan Control By-law 1-2004. The applicant is required to submit an application for Site Plan Approval. Execution of a Site Plan Agreement is also required.

Please note that Site Plan Control is the more appropriate planning tool for addressing some of the recommendations contained in the Studies submitted by the applicant. Site Plan is also the more appropriate tool for addressing some of the requirements of municipal departments and external agencies contained in the attached Appendix D of this report.

It is, therefore, important to consider the following, along with other conditions, in the Site Plan Review and Approval process. These requirements will be included in the Site Plan Agreement:

- a) Sanitary Sampling Manhole;
- b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
- c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAE), including warning clauses for rail and road traffic impacts;
- d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
- e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
- f) Enbridge Gas minimum separation requirements;
- g) Adequate clearance from existing ENWIN's pole lines and power lines;
- h) Canada Post multi-unit policy;
- i) SAR mitigation measures as in the attached Appendix F to this report; and
- j) Sight-triangle for Banwell Road and VIA at-grade crossing.

Risk Analysis: Climate Change Risks

Mitigation:

- Encourage the use of existing public transit and promote active transportation (the use of existing & future sidewalks and multi-use trails) in the area; thereby, reducing carbon footprint.
- Minimize run-off from impervious surfaces, such as, paved parking areas.
- Increase vegetation on the site by providing soft landscape areas on the property. The proposed development can be designed to promote green roofs and increase the overall vegetation on site; thereby, mitigating the heat effect on the residents.

Adaptation: Low-impact development practice and design should be encouraged at the site plan control and building permit stages. Landscaping, stormwater management, tree-planting and lot-grading help mitigate adverse impacts on our changing climate. Therefore, during the site plan control process, stormwater management measures, servicing study, landscaping requirements and much more, would be discussed in details and incorporated in the site plan approval and site plan agreement. Tree-planting and lot-grading requirements are usually implemented through the building permit process.

Financial Matters:

N/A

Consultations:

1. OPEN HOUSE SESSIONS (June 1, 2022 and August 30, 2022) – by applicant

Two virtual Open House sessions were organized by the applicant to provide opportunity for input from the area residents. The residents had a number of concerns including proposed building height, loss of privacy, increase in traffic volume, safety issue with vehicular entrance near the rail crossing, noise rebound from the train and bouncing back from the new building, noise from balconies facing existing homes, noise from parking lot, sunlight obstruction, flooding, fumes from the vehicles, snowbank against residential lots. The applicant has a more complete list of the residents' concerns and the planning consultant's responses on section 3.2 (Public Consultation Strategy) in the PRR dated November 10, 2022.

2. DEPARTMENT AND AGENCIES

Municipal departments and external agencies were consulted. Most of the respondents had no objections to the proposed amendments. Their comments can be found in the attached Appendix D to this report. VIA is not in favour of the change in land use designation that allows residential in close proximity to their busy railway corridor. If approved, VIA requests that the Zoning Amendment address VIA's noise, vibration and safety mitigation measures. This report recommends appropriate safety mitigation measures per VIA's request and in accordance with OP policies. ENWIN - Hydro Engineering has objections due to the existing high voltage overhead conductors along the east limit of Banwell Road. Their concern is addressed in this report. ENWIN – Water Engineering had no objection, but noted “*there is no usable watermain on that stretch of Banwell*”.

3. PUBLIC NOTICE

The official notice of the statutory public meeting will be advertised in the local newspaper, the Windsor Star.

Courtesy notice will be mailed to all properties within 120m (400 feet) of the subject parcel prior to the Development & Heritage Standing Committee (DHSC) meeting.

Planner's Conclusion and Opinion:

The recommended Official Plan and Zoning By-law amendments complement the existing developments in the immediate area and promote an efficient use of the subject land, existing services and infrastructure. As noted already in this planning report, the required noise mitigation measures, ENWIN and Enbridge separation requirements and other key municipal requirements can be addressed through the Site Plan Review and Approval process.

The recommended Mixed Use designation and HCD2.2 zoning plus site-specific holding zoning provisions [s.20(1)H460] will facilitate the proposed conversion of the subject employment land for a medium profile residential development. The June 2022 Employment Land Review and November 10, 2022 Planning Rationale Report submitted by the applicant support the subject employment land conversion.

An application for holding prefix removal would be required prior to the issuance of a building permit for any of the uses permitted in the new zoning category (CD2.2) and s.20(1)460.

The proposed high density, medium profile residential development will help increase the much-needed housing supply in the City of Windsor. Housing is a matter of municipal and provincial interest as evidenced in this report. The Planning Department supports these types of development proposals, provided there is consistency with the PPS and conformity with the OP.

In my opinion, the recommended amendments to the Official Plan and Zoning By-law are consistent with the Provincial Policy Statement 2020. The recommended Zoning By-law Amendment will maintain conformity with the Official Plan when OPA 156 comes into effect.

The recommended amendments constitute good planning; approval is recommended.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Michael Cooke, MCIP, RPP

Manager, Planning Policy / Deputy City Planner

Thom Hunt, MCIP, RPP

City Planner/ Executive Director

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

OC

Approvals:

| Name | Title |
|----------------|---|
| Michael Cooke | Manager of Planning Policy/ Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---|--|---------------------------|
| Abutting property owners and tenants within 120 meter (400 feet) radius of the subject land | | |
| VIA Rail Canada | 65 Front Street West, Suite G-C021, Toronto, Ontario M5J 1E6 | John_walsh@viarail.ca |
| Registered Owner: Banwell Community Church (c/o Dave Hammond) | 2400 Banwell Rd, Windsor ON N8P 1X9 | Dave.hammond@zf.com |
| Applicant: Maple Leaf Homes Ltd. (c/o Bruno Cacilhas) | 3260 Jefferson Blvd., Windsor ON N8T 2W8 | Mapleleafhomes@live.ca |
| Planning Consultant: Pillon-Abbs Inc. [c/o Tracey Pillon-Abbs] | 23669 Prince Albert Rd., Chatham, ON N7M 5J7 | tpillonabbs@gmail.com |
| Councillor Angelo Marignani | 350 City Hall Square West - Suite 530, Windsor, ON, N9A 6S1 | amarignani@citywindsor.ca |

Appendices:

- 1 Appendix A, Site Photos, taken Jan. 17, 2023
- 2 Appendix B, Excerpts from OP
- 3 Appendix C, Excerpts from Zoning By-law 8600
- 4 Appendix D, Comments from Municipal Departments and External Agencies
- 5 Appendix E-1, Concept Plans
- 6 Appendix E-2, Concept Rendering
- 7 Appendix F, Excerpts from Reports and Studies submitted by applicant
- 8 Appendix G, DRAFT OPA 156
- 9 Appendix H, DRAFT Zoning By-law, Z-010/22
- 10 Appendix I, Plan 12R29004

APPENDIX A - SITE PHOTOS – January 17, 2023 site visit Files Z-010/22 & OPA156



View of southerly portion of 2400 Banwell Road, from east side of church building



View of southerly portion of 2400 Banwell Road and abutting homes, from rail crossing



View of southerly portion of 2400 Banwell Road and abutting uses, looking from rail crossing



Existing berm on the southerly portion of 2400 Banwell Rd.



Existing chainlink fence between VIA Rail property and 2400 Banwell Road.

APPENDIX A - SITE PHOTOS – January 17, 2023 site visit Files Z-010/22 & OPA156



View of southerly portion of 2400 Banwell Road, from west side of Banwell Road



Street views of Banwell Rd, looking south towards the rail crossing

APPENDIX A - SITE PHOTOS – January 17, 2023 site visit Files Z-010/22 & OPA156



Existing wooden fence between the 2400 Banwell Rd) and the SUDs fronting on Tranquility Ave.



Front view of church property (2400 Banwell Rd)

City Council Meeting - February 27, 2023
Page 213 of 642

APPENDIX A - SITE PHOTOS – January 17, 2023 site visit Files Z-010/22 & OPA156



View of existing Single Unit Dwellings fronting on Tranquility Ave., looking south from McNorton St.



View of existing building stock on McNorton Street, looking east 2400 Banwell Rd.



View of McNorton Street, looking east from Banwell /McNorton intersection



View of Banwell Rd and existing 7-sty dwelling, looking north from Banwell/McNorton intersection

APPENDIX A - SITE PHOTOS – January 17, 2023 site visit Files Z-010/22 & OPA156



Existing mid-block vehicular access on the east side of Banwell Rd, between McNorton and the VIA Rail crossing



Banwell / VIA Rail intersection, looking south towards Tec. Rd.



Banwell Rd and McNorton St. intersection

APPENDIX A - SITE PHOTOS – January 17, 2023 site visit Files Z-010/22 & OPA156

Banwell Rd and
McNorton St.
intersection,
looking north



City Council Meeting - February 27, 2023
Page 277 of 692

Banwell Rd and
McNorton Street
intersection,
looking south

APPENDIX B – EXCERPTS FROM OFFICIAL PLAN Volumes 1 & 2

OP Volume 2 – Secondary Plans & Special Policy Areas

East Riverside Planning Area

2.7.5 Core Area

Policies applicable to the development within the Core Area fall into three designations, namely the Banwell Road Mixed Use Corridor, Core Residential Area A and Core Residential Area B.

| | | |
|---|---------|---|
| <i>HIGH QUALITY CORE AREA</i> | 2.7.5.1 | In keeping with the objective to create a high quality Core Area, specific zoning and site plan control policies shall be followed as set in this section. Such policies, however, may be altered without amendment to this Secondary Plan by preparation and approval by Council of a comprehensive Urban Design Plan as set out in Section 2.8 of this Secondary Plan. |
| <i>RANGE OF USES</i> | 2.7.5.2 | The Banwell Road Mixed Use Corridor designated on Schedule ER-2: Land Use Plan is intended to accommodate a broad range of higher intensity, mixed-use developments. |
| <i>PERMITTED USES</i> | 2.7.5.3 | Permitted uses in the lands designated as Banwell Mixed Use Corridor on Schedule ER-2: Land Use Plan shall include: <ul style="list-style-type: none"> (a) retail and service establishments; (b) commercial offices; (c) restaurants, including outdoor cafes; (d) cultural, recreational and entertainment uses; (e) theatres and cinemas; (f) community, social and institutional uses; (g) residential apartments, multi-plexes and stacked townhouses; and (h) public transportation facilities. |
| <i>RETAIL & SERVICE USES AT GRADE</i> | 2.7.5.4 | Individual buildings will be encouraged to include a mix of uses. Retail and/or service uses will be strongly encouraged at grade, particularly fronting onto Banwell Road or adjacent to other retail and service uses, to promote street level pedestrian activity and security. |

| | | |
|--|----------|---|
| <i>MAXIMUM HEIGHT</i> | 2.7.5.5 | Development along Banwell Road shall have a maximum building height of four storeys. |
| <i>EXTERIOR LOT LINE DEVELOPMENT</i> | 2.7.5.6 | Developments shall be designed so that at least one building wall is located on an exterior lot line so as to afford sidewalk pedestrian access from the street. |
| <i>PARKING AREAS</i> | 2.7.5.7 | Permanent loading, service and parking areas shall be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the street. In general, parking areas will be encouraged at the side and rear of buildings. |
| <i>MID BLOCK ACCESS</i> | 2.7.5.8 | Mid-block vehicular access shall not be permitted to properties fronting Banwell Road in order to encourage the use of signalized intersections for access and to facilitate pedestrian circulation. |
| <i>CORRIDOR EXTENSIONS</i> | 2.7.5.9 | The northerly limit of the Banwell Mixed Use Corridor may be extended northerly along the east side of Banwell Road provided it is extended contiguous to the lands shown on Schedule ER-2: Land Use Plan. |
| <i>CORE RESIDENTIAL</i> | 2.7.5.10 | Lands within the Core Residential Area fall within two sub categories, Core Residential Area “A” and Core Residential Area “B”. |
| <i>HIGHER DENSITY DEVELOPMENT</i> | 2.7.5.11 | Development within Core Residential Area “A” and “B” will accommodate a higher density of residential dwelling forms than found within the Residential Neighbourhoods, providing residents with alternative life style options, capitalizing upon the high level of service and amenity available within the adjacent mixed use corridor. |
| <i>HOME BASED OCCUPATIONS</i> | 2.7.5.12 | Opportunities for home based occupations shall be encouraged through the design of development projects and individual residences in both Core Residential Areas. |
| <i>ON-STREET PARKING</i> | 2.7.5.13 | On-street parking shall be encouraged throughout the Core Area. |
| <i>CORE RESIDENTIAL AREA A</i> | 2.7.5.14 | Core Residential Area “A” will be the location of the community’s highest residential density. |
| <i>DWELLING TYPES IN CORE RESIDENTIAL AREA A</i> | 2.7.5.15 | <p>Within Core Residential Area “A”, permitted dwelling types shall include:</p> <ul style="list-style-type: none"> (a) stacked townhouses; (b) multiplexes; and (c) multiple dwellings. |

| | | |
|---|----------|--|
| DENSITY IN CORE RESIDENTIAL AREA A | 2.7.5.16 | Developments shall have densities of not less than 60 units per net hectare (24 units per net acre) and not more than 110 units per net hectare (45 units per net acre) in Core Residential Area A. |
| RESIDENTIAL FRONTING BANWELL ROAD | 2.7.5.17 | Residential developments fronting onto Banwell Road shall be permitted to have retail facilities located on the ground floor, provided they are intended to serve the convenience needs of core area residents, and have a maximum gross floor area of 200 square metres (2,150 square feet). |
| SENIORS' HOUSING | 2.7.5.18 | The Municipality shall encourage the location of seniors' housing in this area, in proximity to the concentration of commercial, institutional and open space uses foreseen in the adjacent Mixed Use Corridor. |
| SIMILAR BLOCK FACES | 2.7.5.19 | Development on each street block face (both sides) shall have similar building heights and built form throughout Core Residential Area A. On sites abutting the stormwater detention ponds, medium profile buildings in the 6 to 8 storey range shall be encouraged. |
| CORE RESIDENTIAL AREA B | 2.7.5.20 | Core Residential Area B provides a transition between the Banwell Road Mixed Use Corridor, the higher density residential areas of Core Area Residential A and the adjacent residential neighbourhoods. |
| PERMITTED USES | 2.7.5.21 | <p>Within Core Residential Area B, there shall be a greater mix of dwelling unit types than in Core Residential Area A. Permitted dwelling types shall include:</p> <ul style="list-style-type: none"> (a) small - lot single detached dwellings; (b) small - lot semi-detached dwellings; (c) street related townhouse dwellings; (d) stacked townhouses; (e) duplexes; (f) multiplexes; and (g) multiple dwellings. |
| DENSITY IN CORE RESIDENTIAL AREA B | 2.7.5.22 | Developments shall have densities of not less than 24 units per net hectare (10 units per acre) and not more than 60 units per net hectare (24 units per net acre) within Residential Core Area "B". |
| BUILDING HEIGHTS IN CORE RESIDENTIAL AREA B | 2.7.5.23 | Building heights shall not exceed four storeys) within Residential Core Area B, however development on each block face (both sides) shall have similar building heights and built form throughout. |

2.7.6 Business Park

| | | |
|---|---------|--|
| <i>HIGH QUALITY EMPLOYMENT AREA</i> | 2.7.6.1 | Development within the Business Park designated on Schedule ER-2: Land Use Plan shall lead to creation of a high quality employment area, capitalizing upon the site's locational advantages in relation to key transportation links and a skilled resident workforce. The Business Park will be well suited as a location for prestige office and industrial operations related to research business services and manufacturing. |
| <i>BANWELL ROAD</i> | 2.7.6.2 | Banwell Road, a Class II Arterial Road, is the primary access providing the opportunity to attract employment uses with a regional orientation. |
| <i>PERMITTED USES</i> | 2.7.6.3 | <p>Permitted uses within the lands designated as Business Park on Schedule ER-2: Land Use Plan shall include:</p> <ul style="list-style-type: none"> (a) offices; (b) Class 1 Industrial Facilities as defined by the Ontario Ministry of Environment and Energy; (c) retail outlets ancillary to industrial uses; (d) research, development and technology uses; (e) large-scale warehouse type "big box" retail establishments (having floor areas of between 4,000 and 20,000 square metres/43,000 and 215,000 square feet); (f) public, separate or commercial schools; (g) fitness centres; and (h) restaurant and other service commercial uses intended to serve employees of the area. |
| <i>FLOOR SPACE INDEX</i> | 2.7.6.4 | Development shall have a maximum floor space index of 1.0 times the area of the lot. |
| <i>LOCAL PARKS</i> | 2.7.6.5 | Small local parks and landscaped sitting areas shall be encouraged throughout the Business Park, to provide for both active and passive recreation needs of employees and contribute to the overall quality of the area. |
| <i>REDUCTION IN SIZE</i> | 2.7.6.6 | Notwithstanding Schedule ER-2: Land Use Plan, the area designated as Business Park may be reduced in area by moving the west and east limits of the park provided that the land removed from the designation shall be designated the same as the adjacent lands (Residential Neighbourhood South and East). |

OP Volume 1 – Primary Plan

6. Land Use

6.4 Employment

Employment lands provide the main locations for business and industrial activities. In order to strengthen Windsor's economy, meet the land and infrastructure needs of employment activities and address concerns over compatibility, employment land uses are provided under two designations on Schedule D as either Industrial or Business Park.

The following objectives and policies establish the framework for development decisions in Employment areas.

6.4.1 Objectives

| | | |
|--|----------|--|
| <i>POSITIVE BUSINESS ENVIRONMENT</i> | 6.4.1.1 | To ensure Windsor continues to be an attractive place to establish businesses and locate employees. |
| <i>ASSESSMENT BASE</i> | 6.4.1.2 | To expand Windsor's assessment base by attracting employers and economic development. |
| <i>COMPATIBLE DEVELOPMENT</i> | 6.4.1.3 | To ensure that employment uses are developed in a manner which are compatible with other land uses. |
| <i>RANGE OF USES</i> | 6.4.1.4 | To accommodate a full range of employment activities in Windsor. |
| <i>SUPPORT SERVICES</i> | 6.4.1.5 | To enhance the quality of employment areas by providing for complementary services and amenities. |
| <i>ACCESSIBLE</i> | 6.4.1.6 | To locate employment activities in areas which have sufficient and convenient access to all modes of transportation. |
| <i>SUFFICIENT LAND SUPPLY</i> | 6.4.1.7 | To ensure that a sufficient land supply for employment purposes is maintained over the 20 year period of this Plan. |
| <i>INFRASTRUCTURE</i> | 6.4.1.8 | To ensure that adequate infrastructure services are provided to employment areas. |
| <i>VIABLE AREAS</i> | 6.4.1.9 | To maintain and develop viable industrial areas. |
| <i>VISIBLE LOCATIONS</i> | 6.4.1.10 | To provide highly visible and attractive locations for business park development. |
| <i>COMPREHENSIVELY PLANNED</i> | 6.4.1.11 | To promote comprehensively planned employment areas. |

6.4.2 General Policies

| | | |
|----------------------------------|---------|--|
| <i>SUFFICIENT SUPPLY</i> | 6.4.2.1 | Council shall designate a sufficient supply of appropriately located Industrial and Business Park lands to meet the projected 20 year employment demands. |
| <i>ATTRACT BUSINESS</i> | 6.4.2.2 | Council shall encourage businesses and industries to locate and expand in Windsor. |
| <i>CITY PARTICIPATION</i> | 6.4.2.3 | <p>Council shall facilitate economic investment by:</p> <ul style="list-style-type: none"> (a) planning and developing Industrial and Business Park areas; (b) participating in the development or redevelopment of strategic areas of Windsor; (c) fostering public-private partnerships to facilitate economic development; and (d) other measures as may be appropriate. |
| <i>SITE PLAN CONTROL</i> | 6.4.2.4 | Council shall require all development within areas designated as Industrial and Business Park to be subject to site plan control, with the exception of Public Open Space uses. |
| <i>HERITAGE CONSERVATION</i> | 6.4.2.5 | Council shall encourage the conservation and adaptive reuse of historic and/or architecturally significant buildings within areas designated as Industrial or Business Park in accordance with the Heritage Conservation chapter of this Plan. |
| <i>CONTAMINATED SITES</i> | 6.4.2.6 | Council shall encourage the redevelopment of contaminated Industrial or Business Park sites in accordance with section 5.4.8 of the Environment chapter of this Plan. |
| <i>AREAS IN TRANSITION</i> | 6.4.2.7 | <p>Council may support the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:</p> <ul style="list-style-type: none"> (a) the proponent can demonstrate that: <ul style="list-style-type: none"> (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and |

- HIGH QUALITY DESIGN*
- 6.4.2.8
- (ii) the redevelopment of the area is in keeping with the long term transition of the entire area to similar uses;
 - (b) the environmental conditions of the site do not preclude development (see Environment chapter); and
 - (c) subject to an amendment to this Plan that is consistent with the appropriate policies for the desired land use.
- Council shall require a high standard of architectural and landscape design for Industrial and Business Park designations adjacent to the Highway 401 corridor given its visibility along an international gateway, in accordance with the Urban Design chapter of this Plan. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

7. Infrastructure

7.2.6 Road Network Policies

ROAD CLASSIFICATION

7.2.6.1 The road network within Windsor is classified as follows:

- (i) Provincial Highways;
- (ii) Expressways;
- (iii) Class I Arterial Roads;
- (iv) Class II Arterial Roads;
- (v) Class I Collector Roads;
- (vi) Class II Collector Roads;
- (vii) Scenic Drives; and,
- (viii) Local Roads.

- CLASS II ARTERIAL ROADS*
- 7.2.6.5 Council will provide for Class II Arterial Roads as follows:
- (a) Class II Arterial Roads shall be designated on Schedule 'F' and in any secondary plan or master plan where appropriate.
 - (b) Operational and design characteristics:
 - (i) Class II Arterial Roads may be designated as Controlled Access

Highways and shall have a minimum right-of-way of 42 metres;

- (ii) Class II Arterial Roads shall be designed to carry high volume of traffic;
- (iii) New intersections shall not be permitted with Provincial Highways;
- (iv) New intersections with local roads shall be discouraged;
- (v) Cycling facilities may be permitted on Class II Arterial Roads;
- (vi) On street parking may be removed to facilitate the installation of turn lanes where turn lanes are warranted for capacity or safety reasons; and
- (vii) Direct property access will be discouraged where other alternatives exist. Where direct property access is required, the use of shared driveways and interconnected on-site circulation systems with adjacent properties may be required to limit the number and spacing of driveways, and where appropriate the City may require support studies and additional information to demonstrate the need for additional access.

7.2.8 ~~Rail Transportation Policies~~ **Rail Transportation Policies**

*DEVELOPMENT
ADJACENT TO A
CORRIDOR*

7.2.8.8 Council shall evaluate a proposed development adjacent to a Rail Corridor, in accordance with the following:

- (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;
- (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;
- (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;
- (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.

8. Urban Design

8.7 Built Form

8.7.1 Objectives

| | | |
|---|---------|---|
| <i>VARIED DEVELOPMENT PATTERN</i> | 8.7.1.1 | To achieve a varied development pattern which supports and enhances the urban experience. |
| <i>COMPLEMENTARY DESIGN</i> | 8.7.1.2 | To achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles. |
| <i>VISUAL INTEREST</i> | 8.7.1.3 | To maximize the variety and visual appeal of building architecture. |
| <i>ART AND LANDSCAPING</i> | 8.7.1.4 | To integrate art and landscaping with the built form. |
| <i>UNIQUE CHARACTER</i> | 8.7.1.5 | To enhance the unique character of a district, neighbourhood, prominent building or grouping of buildings. |
| <i>SIGNS</i> | 8.7.1.6 | To ensure that signs respect and enhance the character of the area in which they are located. |
| | 8.7.1.7 | To achieve external building designs that reflect high standards of character, appearance, design and sustainable design features. (Added by OPA #66–11/05/07-B/L209-2007) |

8.7.2 Policies

| | | |
|----------------------------|---------|--|
| <i>NEW DEVELOPMENT</i> | 8.7.2.1 | <p>Council will ensure that the design of new development: (Added by OPA #66–11/05/07-B/L209-2007)</p> <ul style="list-style-type: none"> (a) is complementary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance; (Added by OPA #66–11/05/07-B/L209-2007) (b) provides links with pedestrian, cycle, public transportation and road networks; and (c) maintains and enhances valued heritage resources and natural area features and functions. |
|----------------------------|---------|--|

- (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

INFILL
DEVELOPMENT

8.7.2.3

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

- (a) massing;
- (b) building height;
- (c) architectural proportion;
- (d) volumes of defined space;
- (e) lot size;
- (f) position relative to the road; and
- (g) building area to site area ratios.
- (h) the pattern, scale and character of existing development; and,
(Added by OPA #66-11/05/07-B/L209-2007)
- (i) exterior building appearance
(Added by OPA #66-11/05/07-B/L209-2007)



TRANSITION IN
BUILDING
HEIGHTS

8.7.2.4

Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.

11. Tools

| | | |
|------------------------------------|---------------|---|
| | 11.6.3 | Zoning By-law Amendment Policies |
| <i>AMENDMENTS MUST CONFORM</i> | 11.6.3.1 | All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan. |
| <i>EVALUATION CRITERIA</i> | 11.6.3.3 | <p>When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:</p> <ul style="list-style-type: none">(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;(b) Relevant support studies;(c) The comments and recommendations from municipal staff and circularized agencies;(d) Relevant provincial legislation, policies and appropriate guidelines; and(e) The ramifications of the decision on the use of adjacent or similar lands. |

APPENDIX C – EXCERPTS FROM ZONING BY-LAW 8600

18.4 MANUFACTURING DISTRICT 1.4 (MD1.4)

18.4.1 PERMITTED USES

| | |
|--------------------------------|--|
| <i>Ambulance Service</i> | <i>Manufacturing Facility</i> |
| <i>Bakery</i> | <i>Medical Appliance Facility</i> |
| <i>Business Office</i> | <i>Medical Office</i> |
| <i>Commercial School</i> | <i>Micro-Brewery</i> |
| <i>Food Catering Service</i> | <i>Professional Studio</i> |
| <i>Food Packaging Facility</i> | <i>Research and Development Facility</i> |

Any of the following *Ancillary Uses*:

| | |
|------------------------------------|--------------------------------------|
| <i>Child Care Centre</i> | <i>Health Studio</i> |
| <i>Club</i> | <i>Personal Service Shop</i> |
| <i>Convenience Store</i> | <i>Restaurant</i> |
| <i>Food Convenience Store</i> | <i>Restaurant with Drive-through</i> |
| <i>Food Outlet - Drive-through</i> | <i>Veterinary Office</i> |
| <i>Food Outlet - Take-out</i> | <i>Warehouse</i> |
| <i>Gas Bar</i> | <i>Wholesale Store</i> |

Any of the following *Existing Uses*:

| |
|---------------------------------|
| <i>Motor Vehicle Dealership</i> |
| <i>Sports Facility</i> |
| <i>Transport Terminal</i> |

Any use accessory to any of the above uses, including a *Retail Store*

18.4.3 PROHIBITED USES

| |
|-----------------------------|
| <i>Outdoor Storage Yard</i> |
|-----------------------------|

18.4.5 PROVISIONS

| | | |
|-----|--|--|
| .1 | Lot Width – minimum | 30.0 m |
| .4 | Building Height – maximum | 20.0 m |
| .5 | Front Yard Depth – minimum | 9.0 m |
| .6 | Rear Yard Depth – minimum | |
| | From a <i>rear lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located | 6.0 m |
| .7 | Side Yard Width – minimum | |
| | From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located or from a <i>side lot line</i> that abuts a <i>street</i> | 6.0 m |
| .8 | Landscaped Open Space Yard – minimum | 15.0% of <i>lot area</i> |
| .10 | Gross Floor Area – <i>Retail Store</i> – maximum | 20.0% of the <i>GFA</i> of the <i>main use</i> |
| .50 | All activities or uses shall take place entirely within a fully enclosed <i>building</i> . This provision does not apply to the following activity or use: <i>child care centre</i> , <i>gas bar</i> , <i>loading space</i> , <i>outdoor eating area</i> , <i>parking area</i> , <i>parking space</i> , <i>sports facility</i> , or <i>refuelling area</i> . | |

15.2 COMMERCIAL DISTRICT 2.2 (CD2.2)

15.2.1 PERMITTED USES

| | |
|-------------------------------|--|
| <i>Bakery</i> | <i>Place of Entertainment and Recreation</i> |
| <i>Business Office</i> | <i>Place of Worship</i> |
| <i>Child Care Centre</i> | <i>Professional Studio</i> |
| <i>Commercial School</i> | <i>Public Hall</i> |
| <i>Confectionery</i> | <i>Repair Shop – Light</i> |
| <i>Food Outlet - Take-Out</i> | <i>Restaurant</i> |
| <i>Funeral Establishment</i> | <i>Retail Store</i> |
| <i>Medical Office</i> | <i>Veterinary Office</i> |
| <i>Micro-Brewery</i> | <i>Wholesale Store</i> |
| <i>Personal Service Shop</i> | |

Dwelling Units in a Combined Use Building with any one or more of the above uses

Gas Bar

Outdoor Market

Parking Garage

Public Parking Area

Tourist Home

Existing Automobile Repair Garage

Existing Service Station

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:

Outdoor Market, Existing Automobile Repair Garage.

15.2.3 PROHIBITED USES

A *Gas Bar* and a *Service Station* is prohibited on any lot located within 63.50 m of the east or west limits of Sandwich Street between Detroit Street and Brock Street or within 30.0 m of the south limit of Mill Street between Russell Street and Sandwich Street.

15.2.5 PROVISIONS

- | | | |
|-----|--|------------------------------|
| .4 | Building Height – maximum | 14.0 m |
| .9 | Amenity Area – Per Dwelling Unit – minimum | 12.0 m ² per unit |
| .10 | Gross Floor Area – maximum | |
| | <i>Bakery or Confectionary</i> | 550.0 m ² |
| .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. | |
| .24 | An <i>Outdoor Market</i> is permitted within a <i>Business Improvement Area</i> . An <i>Outdoor Market</i> is prohibited elsewhere. | |

Plan 370, situated on the west side of Bridge Avenue, north of University Avenue, a lodging house shall be an additional permitted use. (ZDM 3)

111. For the lands comprising Part of Lots 24 and 34 to 39 both inclusive, Plan 12R-16773, situated on the southwest corner of Tecumseh Road West and Tecumseh Road North, a food convenience store, restaurant and a drive-through restaurant shall be additional permitted use. (ZDM 4)
112. For the lands comprising Part of Farm Lots 143 and 144, Concession 2, situated on the southwest corner of Banwell Road and McHugh Street, shown as Block 16, in Schedule “A” to By-law 3-1999, no building shall be situated within 30 metres of the north limit of the Canadian National Railway right-of-way and an athletic and/or sports facility shall be an additional permitted use. (ZDM 15)
113. For the lands comprising Part 1 on Plan 12R-17595, situated at the southeast corner of Banwell Road and McNorton Street, no building shall be situated within 30 metres of the north limit of the Canadian National Railway right-of-way and a church, church hall, day nursery and school shall be additional permitted use. (ZDM 15)
114. For the lands comprising Part of Farm Lots 143 and 144, Concession 1, designated as Block 27, in Schedule “A” to By-law Number 13121, a business office having a maximum gross floor area of 250 square metres, a residential care facility and a lodging house shall be additional permitted use. (ZDM 14)
115. For the lands comprising Lots 7 to 14 both inclusive, Part of Lots 1 to 6, Part of Block “A”, Registered Plan 1275, Lots 7 to 10 both inclusive, Part of Lots 4, 5 and 6 and Part of Block “A”, Registered Plan 1335, Part of Lots 1, 2, 3 and 4, Registered Plan 948 and the enclosed north/south alley, situated on the east side of Huron Church, south of Malden Road, the maximum building height of a hotel shall be 7 storeys and a restaurant shall be an additional permitted use. (ZDM 4)
116. For all lands on the east side of Devon Drive from the north limit of Lot 3, Registered Plan 1629, to the north limit of Kamloops Street as extended westward, an outdoor storage yard shall not be permitted. (ZDM 8)
117. For the lands comprising Part of Farm Lot 97, Concession 1, designated as Parts 1 and 2, Plan 12R-11729, situated on the west side of St. Luke Road, south of Edna Street, an outdoor storage yard, exclusively for the storage of motor vehicles, shall be an additional permitted use. Each motor vehicle shall be stored on this lot for a maximum of 100 days and no motor vehicle restoration or repair shall take place within the outdoor storage yard. (ZDM 6)

APPENDIX D – COMMENTS from Municipal Departments & External Agencies

Canada Post

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Jose Mejalli – Assessment Management Officer

No Objection.

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Banwell at Tecumseh Northeast Corner. This bus stop is approximately 130 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained and further enhanced with our Council approved Transit Master Plan as two way conventional transit service will be replacing the existing one way loop present in the area.

Jacqueline Cabral – Site Plan Control

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

Enbridge Gas – Sandro Aversa

After reviewing the provided drawing at 2800 Banwell Rd and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

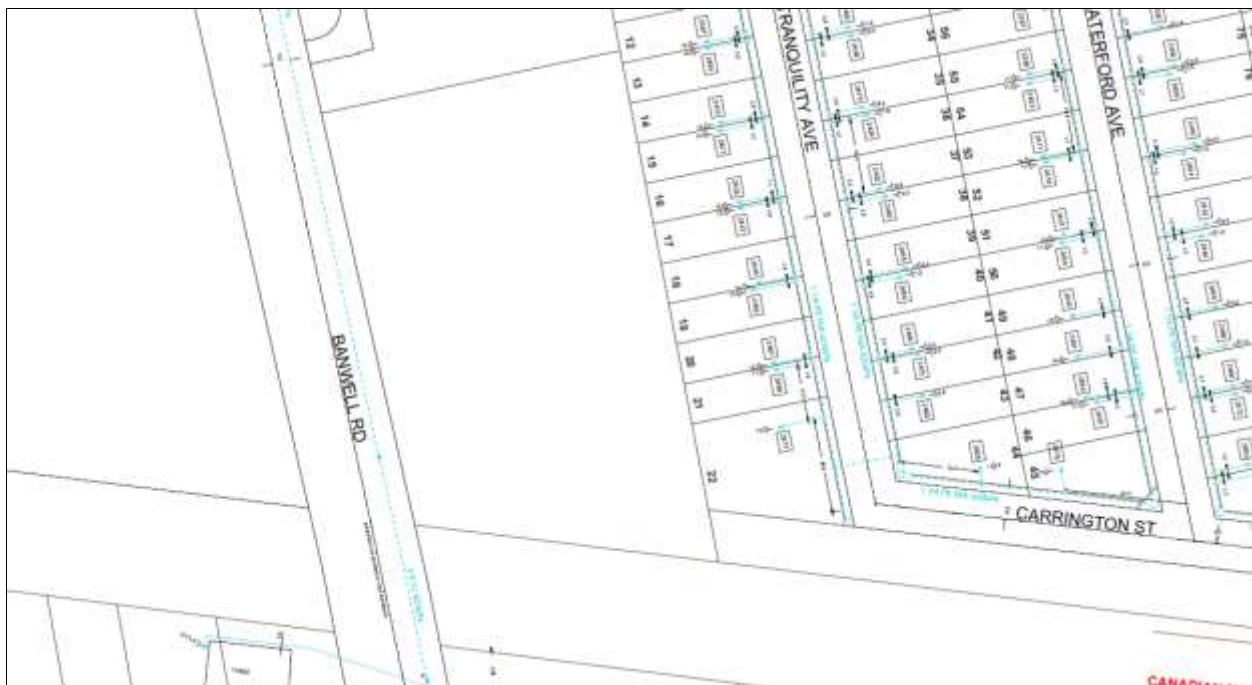
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Please contact me if you have any further questions or concerns.



Parks Design & Development – Sherif Barsom

No objection.

Stefan Fediuk – Landscape & Urban Design

Pursuant to the application for an Official Plan Amendment (OPA 156) to change land use designation, as well as a Zoning Bylaw Amendment (Z 010/22) to change from MD1.4 to CD2.2 permit residential and commercial mixed use with increased height and mid-block access on the subject, please note the following comments:

Zoning Provisions for Parking Setback:

While the proposed zoning of CD2.2 does not have minimum landscape requirements, it is recommended that as part of the special site specific zoning amendment, that Landscape Open Space Yard requirements of 35% be required, which are similar to RD3.3 which allows for Multiple and Religious Residences with building heights of up to 30.0m.

Tree and SAR Preservation:

The applicant has provided a Tree Inventory and independent SAR Study. The report indicates that Eastern Foxsnake (SAR) have been observed on abutting lands as late as 2021. The scrub area along the Banwell frontage is at the lowest part of the property as per the topographic survey, and may provide habitat for this SAR species in the summer months. The plant species present indicate that there would be standing water which would be asset for habitat for Eastern Foxsnake. Any clearing of the land is to consider careful research to ensure that habitat is not destroyed for this SAR species. The landscape architect accepts the conclusions found in these two studies and recommends that the mitigation measures for SAR and tree preservation be a requirement for development, including possible retention of the scrub area along the Banwell Road. If preserved, the scrub area can provide a visual buffer for the residences from Banwell.

Urban Design:

The site plan indicates residential units on the south side of the building and commercial at the northwest corner of the building. The south side is bounded by Via Rail tracks. There is also extensive parking proposed along the south property line. The retail component would benefit from the additional parking as well as move it closer to the existing commercial area south of the Via Rail tracks. It is recommended that retail component be relocated to the southwest corner of the building. This would also allow for potential preservation of the scrub area should SAR species habitat be identified.

Commercial along the south side of the building will also allow for the landscape area abutting the building to be reduced and move the parking away from the south property line to allow for a landscape buffer for trees along the southern parking area.

Parkland Dedication:

While it is recognized that in earlier developments east of the property, the City had been acquiring parcels of land 15m wide immediately north of the railway tracks to accommodate a future a recreational trail connecting Banwell Road to the Town of Tecumseh. More recent development along McHugh Avenue has resulted in the development of a recreational trail one block north of the tracks; making the need to acquire this parcel immediately north of the CN Rail line no longer necessary.

Therefore, it is recommended that parkland dedication representing 5% cash-in-lieu of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

Climate Change:

The proposed recommendations above, would help in climate change adaptation and mitigation by providing additional stormwater management through passive measures, by increasing the landscape areas where stormwater can be retained/slowed before reaching the municipal stormwater drainage system. Tree preservation and additions, especially along the south and west sides of the property will help to regulate temperatures experienced by the building and offer shade and carbon sequestering, reducing the impacts of urbanization, urban heat islands and hard surfaced pavement.

Tracy Tang – Heritage Planning

(Tracy Tang, Planner II on behalf of Kristina Tang, Heritage Planner)

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

ENWIN

HYDRO ENGINEERING:

Objection based on the following:

Please note that ENWIN Utilities Ltd has an existing overhead 27.6kV high voltage pole line in the Banwell Rd right-of-way along the entire west limit of the site.

It appears that the proposed 8 storey building will be too close to the existing overhead conductors.

Adequate clearance must be maintained both during and after construction.

We recommend referring to Occupational Health and Safety (Ministry of Labour) and Building Code to ensure that safe limits of approach and minimum clearance requirements are achieved.

WATER ENGINEERING:

Water Engineering has no objections. There is no usable watermain on that stretch of Banwell. The developer will have to decide where to get their water servicing from.

Barabara Rusan – Building

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reached by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

Shannon Deehan – Transportation Planning

- Banwell Road is classified as a Class II Arterial Road according to the Official Plan with a required right-of-way width of 30 meters per Schedule X. The current right-of-way is sufficient, therefore, a conveyance is not required.
- A Transportation Impact Study and Parking Study have been submitted. Comments will be provided in a separate memo.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - Driveways must comply with AS-204.
 - The southern driveway must comply with Transport Canada Crossing Grade Standards and no part of the travelled entranceway can be within 30m of the nearest rail of the grade crossing.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Shannon Mills – Engineering

We have reviewed the subject rezoning application and have the following comments:

Sewers

The site may be serviced by a 250mm Polyvinylchloride Pipe (PVC) sanitary sewer and a 675mm reinforced concrete pipe storm sewer located within the Banwell Road right-of-way. A sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to predevelopment levels, as per the Windsor Essex Regional Stormwater Management Standards Manual.

Right-of-Way

Banwell Road is classified as a Class II Arterial road with a required right-of-way width of 30 meters as per Schedule X of the Official Plan. The current right-of-way is sufficient as per the Banwell Road Environmental Assessment, therefore no conveyance is required. The proposed driveway approach to Banwell Road, at the south end of the property will not be permitted as depicted. All approaches must be perpendicular to the road and be constructed in accordance with AS-204

In summary, we have no objections to the proposed rezoning application, subject to the following requirements:

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Right-of-Way Permits – The owner agrees to obtain right-of-way permits for sewer

taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.
City of Windsor | 350 City Hall Square West | Windsor, ON | N9A 6S1
www.citywindsor.ca

Sanitary Sampling Manhole – The owner agrees for all non-residential uses, to install a sanitary sampling manhole accessible at the property line of the subject lands to the City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists or exceptions to such, will be to the satisfaction of the City Engineer.

If you have any further questions or concerns, please contact Thomas Huynh, of this department at thuynh@citywindsor.ca, ext. 6555.

Karina Richers – Environmental

In response to the application for a zoning amendment there are no objections. Please also note the following comments for consideration:

Energy Conservation, Air Quality and Climate Change:

Please note PPS 2020 energy conservation and efficiency policies as they relate to long-term economic prosperity (1.7.1 (j)), as well as improved air quality and reduced greenhouse gas emissions (1.8.1). In addition, the City of Windsor Community Energy Plan (approved July 17 2017) aims to improve energy efficiency; modifying land use planning; reducing energy consumption and greenhouse gas emissions; and fostering green energy solutions throughout Windsor, while supporting local economic development.

As per these policies the developer should consider energy efficiency in the building design. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors.

EV Charging

Due to increased production and escalating demands, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is suggested.

In addition, the large scale paving of natural space will increase the urban heat island in the area. It is recommended that the developer consider shade trees, white colour roofs or green roofs to mitigate this impact. For more suggestions please consult the following resources: LEED, Built Green Canada, and EnerGuide.

To promote the use of active transportation, bike racks should be considered.

Landscaping

Consideration for shade trees are recommended to minimize the urban heat island impacts. Consideration of native, drought resistant plants is encouraged to limit watering requirements.

Via Rail – John Walsh *(see letter below)*

REAL ESTATE

7 December 2022

City of Windsor
Planning & Building Department – Development Division
350 City Hall Square West, Suite 210
Windsor, Ontario
N9A 6S1

Dear Sir/Madam:

**RE: Development Applications ZNG-010/12 & OPA156 by Maple Leaf Homes –
2800 Banwell Road**

We are in receipt of your Liaison Submission dated 21 November 2022 for the above-captioned application.

Upon our review, VIA must advise you that we are not in favour of the change in land use from Business Park to Residential in such close proximity to our freight and passenger train right-of-way due to the obvious incompatibility.

Should the City still decide to progress the subject applications, the attached noise, vibration and safety mitigation measures must be addressed for VIA's Chatham Subdivision.

In addition to the aforementioned measures, it is also noted that the sight-triangle for the Banwell Road and VIA at-grade crossing could be compromised by the proposed development despite the presence of automatic protection devices at the level crossing. Please consult with Transport Canada to ensure compliance with their regulations in this regard.

Kindly keep us informed on the progress of this application.

Yours truly,


John C. Walsh, P.Eng.
Sr. Property Manager
Real Estate – Central Region

PRINCIPAL MAIN LINE



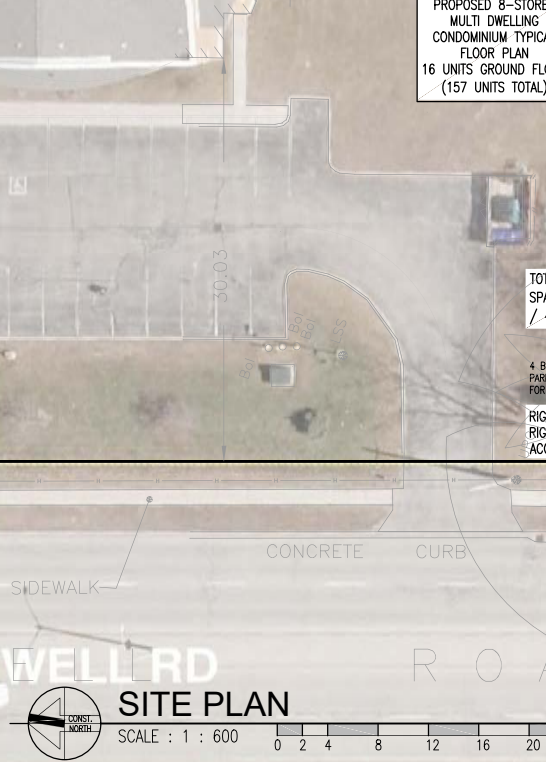
- A. Noise berm, or combination berm and acoustic fence, adjoining and parallel to the railway right-of-way and having returns at the ends:
- (i) Minimum total height 5.5 metres above top-of-rail.
 - (ii) Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre (4 lb/sq. ft.) of surface area.
- Note: The Railway may consider other measures recommended by an approved Noise Consultant satisfactory to the Railway.
- B. Safety setback of dwellings from the railway right-of-way to be a minimum of 30 metres in conjunction with the safety berm noted below. In the absence of a safety berm, we require a dwelling setback of 120 metres.
- C. Ground-borne vibration transmission to be estimated through site testing and evaluation to determine if dwellings within 75 metres of the Railway right-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec. RMS between 4 Hz. and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, +/- 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec. RMS on and above the first floor of the dwelling.
- D. Safety berm adjoining and parallel to the railway right-of-way with returns at the ends, 2.5 metres above grade is required despite none being required to address the Railway's noise concerns.
- E. The following clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling; "Warning: VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). VIA will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."
- F. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- G. The Developer shall install and maintain at his own expense, a chain link fence of minimum 1.83 metre (6 feet) height along the mutual property line, which shall be maintained by the Owner.
- H. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have the sole responsibility for and shall maintain these measures to the satisfaction of VIA Rail.
- I. Pursuant to the Planning Act, the Municipality shall provide this office of the Railway with written notice of the public meeting, by-law and passing of the by-law appropriately zoning the lands hereby proposed for subdivision.
- J. The Owner enter into an Agreement stipulating how VIA Rail's concerns will be resolved and will pay VIA Rail's reasonable costs in preparing and negotiating the agreement.

| ITEM | SITE DATA MATRIX | | | OBC REFERENCE |
|------|--|---|---|---------------------------------|
| 1 | PROJECT DESCRIPTION PROPOSED MULTI-USE, MULTI-STORY RETAIL / RESIDENTIAL DEVELOPMENT 2800 BANWELL ROAD, WINDSOR, ONT. | <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE | <input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11 | |
| 2 | ZONING DESIGNATION: | MD1.4 | | |
| 3 | EXISTING LAND USE: | VACANT | | |
| 4 | MAJOR OCCUPANCY(S): | RESIDENTIAL / RETAIL | | |
| 5 | BUILDING CLASSIFICATION: | GROUP XXXXX, DIVISION XXXXX 3.2.2.XX | | |
| 6 | SITE AREA | BUILDING AREA | GROSS AREA | |
| | EXISTING: ±12,960 m ² | EXISTING: 0.0 m ² | EXISTING: 0.0 m ² | |
| | PROPOSED: ±12,960 m ² | PROPOSED: 2,455.6 m ² | PROPOSED: 19,644.8 m ² | |
| 7 | LOT COVERAGE | MINIMUM LOT WIDTH | BUILDING HEIGHT | |
| | MAXIMUM: XX.X % | REQUIRED: XXX.X m | MAXIMUM: XXX.X m | |
| | PROVIDED: 18.9 % | PROVIDED: 122.9 m | PROVIDED: XXX.X m | |
| 8 | MINIMUM FRONT YARD DEPTH | MINIMUM REAR YARD DEPTH | MINIMUM SIDE YARD DEPTH | |
| | REQUIRED: XXX.X m | REQUIRED: XXX.X m | REQUIRED: XXX.X m | |
| | PROVIDED: 20.0 m | PROVIDED: 9.7 m | PROVIDED: 15.4 m | |
| 9 | USE CLASSIFICATION: | VEHICLES SPACES (MIN. 2.5m x 5.5m) | BICYCLE SPACES (0.6m x 2.5m) | LOADING SPACES (3.5m x 7.5m) |
| | EXISTING: 0 SPACES | EXISTING: 0 SPACES | EXISTING: 0 SPACES | EXISTING: 0 SPACES |
| | PROPOSED: 226 SPACES | PROPOSED: 0 SPACES | PROPOSED: 30 SPACES | PROPOSED: 3 SPACES |
| 10 | ACCESSIBLE TYPE A | ACCESSIBLE TYPE B | VISITOR | |
| | EXISTING: 0 SPACES | EXISTING: 0 SPACES | EXISTING: 0 SPACES | |
| | PROPOSED: 3 SPACES | PROPOSED: 3 SPACES | PROPOSED: 3 SPACES | |
| 11 | LANDSCAPED AREA | CURBING LENGTH | SCREENING FENCE LENGTH | |
| | EXISTING: 0 m | EXISTING: 0 m | EXISTING: 0 m | |
| | PROPOSED: 3,590.8 m | PROPOSED: XXX.X m | PROPOSED: XXX.X m | |

Should archaeological deposits be found during construction activities, all work in the area must stop immediately and the City's Manager of Cultural Affairs and the Ontario Ministry of Tourism, Culture and Sport must be notified, and clearance given by the Ministry.

In the event that human remains are encountered during construction, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services must then be notified, and clearance be given by the Ministry of Tourism, Culture and Sport.

A building shall not be located beneath existing above ground electrical conductors. Where a building is to be constructed in proximity to above ground electrical conductors, horizontal clearances between buildings and conductors shall comply with Subsection 3.1.19. of the Ontario Building Code.



| SUITE COUNT | | | |
|-------------|---------|----------|------------|
| FLOOR | 1 BED | 2 BED | TOTAL |
| GROUND | 4 | 12 | 16 |
| 2ND-6TH | 5/FLOOR | 18/FLOOR | 115 |
| 7TH-8TH | 3/FLOOR | 10/FLOOR | 26 |
| TOTAL | 35 | 122 | 157 SUITES |

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

architectural
design
associates inc.

project: PROP. MULTI-STORY RETAIL/RESIDENTIAL DEVELOPMENT
2800 BANWELL ROAD, WINDSOR, ONT.

client: MAPLELEAF HOMES

date: DEC. 2021
comm. no.: 2022-012
dwg. no.: A1.0a

title: SITE PLAN

drawn by: TC
checked by: SMB / TC



| SUITE COUNT | | | |
|-------------|---------|----------|------------|
| FLOOR | 1' BED | 2 BED | TOTAL |
| GROUND | 4 | 12 | 16 |
| 2ND-6TH | 5/FLOOR | 18/FLOOR | 115 |
| 7TH-8TH | 3/FLOOR | 10/FLOOR | 26 |
| TOTAL | 35 | 122 | 157 SUITES |

PROPOSED 8-STORY
MULTI DWELLING
CONDOMINIUM TYPICAL
FLOOR PLAN
16 UNITS GROUND FLOOR
(157 UNITS TOTAL)

SITE PLAN - FLOORS 2ND-6TH

SCALE : 1 : 600

0 2 4 8 12 16 20 30m

architectural
design
associates
inc.

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

project: **PROP. MULTI-STORY RETAIL/RESIDENTIAL DEVELOPMENT**
2800 BANWELL ROAD, WINDSOR, ONT.

client: **MAPLELEAF HOMES**

title: **SITE PLAN**
FLOORS 2ND TO 6TH

drawn by: **TC**

checked by: **SMB / TC**

date: **DEC. 2021**

comm. no.: **2022-012**

dwg. no.: **A1.0b**



LOOKING EAST FROM BANWELL RD.



LOOKING NORTH-EAST FROM BANWELL RD.



LOOKING WEST FROM RESIDENTIAL DEVELOPMENT



LOOKING SOUTH-WEST WITHIN DEVELOPMENT



2800

SIGNAGE

SIGNAGE

SIGNAGE

SIGNAGE

2800

LOOKING SOUTH-EAST FROM BANWELL



LOOKING NORTH-WEST WITHIN DEVELOPMENT

Excerpts from Reports / Studies received from the Applicant.

A. ROAD & RAIL TRAFFIC and STATIONARY NOISE IMPACT STUDY by JJ Acoustic Engineering Ltd., dated Oct. 24, 2022, Revised Jan. 10, 2023

The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Park (MOECP NPC 300, “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning” dated August 2013.

This Study has determined that the potential environmental noise impact from road and rail traffic noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor (City) and forecasted to 10 years from the date of this study.

RECOMMENDED NOISE WARNING CLAUSES IN SECTION 2 OF THE STUDY

Warning Clause D: "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Rail Warning Clause: “Warning: Via Rail or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Via will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

6. Recommendations

The road/rail traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures include:

- Warning Clause Type D for all façades.
- Rail Warning Clause for all façades.
- Requirement for Air Conditioning for the entire building.
- A minimum of STC 28 is required for all exterior glazing for the North façade.
- A minimum of STC 31 is required for all exterior glazing for the East façade.
- A minimum of STC 34 is required for all exterior glazing for the South façade.
- A minimum of STC 32 is required for all exterior glazing for the West façade.

The stationary noise impacts from/to the site were evaluated and the sound level predictions were determined to be below the noise limits for all façades.

7. Conclusions

The results of this Study indicate that the potential environmental impact from road and rail traffic noise sources is significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit.

B. TRAFFIC IMPACT STUDY & PARKING BRIEF, by RC Spencer Associates Inc., Oct. 2022

CONCLUSIONS AND RECOMMENDATIONS

Maple Leaf Homes Ltd. is proposing an eight-storey residential building, with 4200 sq. ft. of first-floor commercial space, to infill 3.2 acres of property recently severed by Banwell Community Church, at 2400 Banwell Road, in Windsor, Ontario. The developer is proposing a total of approximately 218 parking spaces, including eight accessible parking spaces, to service the proposed residential units and retail area. A right-out site egress is proposed at Banwell Road towards the south end of the site (approximately 43m north of the existing rail line) and a right-in-right-out access is proposed at the north end of the site (approximately 20m south of the existing right-in-right-out site access at Banwell Community Church); the subject property will not be interconnected with the church property.

Using recently obtained traffic data and the best available trip generation and distribution methodologies, an analysis was completed to measure the potential operational impact of the proposed development on area traffic operations.

Upon completion of the analysis, it was concluded that:

- Trip generation is very low (approximately one additional vehicle per minute in the critical peak hours); the level of service metrics suggest that the proposed development will have a nominal impact on traffic operations at the intersection of McNorton Street / McHugh Street at Banwell Road;
- All accesses to and from the proposed development pose no undue hazard to area traffic operations; sight lines are clear and safe for right-turn egress at Banwell Road;
- The proposed supply of 218 parking spaces should adequately accommodate the proposed 157 residential units and 4,200 sq. ft. of retail space; the developer's proposed parking supply is consistent with the City's zoning bylaw requirements and is aimed at encouraging increased use of sustainable active transportation and transit options.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development will not adversely impact area traffic operations.

C. SPECIES AT RISK IMPACT ASSESSMENT, by Insight Environmental Solutions Inc, Oct. 5, 2022

It is highly unlikely that the SAR turtle species listed by the ORAA would be found within the project area or adjacent lands within 120m. The property does not contain any permanent hydrological features that support the foraging or hibernation habitat of turtles.

As the proposed severance area consists of mown lawn with scattered trees, it does not contain any suitable breeding or overwintering habitat for snakes. A Research Grade record of Eastern Foxsnake was documented on I-naturist within the agricultural drains found on adjacent lands. As such, it is possible that this species could incidentally utilize the subject property and proper mitigation measures for this species should be implemented during the construction phase (**Section 6.0**)

6.0 MITIGATION TO REDUCE IMPACTS TO SPECIES AT RISK AND THEIR HABITAT

The subject property contains poor quality habitat to support the breeding or life processes of the SAR discussed in this report. However, due to the proximity of Parent Relief Drain/Parent Outlet Drain and Research Grade record of an Eastern Foxsnake within this drain from i-Naturalist, it is possible that SAR snakes may incidentally be present within the vicinity of the project area. As such the following mitigation measures are recommended:

- 1) All on-site personnel must be made aware of the potential presence of SAR snakes and SAR turtles, including Eastern Foxsnake and Butler's Gartersnake.
- 2) Temporary reptile exclusion fencing can be used to exclude reptiles from the worksite. It is recommended that netting type erosion control measures not be used for this project. An alternative product such as Curlex Netfree® blanket or the use of riprap over geotextile fabric should be used for erosion control to prevent entanglement of SAR snakes.
- 3) Snake exclusion fencing should be installed following the recommendations of the Species at Risk Branch Best Technical Note: Reptile and Amphibian Exclusion Fencing (2013) document.
- 4) Construction machinery and equipment that is left idle for over 1 hour or is parked overnight on the property between April 1st to November 30th must be surveyed for the presence of SAR snakes before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.
- 5) Any SAR individual that is present on the property should be reported to the Ministry of Environment, Conservation and Parks (MECP) within 48 hours of the observation or the next working day, whichever comes first.
- 6) If an SAR snake is incidentally encountered, the snake must be allowed to disperse from the project site under its own ability, and project machinery and equipment must maintain a minimum operating distance of 30 meters from the individual. MECP must be contacted if this cannot be done.
- 7) If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container maintained at an appropriate temperature and MECP staff must be contacted immediately.

7.0 CONCLUSION

Based on Species at Risk information gathering efforts and review of aerial photography by Insight Environmental Solutions Inc., it is argued that the project is not likely to contravene 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.

Insight Environmental Solutions Inc. trusts that the material presented in this report will satisfy the requirements to move forward with the proposed activities. The data and conclusions contained in this letter are based upon work performed by qualified professionals in accordance with accepted scientific methods and protocols. The information should be interpreted and implemented only in relation to the specific project as identified. This report was prepared on behalf of Architectural Design Associates Inc., and the undersigned accepts no responsibility for future use by other parties.

APPENDIX G

DRAFT

AMENDMENT NO. 156

TO THE

OFFICIAL PLAN

CITY OF WINDSOR

Part D (Details of the Amendment) of the following text, and attached map of the City of Windsor Official Plan constitute Amendment No. 156.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background and Implementation of the Amendment, Appendix I (Results of Public Involvement)

A. PURPOSE:

The primary purpose of this recommended amendment is to allow residential use on the 1.295 hectares land on the northeast corner of VIA Rail and Banwell, designated as PART 2 on Plan 12R-29004, by converting the subject employment land to a non-employment designation that would permit residential use and allow the development of a multi-storey, multi-unit dwelling south of the existing church building. The secondary purpose is to allow a mixed-use development containing commercial and residential uses on PART 2, Plan 12R-29004.

B. LOCATION:

The amendment applies to the 1.295 ha land abutting the VIA Rail corridor, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004.

Ward: 7

Planning District: East Riverside

ZDM: 15

C. BACKGROUND:

The subject land is designated Business Park on Schedule ER-2: Land Use Plan, Secondary Plan for East Riverside Planning Area, OP Vol. 2. The Business Park designation in the East Riverside Secondary Plan permits some commercial uses, but does not permit Residential Use. The applicant is requesting a Mixed Use designation to permit a Residential Use along with commercial use

The applicant proposes to change the land use designation of the 1.295 ha land abutting the VIA Rail Corridor (designated as PART 2 on Plan 12R-29004), from Business Park to Mixed Use to permit Residential and commercial uses on the property. The East Riverside Planning District has one Mixed Use designation and it is the "Banwell Road Mixed Use Corridor". The policies of the Banwell Road Mixed Use Corridor permit the residential and commercial uses, but does not permit mid-block vehicular access. In addition, the Banwell Road Mixed Use designation permits a maximum building height of 4-storeys.

Consequently, the applicant also requests site-specific policies to permit (i) an increase in maximum building height from 4 storeys to 8 storeys and (ii) mid-block vehicular access along Banwell Road. The applicant is proposing an 8-storey residential building (condo development) with 157 residential units and 390m² commercial unit on the 1.295 ha land located on the northeast corner of VIA Rail and Banwell intersection. Two new mid-block vehicular access driveways are also proposed.

The recommended amendment seeks to change the land use designation from Business Park to Banwell Road Mixed Use designation. The recommended amendment will allow residential intensification on the subject land.

D. DETAILS OF THE AMENDMENT:

- I. THAT the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from ***Business Park to Banwell Road Mixed Use Corridor***;
- II. THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.X EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.

1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line.

E. IMPLEMENTATION:

- i. Amend Schedule D: Land Use, in Volume 1: The Primary Plan to add OPA #156.
- ii. Amend Schedule A: Planning Districts & Policy Areas, in Volume 1: The Primary Plan to add as Note: Special Policy Area - **“EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR”**
- iii. This amendment shall be implemented through amendment to the Zoning By-law 8600 as recommended in Report Number S 13/2023 (Z-010/22; ZNG-6701).
- iv. Site Plan Control shall be an additional implementation tool for this Official Plan Amendment (OPA #156).

APPENDIX I

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan amendment and the associated rezoning.

A public meeting of the Development & Heritage Standing Committee (DHSC), the statutory meeting, was held on *(insert date later)*. Below is an extract from the minutes of the DHSC meeting.

Following the *(insert date later)* DHSC meeting, another public meeting (Council meeting) was held on *(insert date later)* as noted below.

DEVELOPMENT & HERITAGE STANDING COMMITTEE MEETING: *(insert date later)*
Extract from the minutes of the DHSC meeting

COUNCIL MEETING: *(insert date later)*

A meeting of City Council was held on *(insert date later)*, at which time the Official Plan Amendment application (File # OPA 156; OPA/6702) was considered along with the accompanying Zoning By-law Amendment application (File No. Z-010/22; ZNG/6701). The recommended OPA #156 was *(insert Council decision)* by CRxxx/2023, and the recommended amendment to the zoning by-law was *(insert Council decision)*, by the same CRxxx/2023.

APPENDIX H

BY - LAW NUMBER -2023

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2023.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

| 1. Item Number | 2. Zoning District Map Part | 3. Lands Affected | 4. Official Plan Amendment Number | 5. Zoning Symbol | 6. New Zoning Symbol |
|----------------------|--------------------------------------|--|--|------------------------|----------------------------|
| 1 | 15 | Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor | 156 | MD1.4 | HCD2.2 |

2. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

“H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
- b) The following additional provisions shall apply:
- .3 Lot Coverage – maximum - 35%

.4 Building Height – maximum - 20.0 m

.5 Front Yard Depth – minimum - 6.0 m

.6 Building Setback – minimum

From the *rear lot line* to the nearest part of the building

(a) 10m or less in height - 7.5 m

(b) Above 10m in height - 22.5 m

.8 Landscape Open Space Yard – minimum - 35% of *lot* area

.13 Dwelling Unit Density – dwelling units per hectare – maximum -110 units per ha

.90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.

.95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
- c) Non-residential use shall have a minimum gross floor area of 350 m² and shall be located at street level along the west wall of the building fronting onto Banwell Road;
- d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and

f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
[ZDM 15; ZNG/6701]

3. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

| 1. Item Number | 2. Zoning District Map Part | 3. Lands Affected | 4. Official Plan Amendment Number | 5. Zoning Symbol |
|----------------------|--------------------------------------|---|--|---------------------|
| 1 | 15 | Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor. | 156 | S.20(1)H460 |

4. That the holding (H) symbol BE REMOVED when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

- (a) The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;
- (b) The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
- (c) The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023
Second Reading - , 2023
Third Reading - , 2023

SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of the 1.295 hectares land described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, so as to permit the construction of a multi-storey, multi-unit residential building on the subject land.

This amendment also has the effect of accommodating a housing type that increases density and housing options in the area. This amendment has the potential to enhance public transit ridership in the area as a result of the number of residential units that will be accommodated on the subject land.

2. Key map showing the location of the lands to which By-law _____ applies.



PART OF ZONING DISTRICT MAPS 14 & 15

N.T.S.

SCHEDULE 2

Applicant: Maple Leaf Homes



SUBJECT LANDS



SEVERED LANDS
SUBJECT OF OPA & ZBA

PLANNING & BUILDING DEPARTMENT



DATE : DECEMBER 2022
FILE NO. : Z-010/22, ZNG/6701

| PARTS SCHEDULE | | | | |
|----------------|-----------------|--------------|-------------------|-----------|
| PART | LOT | PLAN | P.I.N. | AREA |
| 1 | PART OF BLOCK 1 | PLAN 12M-428 | ALL OF 01597-2488 | 1.683 Ha. |
| 2 | | | | 1.295 Ha. |

PLAN 12R-29004

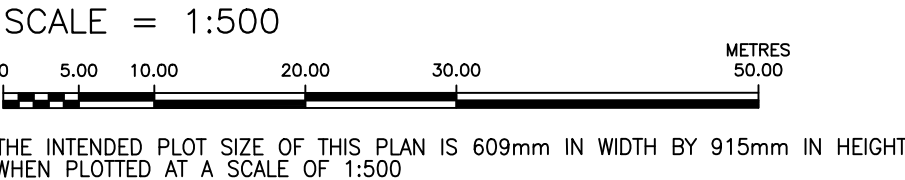
Received and deposited

May 4th, 2022

Christopher Holloway

Representative for the
Land Registrar for the
Land Titles Division of
Essex (No.12)

PLAN OF SURVEY
OF
PART OF BLOCK 1
REGISTERED PLAN 12M-428
IN THE
CITY OF WINDSOR
COUNTY OF ESSEX, ONTARIO
VERHAEGEN LAND SURVEYORS



THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 915mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:500

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND AND NOTES

- BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (2010.0).
- DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999879.
- | | | |
|------|---------|--------------------------|
| ■ | DENOTES | SURVEY MONUMENT FOUND |
| □ | DENOTES | SURVEY MONUMENT SET |
| SIB | DENOTES | STANDARD IRON BAR |
| SSIB | DENOTES | SHORT STANDARD IRON BAR |
| IB | DENOTES | IRON BAR |
| PB | DENOTES | PLASTIC BAR |
| WIT | DENOTES | WITNESS |
| M | DENOTES | MEASURED |
| S | DENOTES | SET |
| L | DENOTES | PERPENDICULAR |
| D | DENOTES | DEED |
| OU | DENOTES | ORIGIN UNKNOWN |
| ORP | DENOTES | OBSERVED REFERENCE POINT |
- ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.
- (P) DENOTES PLAN
(JDB) DENOTES J.D. BARNES LIMITED
(1744)DENOTES VERHAEGEN LAND SURVEYORS
- (S/P) DENOTES SET PROPORTIONALLY
(P) DENOTES PLAN 12R-20661
(P2) DENOTES PLAN 12M-428
(1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
(P1) DENOTES PLAN 12M-447

INTEGRATION DATA

| | | |
|---|----|-------------|
| COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10 | | |
| POINT | ID | NORTHING |
| ORP-A | | N4686745.71 |
| ORP-B | | N4686403.84 |
| | | EASTING |
| | | E343268.30 |
| | | E343324.77 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISON, A ROTATION OF 01°01'30" CLOCKWISE WAS APPLIED TO (P), (P1) AND (P2) TO CONVERT TO GRID BEARINGS

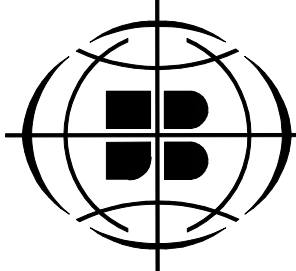
SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS SURVEY WAS COMPLETED ON THE 12th DAY OF APRIL, 2022.

DATE APRIL 28, 2022

Roy A. Simone
ROY A. SIMONE
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2163239.



VERHAEGEN
LAND SURVEYORS
A Division of
J. D. Barnes Limited

944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

| | | |
|------------------|-------------------|-----------------------------|
| DRAWN BY: A.J.M. | CHECKED BY: R.A.S | REFERENCE NO.: 21-47-629-01 |
|------------------|-------------------|-----------------------------|

| | |
|-------------------------|--|
| FILE: E-12M-428-BLOCK 1 | CAD Date: April 28, 2022 1:53 PM CAD File: 21-47-629-01.dwg |
|-------------------------|--|

Subject: Additional Information Memo re: Report S 13/2023: File Nos.: OPA 156 (OPA-6702) & ZBA-010-22 (ZNG-6701); Applicant: Maple Leaf Homes Ltd.; Ward 7

Reference:

Date to Council: February 27, 2023

Authors:

Jeff Hagan

Transportation Planning Senior Engineer

519-253-6100, ext. 6003

jhagan@citywindsor.ca

Justina Nwaesei, MCIP, RPP

Senior Planner - Subdivisions

519-255-6543, ext. 6165

jnwaesei@citywindsor.ca

Report Date: February 13, 2023

Clerk's File #: Z/14510 & Z/14509

To: Mayor and Members of City Council

Additional Information:

On February 6, 2023, the Development & Heritage Standing Committee (DHSC) considered the merits of Report S 13/2023 and moved a motion recommending approval of the Staff Recommendation with an additional recommendation as follows:

*VII. That administration from the Traffic Operations and Engineering Departments **BE REQUESTED** to be in attendance at the Council meeting when this matter is scheduled to be dealt with, in order to be available to address the concerns regarding traffic that were raised at the February 6, 2023 meeting of the Development and Heritage Standing Committee.*

At the February 6, 2023 DHSC meeting, comments from delegates and committee members raised a number of concerns related to traffic issues or road safety. The traffic/road safety issues raised can be summarized as follows:

- The Banwell / McNorton intersection is a heavy intersection with existing safety issues;
- Last year the City made upgrades to the intersection because of collisions southbound;

- The proposed development will create a higher degree of collisions and incidents;
- A McNorton access to the proposed combined use building will mitigate the safety issue arising from U-turns for some southbound traffic.
- The main safety concern is the northbound U-turns that will be coming from the proposed development south side of the church; prohibit “U-turns” at the Banwell/McNorton intersection.

Internal staff meetings have occurred since the February 6, 2023 DHSC meeting. A summary of responses to the traffic/road safety issues raised is provided in Table 1 below.

Table 1: Comment-Response Table

| Comment | Response |
|---|---|
| The Banwell / McNorton intersection is a heavy intersection with existing safety issues | <p>Traffic operations at the Banwell & McHugh/McNorton intersection were reviewed as part of the 2021 intersection reconstruction, and were again reviewed by the applicant’s consultant in the transportation impact study (TIS) prepared for this application.</p> <p>From a capacity perspective, the expected site can be accommodated on the surrounding road network. However, the significant volume of U-turn movements for site traffic identified in the TIS raises special concerns.</p> |
| Last year the City made upgrades to the intersection because of collisions southbound | <p>A road safety review of the Banwell & McHugh/McNorton intersection was carried out before the design of the 2021 intersection reconstruction. This review identified that the collision pattern at the time was consistent with driver confusion resulting from the lane configuration that was then present, which had shared left-through lanes on several approaches.</p> <p>In the intersection redesign, dedicated left turn lanes are provided for all left turn movements. This configuration would not be changed as a result of the proposed development.</p> |

| Comment | Response |
|---|--|
| The proposed development will create a higher degree of collisions and incidents | <p>An increased volume of U-turns at the Banwell & McHugh/McNorton intersection raises a number of concerns, most related to potential violation of driver expectations:</p> <ul style="list-style-type: none"> • Drivers of southbound through vehicles may have difficulty judging conflicts with northbound U-turning vehicles, since they would likely expect these vehicles to make a northbound left turn, not a U-turn movement. • Because of the roadway geometry, most or all u-turning vehicles would end their movement in the southbound right lane, which would conflict with eastbound right turn movements. <ul style="list-style-type: none"> ○ The TIS indicates that almost all eastbound right turns are made on red, and that most northbound U-turns are made on the protected left phase. Because of this, a significant number of conflicts would be occurring at a time when eastbound right turning drivers would not expect conflicting traffic. |
| A McNorton access to the proposed combined use building will mitigate the safety issue arising from U-turns for some southbound traffic. | Other than the issue of northbound U-turns, site traffic from the proposed development raises no significant concerns. If the proposed development was able – through reciprocal access across the church property – to use the existing driveway on McNorton, a more convenient and comfortable route for southbound site traffic would be provided, so northbound U-turns would be expected to be negligible. |
| The main safety concern is the northbound U-turns that will be coming from the new development south side of the church; prohibit the “U-turns” at the Banwell/McNorton intersection. | <p>Staff will be recommending “No U-turns” at the Banwell/McNorton intersection, unless the developer is able to obtain vehicular access from McNorton Street</p> <p>This recommendation will address the immediate safety concerns related to the proposed development.</p> <p>This recommendation will result in somewhat different traffic patterns for outbound trips heading to the south; for instance, with U-turns prohibited, site trips headed to Tecumseh Road may use McHugh & Clover. The volume of site trips that would be affected by this change is low (identified as a maximum of 24 vehicles per hour in the peak hours in the TIS); a TIS addendum would not be required.</p> |

In addition to the above traffic concerns, there was the unresolved issue of proposed additional vehicular access driveways on Banwell Road, between McNorton and VIA Rail Corridor.

On February 13, 2023, the developer submitted a revised site concept plan herein attached as Appendix AA, containing the following changes:

1. Closure of church property access to Banwell Road
2. Construction of a new right-in/right out access and traffic island for the proposed combined use building.
3. Deletion of the proposed right out to the south near the rail.
4. Adjustment to comply with 6m setback along Banwell.

Aspects of the revised site concept plan do not fully comply with City standards (e.g. the driveway design does not comply with the relevant Standard Engineering Drawing), but these issues are generally minor in nature and can be addressed at the time of site plan application.

As a result of the above discussion and new information from the developer, Staff recommend that the Recommendations in Report S 13, 2023 be revised as follows:

- Delete Recommendation IV.3, which requires an access easement across the adjacent church lands as a condition of removing the holding “H” symbol.
- Add to zoning provision s.20(1)460(b).95 the phrase *“save and except a new access resulting from the relocation of the existing mid-block right-in/right-out vehicular access on the east side of Banwell south of McNorton”*.
- Add a new recommendation – *“That the City Solicitor **BE DIRECTED** to amend Traffic By-law 9148 to prohibit northbound U-turns at the Banwell/McNorton intersection.”*

Approvals:

| Name | Title |
|----------------|---|
| Michael Cooke | Manager of Planning Policy / Deputy City Planner |
| Shawna Boakes | Executive Director of Operations |
| Thom Hunt | City Planner / Executive Director, Planning & Development |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Chris Nepszy | Commissioner of Infrastructure and City Engineer |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Appendices:

- 1 APPENDIX AA - Site Concept Revised





**Subject: Request for Demolition of Greenhouses at Lanspeary Park - 1250
Langlois Avenue (Ward 4)**

Moved by: Councillor Fred Francis

Seconded by: Kieran McKenzie

Decision Number: **DHSC 468**

- I. That Council **BE INFORMED** of the proposed demolition of the Lanspeary Park Greenhouse Complex, at 1149 Giles Blvd East and 1219 Pierre Avenue;
- II. That the fieldstone structure (former comfort station part of the greenhouse complex) at Lanspeary Park **REMAIN** on the Windsor Municipal Heritage Register and **BE PROTECTED** from demolition activities of the rest of the Lanspeary greenhouse complex;
- III. That Administration **INCORPORATE** commemoration of the demolished greenhouse complex.

Report Number: S 14/2023

Clerk's File: SB2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 10.1 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

**Subject: Request for Demolition of Greenhouses at Lanspeary Park -
1250 Langlois Avenue (Ward 4)**

Reference:

Date to Council: February 6, 2023
Author: Kristina Tang, MCIP, RPP
Heritage Planner
ktang@citywindsor.ca
519-255-6543 X 6179
Planning & Building Services
Report Date: January 23, 2023
Clerk's File #: SB2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **BE INFORMED** of the proposed demolition of the Lanspeary Park Greenhouse Complex, at 1149 Giles Blvd East and 1219 Pierre Avenue;
- II. THAT the fieldstone structure (former comfort station part of the greenhouse complex) at Lanspeary Park **REMAIN** on the Windsor Municipal Heritage Register and **BE PROTECTED** from demolition activities of the rest of the Lanspeary greenhouse complex;
- III. THAT Administration **INCORPORATE** commemoration of the demolished greenhouse complex.

Executive Summary: N/A

Background:

Lanspeary Park elements (bandstand, gates, greenhouse) have been 'listed' on the Windsor Municipal Heritage Register since August 27, 2007. The bandstand, gates, and other fieldstone structure (part of the greenhouse complex structures) were constructed in the 1920s from 1922 up to possibly 1926. Lanspeary Park is one of the oldest parks in the city (established 1917), and was the site of the City's greenhouse and nursery operations since 1926 until the recent move of the greenhouse operations to Jackson Park at a new greenhouse complex. One of the greenhouses within the Lanspeary Park greenhouse complex was moved from Willistead Park but is a replacement of the original.



Fieldstone bandstand



Giles Blvd. Gates (Source: Google Streetview).



Ottawa Street entrance (Source: Google Streetview).

Per CR 550/2018, Administration has been tasked to “proceed to demolish the existing Lanspeary Park Greenhouse Complex, taking into consideration any heritage features or buildings contained thereon, and restore the subject area to parkland”. Parks Design & Development staff are administering the Council direction and applied for a heritage demolition application (Appendix A- Heritage Permit Application). Additional photos are available in Appendix B.

Review of Lanspeary Park has identified that the remaining fieldstone structures on the property should be recognized, protected, and restored. Further consideration will take place as part of the Lanspeary Park Master Planning exercise, which began in the summer of 2022 and is expected to be completed in the summer of 2023.

Legal provisions:

The subject property is listed on the Windsor Municipal Heritage Register, but not designated. Section 27 of Part IV of the *Ontario Heritage Act* states that “the register may include property ... that the council of the municipality believes to be of cultural heritage value or interest”, without being designated. Also, “the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of

the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure." The 60 days only begins after notice is received accompanying plans and information as Council may require. City of Windsor Council approved "Requirements and Procedures, Application for Demolition of Heritage-Listed Properties" (Council Decision # M163-2015) which outlines the required information for demolition, and notes that Administration has 30 days to evaluate if the information submitted is sufficient. Only after determination has been made that the required information has been submitted, does the 60 day count begin.

During the 60 days after notice, City Council (with Committee consultation) may initiate designation, or decide to take no action. If a property is proposed for designation, a notice of intent to designate must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, which are those features that are considered important to retain if any alterations to the property are proposed after designation. "Cultural heritage value or interest" is to be considered according to Ontario Regulation 9/06.

Staff have undertaken some initial review of Lanspeary Park and will be recommending designation to allow for protection of specific heritage attributes, at a later date in conjunction with the Lanspeary Park Master Planning exercise. For now, the various fieldstone structures on the property should be protected, while allowing for the demolition of the remainder of the greenhouse complex structures.

Discussion:

Property description:

Lanspeary Park is located between Giles Boulevard East & Ottawa Street, Pierre Street and Langlois Avenue. The park was named after Mr. W.W. Lanspeary, who had served on City Council and Parks Committee in early 20th century, and advocated for parks as a breathing place for the public. Lands for Lanspeary Park were purchased in 1917 in a piecemeal fashion. From Park files records, in 1926 a modest greenhouse was designed to showcase plants, flowers and shrubs.¹ Also included in the park enhancements were the ornamental entrances and radio-equipped bandstand, playground, baseball diamond and cricket pitch. Other facilities were added later, including the swimming pool (partially funded by Lions Club of Windsor) and outdoor ice rink.

Greenhouse Complex Demolition:

The greenhouses are located closer to the northeast corner of the property and occupies around three acres of the parkland (see Appendix C- Lanspeary Park Conceptual Redevelopment Plans). The greenhouse complex was added to overtime with ages ranging from more than ten to more than ninety years. There are seven heated greenhouses, two cold houses, and ancillary buildings. (Greenhouse #2 was verified by Parks staff to be the greenhouse relocated from Willistead Park).

¹ "A History of Windsor's Parks". *Bruce Harper, City of Windsor, Department of Parks & Recreation*. Revised November 2009.



Source: Council Report C 165/2018 Schedule 'A' - Proposed Relocation/Construction of Lanspeary Park Greenhouse Feasibility Study, Glos Associates.



Willistead Greenhouse before it was relocated to Lanspeary, undated. (Source: Windsor Star)

Council Report S 2019/2017 authored by the Manager of Horticulture described the greenhouses as in need of significant repair, and deteriorated to the point of the structure shifting, with concerns of sections of rotten wood and glass slipping. Operationally, the complex at Lanspeary did not support modern technology of greenhouses (watering, fertilizing, pest control). Glos Associates Inc. were also hired by the City to estimate the cost of refurbishing option as reported in Report C 165/2018 which was higher in cost than the option to move all greenhouse operations to Jackson Park. The demolition costs for Lanspeary greenhouses were estimated at \$328,500. Report C165/2018 states that "Heritage elements would be identified and preserved where possible. It is noted that one of the greenhouses on the property is listed on the Heritage Register. The City will follow all policy and consultation requirements regarding

this structure and determine whether it should be re-purposed or demolished accordingly. The final use of the space would be subject to public consultation and a Master Plan would be developed for the entirety of Lanspeary Park.” Part of the resulting CR 550/2018 included:

“That subject to funding being approved in the Capital Budget, Administration BE DIRECTED to construct a new greenhouse complex at Jackson Park inclusive of the expansion space for in-house plant production and thereafter proceed to demolish the existing Lanspeary Park Greenhouse Complex, taking into consideration any heritage features or buildings contained thereon, and restore the subject area to parkland; and further,”

As a result, ERA Architects Inc., (pre-eminent Heritage consultants in Canada) who have experience in restoration of other historic greenhouses in Ontario (e.g. Parkwood Estate National Historic Site), were consulted. Greenhouse photos were looked at, but in particular of the one moved from Willistead. The greenhouse #2 said to be originally from Willistead Park measures 6.5m by 15.6m. The metal and wood frame structure has a partial brick wall foundation that has been irreversibly parged over with cementitious coating and has glass/ plexiglass windows. ERA Architects opined through photo observations that this greenhouse was in an advanced state of decay and its stabilization and repair would require a disassembly of the current frame structure and reassembly on a new masonry base “at significant cost which may not be warranted given the lack of design value”. The structure was described in conversation as utilitarian and typical of widely produced structures from a popular greenhouse manufacturer Lord & Burnham back in the early 20th century. ERA Architects recommended instead that to retain the associative and contextual value, the building be documented for records and be interpreted either on the Lanspeary site or at its original site at Willistead.

ERA Architects also looked at the fieldstone structure (referred to by them as the Field House) with comments relayed to Parks staff about its condition. ERA provided opinion that fieldstone structures in Windsor in the early 20th century are quite uncommon in Ontario and recognized them as a distinctive design element of Lanspeary Park in their ensemble (including entrances at Giles & Ottawa, and central bandstand). Their recommendation is that “If there is no current use for this building then it could be “mothballed”, with the building stabilized and exterior repaired so that in future this structure could potentially be adapted for use or incorporated into a larger park structure if a programmed space is needed.”



Fieldstone structure (former comfort station) within greenhouse complex.

Further research conducted by staff revealed that a greenhouse was part of the grounds of Willistead Manor and would originally have provided for the landscaping needs of Willistead, as was common in the past for large estates to have such a facility on-site. (Additional Supporting research material in Appendix D). Later, it supplied for the plant needs of the Town of Walkerville for various flower beds.² By the late 1920s, the greenhouse was reported to be in need for change, and replaced by a newer and larger greenhouse on site.³ This replacement greenhouse was then eventually moved to Lanspeary Park in 1950.⁴

As for other greenhouses within the complex, the first was probably constructed in c.1923 when Windsor Park Commission secured a permit to build a \$3,000 greenhouse and boiler room at Lanspeary.⁵ It was reported in 1927 that Parks Commission requested \$5,500 for a new greenhouse, to include a glass enclosed observatory for cultivation and display of flowers and plants, and to adjoin the current greenhouse.⁶ The estimated production of plants and flowers was valued at \$6,000 in 1927. At that time, floral production involved two buildings, the greenhouse, and outbuilding for parting plants. The article discussed a \$7,000 extension to the greenhouse in the form of a conservatory as a show-house, to be completed in the following four months with planned rose beds in front of it along the Giles facing side.⁷ Chrysanthemum shows were also hosted at the City's two greenhouses. People from Toronto, Hamilton, London, Chatham, and other parts of the County visited to see the show in the first year, and interest in it led to many more years of it as an annual show.⁸ School children were guided at Lanspeary Park through the City's Chrysanthemum show and the greenhouses, and provided with educational lectures by Parks staff on the history and culture and cultivation of the flowers, illustrated through different varieties in the greenhouses.⁹

² "\$11,000 to be expended on Town Beauty". *The Border Cities Star [Windsor]*, April 6, 1922, pg. 17

³ "Mayor Buys Greenhouse". *The Border Cities Star [Windsor]*, May 10, 1930, p2. c.3.

⁴ Untitled. *The Windsor Daily Star [Windsor]*, February 25, 1950, p.12, c.4.

⁵ "Border Briefs". *The Windsor Star [Windsor]*, June 18, 1923.

⁶ "New Greenhouse for Windsor Park. *The Windsor Star [Windsor]*, December 7, 1927.

⁷ "Border is dotted with athletic fields and parks". *The Border Cities Star [Windsor]*, Jan 9, 1928 p. 9.

⁸ "Show Popularizes 'Mums with Many". *The Border Cities Star [Windsor]*, November 10, 1928.

⁹ "Children See 'Mum Display". *The Border Cities Star [Windsor]*, November 7, 1929, p.11. c.1.

The greenhouses produced large stock for the landscaping needs of the City, and were used to propagate plants which could not be obtained from commercial establishments. ¹⁰ In 1946, between greenhouses at Lanspeary and Willistead, there were some 115,000 plants that were ready for transplanting. Species included geraniums, cannas, asters, balsams, snapdragons, canterbury bells, carnations, petunias, dianthus, lobelias, larkspurs, marigolds, zinnias, and more. The greenhouse growings would have supplied to Jackson, Willistead, Reaume, Assumption, Riverview, Wilson, Prince Road, Mitchell, City Hall Parks, boulevards and courts throughout the city. The Parks Department also grew hundreds of chrysanthemums annually for the annual show at Lanspeary Park (3,800 mum pots prepared the year before). ¹¹ Production increased again in a few years. In 1949, the greenhouses at Lanspeary & Willistead supplied more than 200,000 tiny plants and flowers to city parks. The plants were carefully nurtured from seeds and cuttings during winter, and placed in flower beds in parks by mid-summer over a span of around three weeks. The plant varieties included salvias, petunias, heliotrope, verbenas, marigold, calendula, scaoiosa, dusty miller, lobelia, pansies, violas, celosia, asters, zinnias, nierembergias, helichrysum, and antirrhinum. Once the flowers were emptied out, about 2,000 baby mum plants were tended to in the greenhouses for the annual Parks Department fall chrysanthemum show. Poinsettias were seeded later to reach red appearance by Christmas. ¹²

Given the condition assessments of the greenhouses, administration building, supporting structures including 1219 Pierre Avenue, lack of financial support for their restoration, and Council Resolution CR 550/2018, Parks staff have proceeded to apply for their demolition.

Next Steps:

The proposal after the greenhouse complex demolition is for the lands to remain as part of Lanspeary Park and be repurposed according to the Lanspeary Park Master Plan. Specifics of the reuse of the land are still being worked out through the ongoing update to the Lanspeary Park Master Plan.

The draft Lanspeary Park Master Plan shows retention of the fieldstone structures. Demolition activities should be conducted to ensure that the fieldstone structure which is in close proximity to the rest of the greenhouse complex, would be protected from unintentional damage. Parks staff have indicated that the structure will be protected by concrete barricades to ensure there would be a barrier from demolition activities and monitoring for any foundation concerns or movement in the building from the nearby demolition. As Lanspeary Park is being reconceptualized, the Master Plan should also integrate commemoration of the demolished greenhouse complex, including the greenhouse that had been relocated from Willistead Manor, to celebrate the significance

¹⁰ Department Head Minutes (to CAO). *Windsor Public Library Archives* [Windsor]. Aug 30, 1962.

¹¹ "Holland Tulips make fine showing at Jackson Park". *The Border Cities' Star* [Windsor], May 3, 1946.

¹² "City Parks' Summer Finery Carefully Tended". *The Windsor Daily Star* [Windsor], April 29, 1949.

of these structures in providing for the landscaping needs of the City for almost a century. Commemoration ideas could include preserving or demarcating the footprint of a greenhouse through material surface treatments, innovative plaques, etc.

City staff recognize that Lanspeary Park boasts a series of fieldstone design elements original to the park's early formation and distinguished for an inner city park in Windsor. Each of these elements will be explored further in a future designation report.

Official Plan Policy:

The Windsor Official Plan includes (9.0) "A community's identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor's rich history, Council is committed to recognizing, conserving and enhancing heritage resources."

Goals include (9.1.1) "The identification, recognition, protection, conservation, enhancement and proper management of heritage resources." Objectives include (9.2.4) "To increase awareness and appreciation of Windsor's heritage resources and encourage participation by individuals, organizations and other levels of government in heritage conservation.", (9.3.2.1) "Council will identify Windsor's heritage resources by: (c) Researching and documenting the history and architectural and contextual merit of potential heritage resources on an individual property basis; 9.3.3.4.(a) maintaining and updating the list of built heritage resources known as the Windsor Municipal Heritage Register."

Further, Section 9.3.6.1 states "Council will manage heritage resources by (b) Protecting, conserving and managing Municipally owned heritage resources in a manner which furthers the objectives and policies of this Plan and which sets an example of leadership for the community in the conservation of heritage resources;" and "(c) Ensuring that the activities of all Municipal departments respect the character and significance of Windsor's heritage resources;".

Risk Analysis:

The retention of the greenhouse structures was considered but would come at significant cost. Due diligence was conducted in terms of considering their cultural heritage value which has not been deemed as significant. The demolition of the greenhouse structures (other than the fieldstone) would allow Parks to reprogram the space. The historical associative value of the greenhouse can be represented through commemoration on site, and the greater cultural heritage value of Lanspeary Park will be evaluated further in a future designation report of the fieldstone elements, in conjunction with the Lanspeary Park Master Planning exercise.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

Parks Department has been budgeted for the expense of the demolition of the greenhouse structures but not of the commemoration of the site.

The commemoration of the demolished greenhouse should be incorporated into Lanspeary Park Master Plan consideration and costs. The conservation of the fieldstone elements at Lanspeary Park is a separate item that has not been budgeted for, and will require further investigation, but should be included in the budget considerations for the Master Plan as important features and distinctive elements of Lanspeary Park.

Consultations:

Discussion took place between Parks staff (Design & Development, and Horticulture), and ERA Architects were consulted. A site visit of the property was conducted in March 2021. Urban Design staff were also consulted (Kevin Alexander & Stefan Fediuk). Windsor Public Library staff (Local History Centre & Windsor Community Archives), Museum Windsor and Heritage Committee member Andrew Foot staff assisted with research material.

Conclusion:

Council is to be informed of the proposed demolition of the greenhouse structures and their support buildings at Lanspeary Park, including the relocated Willistead greenhouse. The fieldstone structure (former comfort station part of the greenhouse complex) is to remain on the Windsor Municipal Heritage Register and protected during demolition activities. The Lanspeary Park Master Plan should incorporate commemoration of the demolished greenhouse structures.

Planning Act Matters: N/A

Approvals:

| Name | Title |
|----------------|---|
| James Chacko | Executive Director, Parks & Facilities |
| Ray Mensour | Commissioner, Community Services |
| Michael Cooke | Manager of Planning Policy/ Deputy City Planner |
| Thom Hunt | City Planner / Executive Director Planning & Building |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer (Acting) |

Notifications:

| Name | Title |
|-------------|--------------|
| N/A | |

Appendices:

- 1 Appendix A- Heritage Permit Application
- 2 Appendix B- Lanspeary Park photos
- 3 Appendix C– Lanspeary Park Conceptual Redevelopment Plan
- 4 Appendix D- Supporting Research material

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1 519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT

Contact Name(s) Dante Lapico
Company or Organization Corporation of the City of Windsor Parks D&D
Mailing Address 2450 McDougall St, Windsor Ontario, N8X 3N6
Email: dlapico@citywindsor.ca
Phone(s) 519-791-8253

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s): Parks D&D
Company: Corporation of the City of Windsor Parks D&D
Mailing Address 2450 McDougall St, Windsor Ontario, N8X 3N6
Email: dlapico@citywindsor.ca
Phone(s): 519-791-8253

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) Dante Lapico
Company or Organization: Corporation of the City of Windsor Parks D&D
Mailing Address 2450 McDougall St, Windsor Ontario
Postal Code: N8X 3N6
Email: dlapico@citywindsor.ca
Phone(s) 519-791-8253

Who is the primary contact?

☒ Applicant ☐ Registered Owner ☐ Agent

2. SUBJECT PROPERTY

Municipal Address: 1250 Langlois Ave

Building/Structure Type:

☐ Residential ☒ Commercial ☐ Industrial ☐ Institutional

Heritage Designation:

☒ Part IV (Individual) ☐ Part V (Heritage Conservation District)

By-law #: _____ District: _____

Is the property subject to a Heritage Easement or Agreement?

☐ Yes ☒ No

3. TYPE OF APPLICATION

Check all that apply:

- ☐ Demolition/Removal of heritage attributes ☐ Addition ☐ Erection ☐ Alteration*
- ☒ Demolition/Removal of building ☐ Signage ☐ Lighting or structure

*The Ontario Heritage Act's definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

The noted structure requested to be demolished is known as greenhouse #2 located in Lanspeary Park, originally located at Willistead Park. The following structure is 6.5m in width and 15.6m in Length, constructed of a partial brick wall foundation, metal/wood frame, and glass/Plexiglas windows.

As stated in the Lanspeary Park – Heritage Planning Review report, it was noted a large portion of the original attributes have been replaced. However, after further review of the noted structure the wood frame and exterior cladding are in disrepair. The exterior frame and structural supports of the greenhouse show signs of major deterioration and loss of structural integrity.

On 11/15/2022 a meeting took place with Scott Weir, David Winterton and Kristina Tang. The meeting was to discuss their opinion on the historical value and condition of the noted green house. As indicated in the Memo the thoughts and opinions of both Scott & David are to allow for the demolition to happen. (See Memo for further information)

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

The proposed work to be completed at the noted heritage listed greenhouse is a complete demolition including foundation and all components.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

The proposed demolition is due to the relocation of the horticultural department from Lanspeary Park to McDougall St. All structures including the faculty building, storage sheds, and all remaining greenhouses will be demolished and leveled.

The area will be repurposed as green land for future parks development use in accordance with the master plan for Lanspeary Park. Examples such as tennis courts, basketball courts, pickle ball, shade structure and other amenities could be constructed here in the future.

7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- ☒ Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- ☒ Site plan/ Sketch (showing buildings on the property and location of proposed work)

Potentially required (to be determined by Heritage Planning staff):

- ☐ Registered survey
- ☐ Material samples, brochures, product data sheets etc.
- ☐ Cultural Heritage Evaluation Report
- ☐ Heritage Impact Assessment (HIA)
- ☐ Heritage Conservation Plan
- ☐ Building Condition Assessment

8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s)  Date 11/21/2022 **SCHEDULE A**

A. Authorization of Registered Owner for Agent to Make the Application If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, Corporation of the City of Windsor, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
to make this application on my behalf. name of agent Dante Lapico


Signature of Registered Owner

Date 11/21/2022

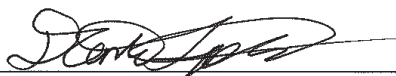
If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, Dante Lapico, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

HERITAGE PERMIT APPLICATION

Revised 12/2021



Signature of Registered Owner

Date 11/21/2022.

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.



Signature of Applicant

Date 11/21/2022.

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner:

Building Permit Application Date, if needed:

☐ Application Approval (City Council):

Development & Heritage Standing Committee:

City Council:

☐ Application Approval (City Planner):

Heritage Planner:

Staff

Decision Appealed to City Council:

If so, Date to

City Council:

Council Decision

Appealed:

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date:

Council Motion or City Planner's Signature:

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 320 - 350 City Hall Square West
Windsor ON N9A 6S1 planningdept@citywindsor.ca
519-255-6543 x 6179 519-255-6544
(fax) <http://www.citywindsor.com>

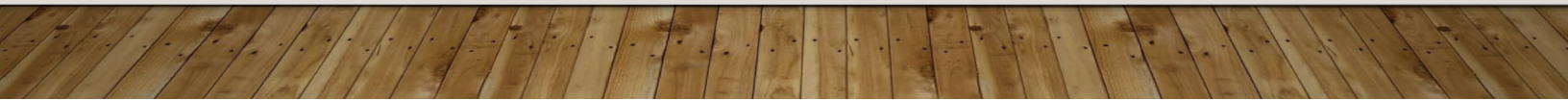
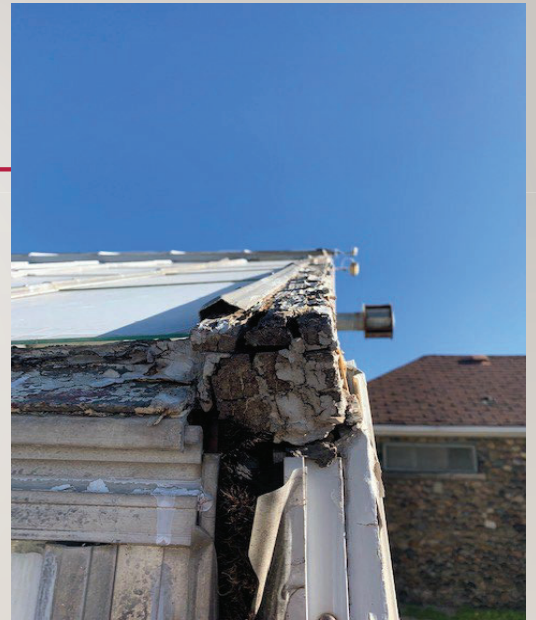
LANSPEARY PARK GREENHOUSE#2

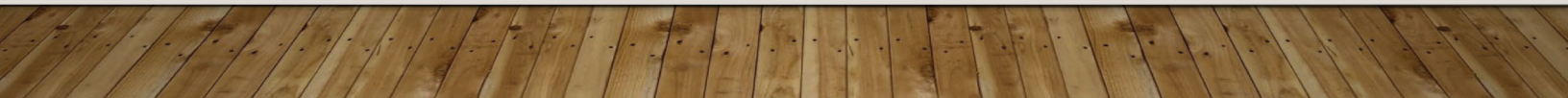
DANTE LAPICO, C.E.T
SUPERVISOR, PARKS PROJECTS
2450 MCDOUGALL ST
WINDSOR ONTARIO.

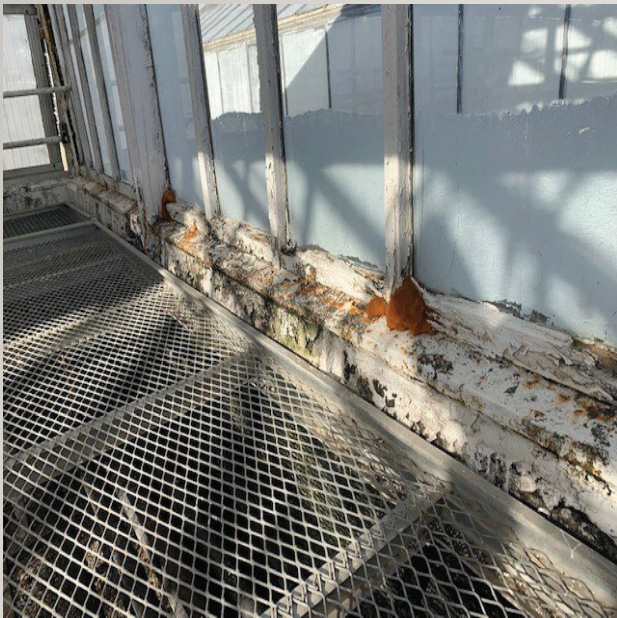
Lanspeary Greenhouse #2













ERA Architectes Inc.
#600-625 Church St
Toronto, ON, M4Y 2G1

Memo Re: Lanspeary Park Discussion

November 17, 2022

Present:

| | | |
|------------------|---------------------|--------------------------|
| Dante Lapico | City of Windsor | Dlapico@citywindsor.ca |
| Kristina Tang | City of Windsor | Ktang@citywindsor.ca |
| Donovan Tremblay | City of Windsor | Dtremblay@citywindsor.ca |
| David Winterton | ERA Architects Inc. | DavidW@eraarch.ca |
| Scot Weir | ERA Architects Inc. | ScottW@eraarch.ca |

On November 17th 2022 ERA Architects Inc was asked to participate in a Zoom meeting with the City of Windsor to discuss the heritage character and viability of stabilizing two buildings at Lanspeary Park. We understand that a new use is planned in the location of the middle Greenhouse (central building of the three greenhouses) and that in order to physically retain the building it would need to be moved to a new site. The City is also reviewing options with respect to the cobblestone Field House.

ERA reviewed photographs of the two sites along with other information relayed by the City, but did not visit the site. Scott Weir had previously visited the site and was familiar its history prior to the call.

Lanspeary Park Greenhouse

Kristina Tang relayed that the greenhouse has been identified as having historical or associative value in relation to Willistead Manor, having been moved from the estate to Lanspeary Park at an unknown date. In addition it may have contextual value associated with the formation of Lanspeary Park and early days of the Parks Department.

Dante Lapico provided overall and detailed photographs of the building, of wood and metal muntins and the wood sill resting on its parged brick base. The photos evidenced the advanced state of decay of the wood in particular. In addition, the masonry base appears to have been parged with a non-reversible cementitious coating on the exterior.

ERA is in agreement that this building has some associative and contextual value, but likely not design/physical value. The greenhouse appears to be a fairly common form of greenhouse being constructed in the first quarter of the 20th century and is not architecturally significant.

Stabilizing and repairing of this building would require dismantling the component parts and replicating a number of the decayed wood and metal elements, reassembling the structure on a new masonry base at significant cost which may not be warranted given the lack of design value.

To retain the associative and contextual value, we would recommend that the building be documented for the city's records and that it be interpreted either on this site or at its original site at Willistead where we understand the footprint can discerned and early photos can illustrate its original configuration.

Lanspeary Park Field House

Mr. Lappico provided overall and detailed photographs of the Field House and relayed comments with respect to its condition and current plans with respect to DSS, and specifically asbestos remediation and review of chemical contamination.

Photographs show that the masonry is in fair to good condition with some cracking. The wood eaves have been overlaid with later metal in poor condition, the windows in unknown condition, replacement door in poor condition, and the asphalt shingle roof needing replacement.

ERA's comment with respect to this building is that this structure has design value as part of the ensemble of "cobblestone" structures at Lanspeary Park, and that these elements are together a significant character defining feature in the park. The cobblestone masonry type is a fairly rare and beautiful form that was being constructed in Windsor and Detroit in the first quarter of the 20th century, and is a distinctive design element of this park in particular. The cobblestone type features rounded field stones usually mounted onto a masonry backup of brick or block, at the time referred to as "art stone" or "cobblestone".

This building may have been the "Comfort Station"¹ listed as a component of the original 12-acre park assembled piecemeal² in 1917. The cobblestone structure ensemble at the park includes this building, two entranceway gateposts at the north and south entrances to the park (one set retaining their metal gates) and a central bandstand in the middle.

This also has associative value with William W. Lanspeary, City Councillor and founder of the Windsor Parks Department after whom this site is named. Lanspeary led the efforts to establish parks through the city, with this the largest of at least three underway concurrently; Riverview Park (now Catherine M. Straith Park), and Mitchell Park in addition to Lanspeary Park. Other Windsor parks from this era retain park signage cairns made from similar cobblestone form masonry.

The building also has contextual value as it has a role in supporting the ensemble of cobblestone structures which are significant to the character of the park.

We would recommend that this ensemble of cobblestone elements including the Field House be stabilized and conserved. If there is no current use for this building then it could be "mothballed", with the building stabilized and exterior repaired so that in future this structure could potentially be adapted for use or incorporated into a larger park structure if a programmed space is needed.

^A Border Cities Star, Feb 13, 1926, P. 12

^B Windsor Life Magazine, February 5th, 2003.

the
tab

es.
in
in
and
her
to
ing
ful
ro-
om.
both
und
arte
in
heir
rese
for

Mr.
ndi-
the
am-
aw-
five
re-
ries.
be
lons
such
cases
that
mary
to
and
yster
ying
nove

fence, \$900.

Lanspeary Park


Lanspeary Park, the purchase of which was authorized in 1917, cost \$99,675. This was acquired piece-meal, and now the property, with the exception of Memorial Park, is the largest playground in the city. There are about 12 acres, bounded by Langlois avenue, Gilles boulevard, Pierre avenue and Ottawa street. The bandstand cost \$4,000; entrances, \$2,000; comfort station, \$2,500; greenhouse, \$3,395; tiling, \$1,560; water mains, \$400.

Riverview Park, which cost \$21,570, was added to the system in 1916. There are two and a half acres, beautifully situated on the bank of the Detroit river. As a matter of fact, it is the only park property adjacent to the river front owned by the city. At a cost of \$262 a fountain was built. Other improvements include comfort station and stand, \$3,147; tiling, \$1,000; water mains, \$160.



There are about three and a half acres in the Church street Park. This cost \$18,575 in 1918, and about \$1,100 has been spent in improvements.

Garwood Park, about one acre, was acquired in 1922. This one-acre breathing space cost the ratepayers \$8,800. About \$2,200 has been spent on Baby Park, on Dougall avenue, which is leased from the Essex Terminal Railway.

T
an
Pa
sou
ad
ab
mc
tif
pla



HOME



past and present
hal sullivan

Windsor's Lanspeary Park

In 1865, the same year the United States Civil war ended and President Abraham Lincoln was assassinated, William D. Lanspeary and his family left their home in the city of Carlisle, in the north of England, and emigrated to Windsor, in what was then the Province of Canada West. William probably carried with him very few impressions of this significant change in his life. After all, he was only three years old and his family was merely one among thousands in the mid 19th Century making the long and difficult journey from Great Britain, Ireland and Europe, seeking new lives in North America.

And likely now, almost 140 years later, his family name would have scant recognition in his adopted community had it not been for the course his life in Windsor took, and the impact his public duties were to have on his fellow citizens. William was quick to take an active part in the life of the Windsor of the late 1800s. For 15 years he was a volunteer firefighter (at 9 years of age he was obviously too young to be called to duty in the second "Great Fire of Windsor" in 1871) and his joining the fire department followed the development of the towns first water distribution system in the 1870s and 1880s. William Lanspeary's greatest contributions to his community came after he was elected to Windsor City Council in 1906 at the age of 44. He's considered a prime mover in bringing hydro electric power to the Windsor border area. In his eighth year on Council, William had the satisfaction of seeing his efforts come to reality. Hydro advocate Adam Beck closed a switch at the Windsor Armouries in 1914 and inaugurated the local use of electric power which had been generated nearly 400 kilometres away at Niagara Falls. But his hydro pioneering isn't the main reason we remember William Lanspeary today.

It's because of the park named in his honour, and what's happened there in the past and what's happening there now. In his time on City Council, William Lanspeary considered parks to be "breathing spaces for the public", and it was principally due to his efforts that Windsor has many of its open spaces today. In addition to the park named after William himself, the former Riverview Park on Riverside Dr. W. (now called Catherine M. Straith Park in honour of another City Council member) and Mitchell Park at Giles Blvd. and Church St. (named after Frank W. Mitchell, Windsor's Mayor from 1924 to 1926) are results of William Lanspeary's enthusiasm for providing open public spaces. Of these three areas, Lanspeary Park is the largest and has become most noteworthy over the years for the variety of facilities it has provided and the way it has acted as a magnet for the residents of its culturally diverse neighbourhood. The nearly 12 acres of land for the park, bounded by Ottawa St., Giles Blvd. and Langlois and Pierre Aves., was acquired bit by bit for three years after the largest portion of it was purchased by the City of Windsor in 1916. Even judging by the property values of those First World War years, Lanspeary Park was a considerable expense. The city paid about \$100,000 for the total land package.

[t/past_and_present/past_present.htm](#) 2/5/03

Appendix B- Lanspeary Park Photos

Photos taken on 2021-03-05

Greenhouse (interior and exterior)



Cobblestone structure (formerly comfort station, now storage shed)





Giles fieldstone and wrought-iron gate



Bandstand



Ottawa Entrance



Lanspeary Park Redevelopment

We want to hear from you again!

The City of Windsor is going to re-develop the 104-year-old Lanspeary Park and make it more welcoming to all residents. Please [fill out this brief survey](#) to provide comments and suggestions for the concept master plan of Lanspeary Park.

An overall redevelopment is required to the park after the existing green house is demolished at the northeast corner and moved to another site. The site has high potential to be a hub for different sport activities as we heard from you on the first on-line survey as well as other valuable existing features such as an outdoor swimming pool to be redeveloped, outdoor ice rink, washrooms, additional paved plaza, heritage band stand and a family expanded playground. The park needs to be re-developed to satisfy the parks masterplan and better serve city residents.

Lanspeary Park History

Park Name: Lanspeary Park

Location:

Between Pierre Ave and Langlois Ave, just south of Giles Blvd E and North of Ottawa St.

Address:

1250 Langlois Avenue

Property acquired: 1918

Acreage: 11.50

Official designation: Community Park



Project Background and History

Lanspeary Park is an 11.5-acre green space at the heart of one of Windsor's most historic neighbourhoods. For more than a century, this public community park has been the hub of countless community gatherings, including the annual Windsor Labour Day and Pride festivals, with both events known to attract thousands of participants each year.

Lanspeary park was identified in the capital budget for re-development. The Lanspeary site has a capital budget for years 2022, 2023 and 2025. The Parks Department initiated the re-development process in early 2022 and had the first online survey on April 2022 to engage and collect feedback from the community regarding proposed improvements for the park and now introducing the concept master plan based on what we heard from the first round of online survey as for residents review and comments.

City residents are invited to [fill out this brief survey](#) regarding the concept master plan of the Lanspeary park as for new proposed site amenities and activities, most importantly, what improvements they would like to see in the Park.

Lanspeary Park – EXISTING LAYOUT

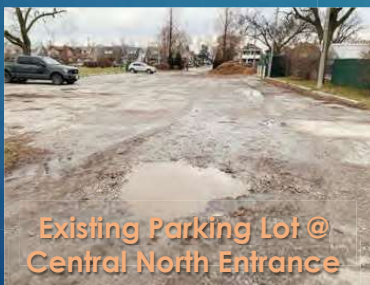
Shows the existing Greenhouse that will be demolished soon.

Two layouts are presented in this 2nd online survey and within the next few slides.

This slide shows the existing conditions and the next slide shows the concept master plan based on the first on-line survey results that received from the city residents.

The concept master plan is developed in July/August 2022 through the City's Parks Design and Development Department.

The City Parks Department is kindly requesting community feedback regarding the concept master plan to confirm the current community needs. Pictures are provided for each site amenity for your easy reference.



Lanspeary Park – NEW CONCEPT MASTER PLAN

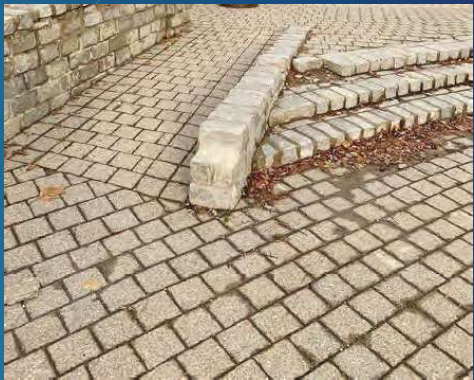
- (1) MULTIUSE ACCESSIBLE ASPHALT TRAIL, 3.0m WIDE, 1.6KM LENGTH
- (2) EXISTING BRICK PAVER TO BE MAINTAINED
- (3) EXTENDED SHADED OUTDOOR PAVED PLAZA WITH AREA OF 875 m²
- (4) COMMUNITY GARDEN WITH CONCRETE PLAZA AND SEATING AREA
- (5) NEW OUTDOOR SWIMMING POOL, WATER SLIDE AND NEW BUILDING
- (6) RENOVATED HERITAGE FEATURE, BAND STAND
- (7) SUPER-SIZED ACCESSIBLE FAMILY PLAYGROUND AREA 2,100 m²,
WILL BE ONE OF THE LARGEST MUNICIPAL PLAYGROUNDS IN ONTARIO AND A DOUBLE SIZE
OF THE EXISTING FARROW RIVERSIDE MIRACLE PARK
- (8) SPLASH PAD WITH AREA OF 540 m²
- (9) EXISTING PARKING LOT WILL BE DEVELOPED TO BE A MAIN GREEN PATHWAY
FORMING A FOCAL POINT TO ACCESS THE LANSPEARY PARK FROM GILES BOULEVARD
- (10) TWO BASKETBALL SPORTS COURTS
- (11) SIX PICKLEBALL COURTS
- (12) TWO TENNIS COURTS
- (13) RENOVATING THE EXISTING PUBLIC WASHROOM
- (14) HERITAGE BUILDING TO BE MAINTAINED
- (15) CLIMATE RESILIENT HOME TO BE REMAIN AND MAINTAINED
- (16) LARGE ACCESSIBLE PARKING LOT REPLACING PORTION OF THE DEMOLISHED
GREENHOUSE
- (17) EXPANDING AND ENLARGING THE EXISTING PARKING LOT AT LANGLOIS AVE.
- (18) PROPOSED SIX RAINBOW COLORS PICNIC TABLE WITH UMBRELLAS
WILL BE FUNDED AND PROVIDED BY Windsor/Essex Rainbow Alliance (WERA)
- (19) CORNER SEATING/REST AREA
- (20) EXISTING MATURE TREES
TO BE REMAIN ON PARK AFTER RENOVATED AND RE-DEVELOPED
- (21) NEW PLANTED TREES TO ADD ADDITIONAL SHADE AREAS
- (22) HERITAGE FEATURE, ENTRY WALLS AND GATES TO BE RENOVATED
- (23) PICNIC TABLES
- (24) CHESS TABLES
- (25) BENCHES
- (26) SILO CONTAINERS, GARBAGE AND RECYCLE BINS
- (27) PEDESTRIAN LED LIGHTS



(1) MULTIUSE ACCESSIBLE ASPHALT TRAIL, 3.0m WIDE, 1.6KM LENGTH



(2) EXISTING BRICK PAVER TO BE MAINTAINED



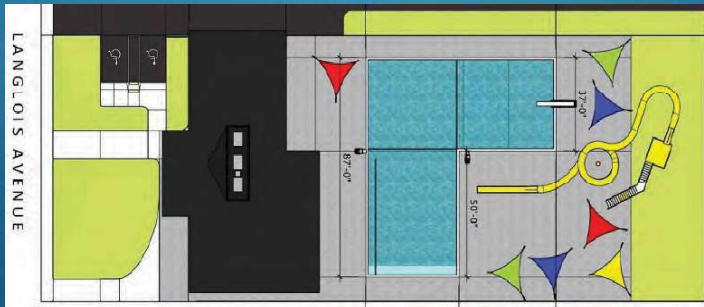
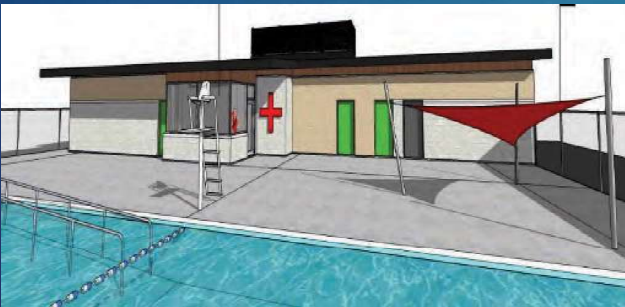
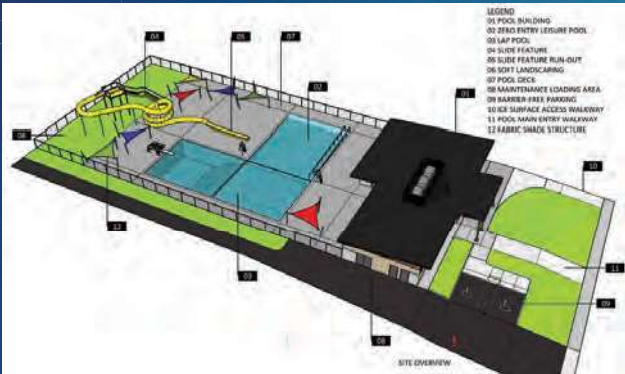
(3) EXTENDED SHADED OUTDOOR PAVED PLAZA WITH AREA OF 875 m2



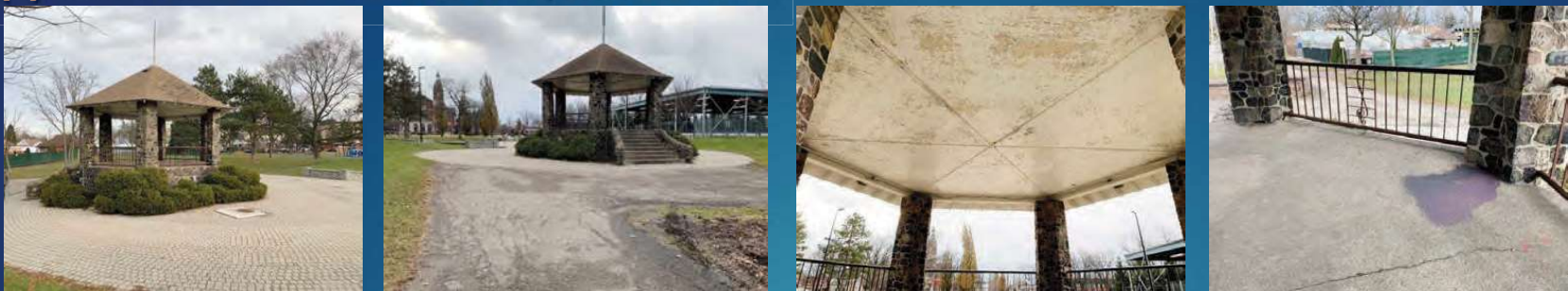
(4) COMMUNITY GARDEN WITH CONCRETE PLAZA AND SEATING AREA



(5) NEW OUTDOOR SWIMMING POOL, WATER SLIDE AND NEW BUILDING



(6) RENOVATED HERITAGE FEATURE, BAND STAND



(7) SUPER-SIZED ACCESSIBLE FAMILY PLAYGROUND WITH AREA 2,100 m2
WILL BE ONE OF THE LARGEST MUNICIPAL PLAYGROUNDS IN ONTARIO
DOUBLE SIZE OF THE EXISTING FARROW RIVERSIDE MIRACLE PARK



(8) SPLASH PAD WITH AREA OF 540 m2



(9) EXISTING PARKING LOT

WILL BE DEVELOPED TO BE A MAIN GREEN PATHWAY FORMING A FOCAL POINT TO ACCESS THE LANSPEARY PARK FROM GILES BOULEVARD



(10) TWO BASKETBALL SPORTS COURTS



(11) SIX PICKLEBALL COURTS



(12) TWO TENNIS COURTS



(13) RENOVATING THE EXISTING PUBLIC WASHROOM



(14) HERITAGE BUILDING TO BE MAINTAINED



(15) CLIMATE RESILIENT HOME TO BE REMAIN AND MAINTAINED



(16) LARGE ACCESSIBLE PARKING LOT REPLACING PORTION OF THE DEMOLISHED GREENHOUSE



(17) EXPANDING AND ENLARGING THE EXISTING PARKING LOT AT LANGLOIS AVE



(18) PROPOSED SIX RAINBOW COLORS PICNIC TABLE WITH UMBRELLAS
WILL BE FUNDED AND PROVIDED BY Windsor/Essex Rainbow Alliance (WERA)



(19) CORNER SEATING/REST AREA



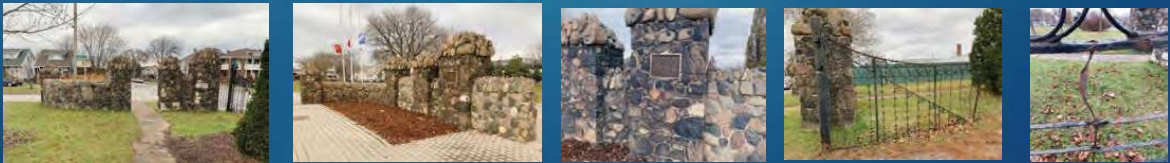
(20) EXISTING MATURE TREES TO BE REMAIN ON PARK AFTER RENOVATED AND RE-DEVELOPED



(21) NEW PLANTED TREES TO ADD ADDITIONAL SHADE AREAS



(22) HERITAGE FEATURE, ENTRY WALLS AND GATES TO BE RENOVATED



(23) PICNIC TABLES

(26) SILO CONTAINERS, GARBAGE AND RECYCLE BINS

(24) CHESS TABLES

(25) BENCHES

(27) PEDESTRIAN LED LIGHTS





THANK YOU

For further information, please contact:

Parks Development

2450 McDougall Street

Windsor, Ontario, Canada

Phone: For general information, call 311.

For detailed inquiries, call (519) 253-2300.

Email: parkrec@citywindsor.ca

Appendix D- Supporting Research Material

* Much of the material has intentionally been oriented sideways to save space.

“Proposed Park Board”. *The Evening Record [Windsor]*, December 19, 1916, p.4. c1.

PROPOSED PARK BOARD.
The vote to be taken on the park bylaw at the New Year's election is to give effect to a petition of 200 electors, as a result of which the council is to create a park board or commission to do the work now being done by the park and street opening committee of the city council.
The board or commission would consist of the mayor and six other citizens, not members of the council. Two members would hold office until Feb. 1 after appointment. The board or commission would serve for two years; the principle being that two members retire annually—retiring members to be decided by lot.
Members of the board other than the mayor would be appointed by the council on the mayor's nomination. The council may refuse to appoint the mayor's nominees, in which case he must make another nomination. The council will also be asked to limit the number of members to be appointed.
The first appointment of members is to be made at the first regular meeting of the council held after the election of the mayor.
Members of the board are to serve without compensation but may receive actual disbursements for visits, such as inspection, when there by the council.
If the people approve of the bylaw ratifying the creation of such a board of park management the park commission would have power to acquire land, erect buildings and other works on the assessable property, but this would not necessarily mean that the board would ask for the full amount in any one year.
The park commission of the city council made an appropriation of about \$5,000 and spent something like \$4,000. The park board, if created, might not exceed this sum, although they would have a larger power to realize \$10,000 from a requisition of half a mill on the present assessment.
Ald. Lanspary, chairman of the park and street opening committee, said as proposed, would be an improvement. It would provide continuity of policy and would give the commission a chance to plan for the future.
Under the present system a new lot of aldermen come in, are placed on the park committee and retire from office just about the time they are asked to make a requisition. They can plan only for the one year at a time and have to disburse funds on that basis.
As it is the intention of Ald. Lanspary to see that the park commission would not be eligible for appointment on the park board if elected alderman. A year from now he may be a candidate for election to the park board.
Various park schemes have been proposed by Ald. Lanspary and others in the council and two or three plans have been submitted to the people but failed directly in the referendum. The park board or commission and park spaces are getting scarce.
Those who have made a study of the park situation here are convinced that the city council has agreed to establish a park board under the act and proceed in that way, which has proven successful in all some other cities.
Lanspary said the park bylaw and give it hearty support.

“Park commission Chosen by Solons”. *The Evening Record [Windsor]*, January 30, 1917, p.2. c4.

PARK COMMISSION CHOSEN BY SOLONS
New Body Will Have Power to Purchase Park Properties.
Windsor's new park commission will be composed of W. W. Lanspary, Gordon Morton, Aaron Meretsky, H. J. McKay, Herbert Wilson and Col. E. S. Wigle.
Several names were submitted by Mayor Tuson at the council meeting Monday night, and the aldermen were asked to mark the ballot in favour of six men.
Mr. Lanspary is a former alderman and former chairman of the parks committee. He was largely instrumental in getting up petitions and preparing the bylaw to take a vote of the people on the creation of a park commission.
Gordon Morton is a clerk in the dry goods store of Bartlett, Macdonald and Gow. It is reported that he acted in the capacity of Mr. Tuson's campaign manager.
Ex-Aldermen on Board.
A. Meretsky and H. J. McKay are ex-aldermen. The former served as chairman of the market committee and the latter at one time was head of the park committee.
Col. Wigle was mayor of Windsor for five consecutive years, and during that time succeeded in establishing Wigle park.
Members of the commission will serve without salary but may be allowed expenses under certain conditions.
The commission will have power to purchase park properties and may ask the council for a tax levy of half a mill on the dollar of the assessable property.


“Solons Provide for Purchase of Park Properties”. *The Evening Record [Windsor]*, April 26, 1917, p.1. c4.

SOLONS PROVIDE FOR PURCHASE OF PARK PROPERTIES
Bylaw Authorizes Issue of \$70,000 in Debentures
At the adjourned meeting of the city council Wednesday night a bylaw was passed to provide for the issue of \$70,000 in debentures to pay for several pieces of property purchased by the new park board.
One new park will be on Sandwich street west, lot 1, Block 2, owned by C. W. Gauthier. The price is not stated.
Church avenue will be able to boast of a park, taking in lots 391 to 399, owned by Arthur Whittaker, lots 400 and 401, owned by R. M. Morton, lot 402, owned by the McGregor estate, and lots 308 to 312, owned by Kerr & Grey, Chatham.
Two on Giles Boulevard
Two small parks will be located on Giles boulevard, taking in lots 2, 3 and 4, and also lots 65 to 68. Lots 22 to 25 and from 44 to 47 on Ottawa street are included in another park.
Marion avenue will have a park, taking in lots 5 and 21 and lots 45 to 64.
The debentures will run for forty years. This is the first time City Engineer Brian has been called upon to figure out interest and principal on 40-year bonds, and he had quite a time of it. The annual payments will be \$4,362.42. The payment for the first year is \$5,124.20 on principal and \$5,800 on interest. As the years go on the amount for principal increases and the interest decreases until the fortieth year the payment on principal will be \$4,135.25 and \$227.17 for interest.

Bylaw 2167 from Windsor Public Library Municipal Archives

"Get Acquainted: Mr. W. D. Lanspeary". *The Third Page [Windsor]*, November 4, 1918, p.3. c.4.

Get Acquainted



MR. W. D. LANSPRARY

Windsor owes much to Mr. W. D. Lanspeary for removing the stigma of the "backless city" for his efforts in nine years' service on the city council, three of which he was chairman of the parks committee, and later during his occupancy of the chairmanship of the recently-formed parks commission, have resulted in the acquisition of a number of beauty spots in different parts of the city. Mr. Lanspeary was the city's first parks officer in 1882. Three years later he came to Windsor. At the age of 18 he entered the service of the G. T. R. and has been with that company continuously since. For 15 years he was a member of the volunteer fire department and commencing in 1909, served nine years on the City Council, where he was largely responsible for bringing hydro power to Windsor, the opening of a large number of new streets, and the purchase of new property by the city. Through Mr. Lanspeary's energetic advocacy of artistic parks, as breathing places for the public, three magnificent locations have been secured, including Riverview Park, at Sandwich street and Campbell avenue; on Marion avenue, between Gilles Boulevard and Ottawa street; and the other on Church street, from Gilles Boulevard to Maple Street.

"New Civic Park Named in Honor of Board Chairman". *The Border Cities Star [Windsor]*, July 9, 1919, p.5. c.3.

**NEW CIVIC PARK
NAMED IN HONOR
OF BOARD CHAIRMAN**

Thirteen Acre Breathing Space Christened "Lanspeary Park."

Secretary Morton of the Windsor Parks Commission, announced today that the commission's newest venture, on Gilles' Boulevard, between Langlois and Pierre avenues, would be named Lanspeary Park, in honor of the chairman of the board, W. W. Lanspeary. Mr. Lanspeary has been chairman for the past three years and it is largely due to his efforts that such excellent progress has been made. The new park covers 13 acres and is now being seeded and otherwise made ready for use next season. With the opening of Gilles' Boulevard through to Walkerville and the rapid development of that section of the city, it is anticipated that Lanspeary Park will be very largely used in the years to come.

It has been suggested that the Windsor and Walkerville park boards get together on a joint scheme for the establishment of a large park somewhere on the shores of Lake St. Clair but not enough to a car line to be available to all. It is not improbable that the boards will consider something of this nature in the near future.

Bylaw 2578 from Parks Department Records

Passed September 27, 1920, to raise \$30,000 amounts required for the enlargement of Lanspeary Park.

Bylaw 2607 from Parks Department Records

Passed December 20, 1920, to raise \$8,000 amounts required for the enlargement of Lanspeary Park.

"\$11,000 to be expended on Town Beauty". *The Border Cities Star [Windsor]*, April 6, 1922, pg. 17

**\$11,000 TO BE
EXPENDED ON
TOWN BEAUTY**

Comprehensive Plans Laid By Parks Board

Members Protest Cutting of Trees To String Telephone Wires

With an appropriation of \$11,000 for park work this year, the Walkerville Park Commission and Council have plans consummated for making that part of the Border Cities one of the prettiest sections in the district during 1922. Further plans for the immediate beautifying of many public corners and Willistead Park were made yesterday at the regular meeting of the Parks Commission, held in the municipal building.

The resignation of H. L. Berry, former member of the Walkerville Parks Commission, was regretfully accepted by the board yesterday. The vacancy will be filled by an appointment made by the Walkerville council at its next meeting.

Back Star's Drive

John Bailey, acting chairman at the meeting, and other members of the board, expressed their hearty in accord with the Border Cities Beautiful Drive which the Star has instituted among the Border municipalities. They will co-operate with The Star in making the Border Cities a credit to the province and the domain this year for advancement in the cultural display, cleanliness and beauty.

A. G. Stephens, parks superintendent, has already many plants started in the municipal greenhouse at Willistead to set out within a month's time in the various flower beds, and will mature quickly when once put out in the various flower beds in the park, principal street corners and other municipal beauty spots.

"Concert Success- Pipe band pleases hundreds when new stand is opened". *The Windsor Star* [Windsor], July 14, 1922.

CONCERT SUCCESS

Pipe Band Pleases Hundreds When New Stand Is Opened

The first open air band concert to be given at Lanspeary Park this year proved the drawing card for hundreds last night. The new bandstand erected by the Park Board was opened for the first time also.

The band program rendered by the Border Cities Pipe Band was an exceptionally good one, and was listened to by hundreds of residents in that neighborhood. Coupled with the musical program was a selection of Scotch dances given by three well known local entertainers, Misses C. Jecowets, Marie Brazel and Phillis Laidlaw.

"Parks, Works Boards to Build Skating Rinks". *Detroit Free Press* [Detroit], December 13, 1922.

PARKS, WORKS BOARDS TO BUILD SKATING RINKS

Co-operating with the park board, the board of works department will construct skating rinks in five Windsor districts. The rinks will be located at Lanspeary park, Wigle park, Ouellette avenue, near the Masonic temple, Wyandotta street park, and Church street. A rink for hockey only will be built on Broadhead street, near the hydro-electric distributing station. William Lanspeary, chairman of the park board, Tuesday night instructed John Hillman, superintendent of the public works department, to start the work at once.

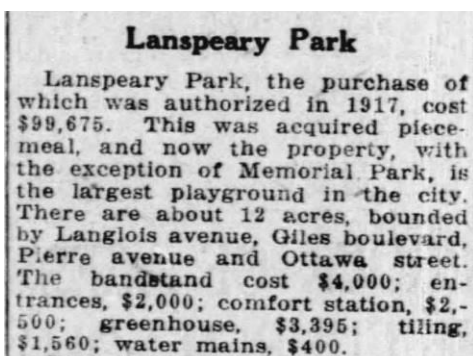
"Border Briefs". *The Windsor Star [Windsor]*, June 18, 1923.



"Border Brevities". *Detroit Free Press [Detroit]*, June 19, 1923.



"New Memorial Park will be completed by Spring". *The Windsor Star [Windsor]*, February 13, 1926.



"Windsor Parks Riot of Flowers A-bloom". *The Windsor [Windsor]*, July 7, 1926.

Sisters: John, Dennis, Clarence, Harold, Arthur, Madeline, Gertrude, Hazel and Rita.

Construction of the tracks at Chatham. The engineering department is accomplishing a great deal.

Since Union at the annual convention held in St. James' United Church, Waterloo, Tuesday.

Mr. C. K. have been rearranged. The new schedule will take effect in the immediate future.

Windsor Parks Riot of Flowers A-bloom



WINDSOR'S parks are at their best just now, with trees in full shade and flowers a-bloom. Some of the parks, like Lanspeary, are unusually beautiful, and this photograph, taken by *The Star's* staff photographer, shows what a portion of the park looks like to the eyes of hundreds of visitors who find rest and relaxation there daily. The flower garden pictured here contains more

than a score of flowers, framed in an attractive background of shrubbery. Nearby, hidden from view, is a greenhouse in which flowers are grown during the winter months. The photograph shows better than anything else what care and attention on the part of the parks employees can accomplish towards beautifying the city's public recreation places.

"New Greenhouse for Windsor Park. *The Windsor Star [Windsor]*, December 7, 1927.

NEW GREENHOUSE FOR WINDSOR PARK

Plants and Flowers Will Be Cultivated Under Care of Commission

Plans for the erection of a new greenhouse, to cost approximately \$5,500, are being pushed by the Windsor Parks Commission.

When these are carried out the municipality will possess a glass enclosed observatory for the cultivation and the display of plants and flowers, such as other cities maintain. The greenhouse is to be located on Lanspeary park, adjoining the present greenhouse.

Chairman John C. Muxlow and Commissioners Gordon E. Morton and W. W. Lanspeary are in charge of the building details.

"Border is dotted with athletic fields and parks". *The Border Cities Star [Windsor]*, Jan 9, 1928 p. 9.

Lanspeary Park

Lanspeary Park, at Langlois avenue, fronting on Giles boulevard, is possibly known best as the location of a popular cricket pitch, but its qualifications as one of the Border's most useful parks are much more numerous. It has a fully-equipped children's playground section and a greenhouse in which beauty and utility are admirably combined.

The greenhouse at Lanspeary park produces every plant and flower used by the parks board for planting in the Border Cities parks. A conservative estimate of the value of the plants and flowers produced by the conservatory during the past year, would be \$6,000. The establishment for floral production consists of two buildings, the greenhouse and an out-building for parting plants.

Plan Extension

A \$7,000 extension is to be started immediately in the form of a conservatory, which will be used purely as a show-house. This building, the parks board expects, will be completed within the next four months, during which a considerable portion of the time will be devoted to perfecting the draining to ensure perfect accommodation. In the front of the projected conservatory, and facing on Giles boulevard, will be another huge rose garden, a companion to the present rose-bed, one of the beauties of Lanspeary Park.

Among the additional improvements made on Lanspeary's twelve-and-one-half-acre stretch are the ornamental entrances, which add an impressive touch to the natural beauty of the property, and the bandstand, radio-equipped, constructed at a cost of \$4,000. A caretaker is employed, full-time, to ensure that the park property is well cared for at all times.

"Show Popularizes 'Mums with Many'". *The Border Cities Star [Windsor]*, November 10, 1928.

SHOW POPULARIZES 'MUMS WITH MANY'

Parks Board Chairman Is Greatly Pleased Over Success of Exhibit

Pleased at the success of the Chrysanthemum Show at Lanspeary Park, Chairman John W. Armstrong today remarked that "everybody is going in for growing 'mums as a result of the show."

This was held in the city's two greenhouses.

"People came here just to see the 'mums," explained the chairman, "and many of them, from London, Chatham and many other places. Nearly all of the county was represented. One of the visitors was a lady from Chatham who was over 70 years of age.

"They all said," he explained, "that they'd never seen such a fine and varied display, and it looks as if everybody's going to grow 'mums from now on.

Quantities of the flowers placed on exhibition at the show have been distributed to the three Border hospitals, the Essex County Sanatorium, and the Home of the Friendless and Aged.

At the closing ceremony on the Chatham Sunday, for Armistice Day, "The Parks Board," added Chairman Mordow, "has been greatly encouraged by the interest displayed in the show by the citizens of Windsor. We will stage one every year, as a result."

"Children See 'Mum Display'". *The Border Cities Star [Windsor]*, November 7, 1929, p.11. c.1.

Children See 'Mum Display'

Over Thousand Drawn to Lanspeary Park Exhibit

Hear Lectures

Myriad Varieties of Fine Flowers Attract Many Adults, Too

Over a thousand Windsor school children have during the past two or three days been guided through the flower-banked mazes of the city's unofficial chrysanthemum show, which this year is drawing more people than ever to the park board's greenhouse in Lanspeary Park.

WITH TEACHERS

Every afternoon troops of children, under the guidance of their teachers, under the supervision of the Parks Board, are brought to the beautiful flowers. Each of the various classes is assigned to the variety of forms that chrysanthemums may assume.

Some time yesterday, Custer, parks superintendent, or one of his assistants, found time to give them a little lecture on the history of the flowers; of their ancient culture in Japan, when they were regarded as a sacred plant, and the use of royalty; of the elaborate ceremonial which they were cultivated; of the hundreds upon hundreds of different varieties which have been brought about through the careful selection and development of what originally were merely freakish flowers.

ARE ILLUSTRATED

And these lectures are illustrated before the eyes of the children by many different varieties in the green house. They are the true Japanese mums, with their mops of varied tints, and the more modern varieties whose flowerets are not more than half an inch across; and again there are others whose blooms measure from two to three inches.

There are the same varieties which have but a single ring of petals; there are also others which look like gigantic powder puffs, for the chrysanthemum has been bred to assume many shapes and forms with equal facility to mimic the appearance of the marguerite, the aster and the dahlia.

And the adults, too, throng to the greenhouse, to see the new varieties in bloom—all told there are about 110 in the house—and each variety has been carefully selected to show the gradual unfolding of the blooms.

"Mayor Buys Greenhouse". *The Border Cities Star [Windsor]*, May 10, 1930, p2. c.3.

Mayor Buys Greenhouse

Bids Willstead Plant In Lanspeary Park At \$150 When No Tenders Come

Has Buyer Ready

Contract for New Building Let; Sunday Anti-Noise Plans Are Laid

As nobody appeared to want the old Willstead greenhouse, it was bid in at yesterday's meeting of the Walkerville Parks Board by Mayor Thomas F. Lanspeary at \$150. The mayor declared that he had a buyer at that price, so his offer was promptly accepted by the members of the board.

NO TENDERS COME

A call for tenders providing for the demolition and carrying away of the antiquated structure which has served the needs of Willstead Park and the town of Walkerville for the past 25 years, had been issued in several county newspapers in the heart of the early vegetable district. Bids were to be in on the 8th day of May. None came.

As soon as the old building has been removed, work will be started immediately on a new and larger greenhouse.

The contract was placed before the board yesterday by the mayor and authorized by the Parks Board, and is now in the hands of the construction company which will erect the new plant house, providing they agree to the clauses inserted.

One of the additional clauses stipulated that the greenhouse should be completed by September 1. Should the contractors fail in this latter regard, they are to be penalized to the extent of \$100 a week during the time that the building is not ready for the job. Supervision will be carried out by the greenhouse committee, consisting of E. Hamilton Collins, J. D. Branch and J. G. Carwell.

"William W. Lanspeary Dies suddenly of heart attack". *The Border Cities Star [Windsor]*, May 10, 1930

THE BORDER CITIES STAR, WINDSOR, ONTARIO, SATURDAY, MAY 10, 1930

WILLIAM W. LANSPEARY DIES SUDDENLY OF HEART ATTACK

PAGE FIVE

Two Hurt In Bridge Crash

Man and Girl Are In Hospital; Two Others Held

Girl's Nose Crushed

Driver and 2nd Over-River Visitor Are Bailed On Drunk Charges

Two persons are in hospital, critically hurt, and two others are held in the Sandwich police cells on intoxication charges as the result of an automobile crashing into the fence at the turn on the Canadian approach to the Ambassador bridge at 2 a.m. today.

POSSIBLE FRACTURE

Ralph A. Dwyer, 35, of 124 West 14th street, Detroit, is in Hotel Dwyer in a serious condition with a possible fracture of the skull and face and head contusion. Miss Ida Campbell, 208 Prince street, Windsor, is in Ottawa hospital with a crushed nose and badly lacerated face. She is the daughter of the same Detroit address as Dwyer. Her condition is serious, and it was held by the Sandwich police pending further investigation. At noon today Dwyer's condition was reported as quite serious, while Miss Campbell had shown a slight improvement.

Their companions were released by Sandwich police on bail, and they will meet in jail until further developments in the case.

Dwyer was the driver, and the injured girl was sitting directly behind him in the front seat of a specially made coupe. The car had passed through the red light at the intersection of the bridge and the river, and going down the river, had made the turn at the bridge.

Becomes Pro



Crack Golfer To Remain Here

Playing Partner of Walker, Cup Team Member Is

Outstanding Figure In Civic Life

Former Alderman And Member of Windsor Parks Board

Had Been Chairman

Wintered in California And Was Considered In Good Health

Slept Friday afternoon with a sudden heart attack, William West Lanspeary, pioneer member of the Windsor Board of Parks Commissioners, and an outstanding figure in the civic life of the community, died at 10 p.m., at the home of his son, Dr. W. D. Lanspeary, 1 Giles boulevard, west.

GOOD HEALTH

The veteran public servant had apparently been in good health, and had returned only a month ago from wintering in California. He arose Friday morning apparently in his usual good spirits, but the fatal seizure came without warning.

Lanspeary had chiefly distinguished himself in Windsor's public life by his long labors in the park of the city. To him is due much of the credit for establishing the system of parks which now exists.

During the past years on the city council, he was chairman of the parks committee at that body, when the parks of the city were in a state of neglect. There were a few vacant lots in scattered parts of the city. When in 1914 the city decided to take advantage of the

Parks Board Member Dead



MR. WILLIAM WEST LANSPEARY, ex-alderman and pioneer member of the Windsor Parks Commission, who died suddenly Friday evening at the age of 69.

Petitions Ask School Audit

Catholic Board to Get Request at Meeting Tuesday

Many Are Signing

Ratepayers' Delegation To Protest Building Of Central Unit


Petitions calling for an audit of the books of the Windsor Separate School Board and which, it is understood, are being liberally signed, will be presented to that board at its regular meeting Tuesday evening. The meeting will be further enlightened, it is said, by the presence of a delegation of separate school ratepayers whose avowed purpose is to protest against the construction of the proposed \$154,000 central school.

CENTRAL SCHOOL NOT WANTED

"From people who have telephoned me, I am more firmly convinced than ever that a central school is not wanted by the Catholic ratepayers at this particular time," said Dr. Frank L. McCarroll, board member and leader of the opposition, today.

"The building of any school is not wanted this year due to the already high tax rate for school maintenance. Our first need is for larger general schools, and in the course of 1931 or the following year there should be given no further the present perichol school building."

Aids Fund



Ford Worker Killed On Job

Head Crushed When Car Lifter Falls From Moorings

Dies in Hospital

Cecil F. Howell in Trenches At 17; Was Awarded Military Medal

His head severely crushed, Cecil Percy Howell, 31, of 360 Jarvis street, Riverside, an employee of the Ford Motor Company of Canada, died yesterday in the Metropolitan General Hospital as the result of injuries sustained when he was pinned between a fallen car lifter and the side of a box-car.

CRANK CHAIN SLIPPED

Workmen at the time were engaged in hoisting the car lifter from its position on the floor of the plant to a truck. In order that it might be moved to the main plant, a crane had been placed at the rear, and a steel overhead crane placed to lift the machine clear of the floor and swing it over the side of the plant. At this moment one of the chains slipped, allowing it to drop, and Mr. Howell was pinned between it and the box car before he had a chance to avoid it.

His fellow workers estimated that with the greatest difficulty and he was rushed to the emergency ward of the hospital. Dr. A. C. Lammont, physician for the metropolitan hospital, was summoned and saw at once that the man was beyond hope, his condition revealed that the head

"Mr. W. W. Lanspeary". *The Border Cities Star [Windsor]*, May 12, 1930, p. 4, c.3

Mr. W. W. Lanspeary

Funeral services are being held this afternoon for one who contributed much to the development of the City of Windsor. Mr. William W. Lanspeary was a member of the City Council for nine years and since 1914 had been on the Board of Parks Commissioners, serving much of this time as chairman of that body. The provision of parks and the beautification and maintenance of the same constituted Mr. Lanspeary's greatest hobby, and it was only fitting that one of Windsor's first substantially-sized recreation spots should have been named in his honor.

Mr. Lanspeary had lived in the Border Cities practically all his life, and was well and favorably known throughout the community. Connected with the Grand Trunk-Canadian National for more than half a century, he retired about three years ago and from then on devoted practically all his time to public service. He will be greatly missed.

Old Windsor Parks

In the old City of Windsor, there are 182 1-2 acres of parks, including 11 equipped playgrounds, seven winding pools, two modern clubhouses fitted with showers, two grandstands and two bandstands. There are also four and a half miles of centre-street boulevards, and 11,000 street trees under parks department supervision. The city greenhouses are in Lanspeary Park, at Giles boulevard and Pierre avenue. It is here that plants are raised for planting in parks and streets. Lanspeary Park is divided by a roadway. On the east side is the ornamental part of the park, its trees and shrubbery, and the west side is devoted to athletics. The park has a softball diamond, cricket pitch, playgrounds, and a bandstand. Memorial Park, at Hall and Ypres avenues, has almost a natural setting and it is a popular place for picnics. Here is to be found the nucleus of the Windsor zoo. Today it has only one deer, two porcupines and several coons, but it is hoped to increase the types of animals in the collection. The park has an adequate playground. Also recognized as a splendid picnic place is Baby Park on Dougall road, south of the C.P.R. tracks in Sandwich West, which is included in the Windsor parks scheme. The park has athletic grounds, children's playgrounds, and it is heavily wooded.

Oppose Park Land Sale

Lanspeary District Suggestion Fought

It was the foresight of Windsor's first parks board, back in 1917, which provided the city's most heavily populated area with Lanspeary Park, regarded by parks officials as one of the most heavily used parks in the city.

STORM OF PROTEST

Mayor Arthur J. Reaume's suggestion that the Ottawa street frontage of Lanspeary Park might be sold to extend Ottawa street shopping district has met with a storm of protest in the district.

Residents of Ward Three's south end point out that they have quite limited parks facilities which should be increased, rather than diminished. And they go on to point out that vacant lots for houses are just as available in their neighborhood so that: "Why then, the suggestion to sell part of Lanspeary Park?"

Council's parks committee has been considering for some time the increasing parks needs in the Lanspeary district, and they have been reluctantly approaching a decision to cut down trees in Lanspeary Park, so that the land there may be more fully utilized.

SERVES DISTRICT

As it stands, Lanspeary Park provides a well-equipped playground for the district, a softball diamond, a bandstand, and a large greenhouse, in addition to some acres of grassland over which the public may stroll and stroll during the summer months. Once there was a soccer field on the east side of the park, but that part of the park was planted with trees—and those are the trees that may have to come down, yet, to provide more play space for people of the district.

"Don't forget," one resident of the district pointed out, "that if we didn't have Lanspeary Park, we've have to walk as far as Willistead, as far south as Memorial Park, or as far west as Jackson Park, to find a spot to relax in. That shows how poorly off we are, for parks, in this section of the city."

While Lanspeary Park attracts many hundreds of adults and children to play there, it is one of the city's most popular parks for "passive recreation"—the fancy name parks authorities give to the habit less athletic people have of looking on their parks as places of beauty and fresh air, where they may rest their eyes and limbs, particularly when it's hot and stuffy inside crowded homes.

HUNDREDS USE PARK

It isn't unusual, any evening in the summertime, to find three or four hundred persons just sitting around, or debating in informal little groups, in Lanspeary Park.

In the past politicians have regarded Lanspeary Park as a natural for public meetings, because the sound of a band or of a strong-voiced orator can usually attract a crowd there, from the heavily-populated neighborhood, almost without advance notice.

While it has been suggested that the Ottawa street frontage would bring perhaps \$300,000, parks board records show that something like \$74,000 was paid for the whole park, in the beginning, a mighty tribute to the vision of the board that set the area aside for parks purposes nearly three decades ago.

When the parks board made its first move to purchase the park, the whole east side area south of Erie street was sparsely built upon. As a matter of fact, cows were grazing, then, in wide open spaces known to the neighbors as "the commons"—and when the cows wanted a drink they wandered down to the Coulee, a little creek flowed where Giles boulevard is now located.

PURCHASED IN 1917

The first purchase of land for Lanspeary Park was made in March, 1917, by the old Windsor Parks Board. Evidently that was one of the first pieces of business transacted by the board, because it had only been organized in February, 1917. Members of that parks board, the first in Windsor's history, are nearly all gone now. They were Mayor C. R. Tuson, William Lanspeary, Gordon Morton, Aaron Meretsky, Col. E. S. Wigle, K.C., H. J. McKay, and Hebert W. Wilson.

Mr. Lanspeary was the first parks board chairman and the park was named after him on July 4, 1919.

The 1917 purchase concerned itself with frontage on the east and west sides of Benjamin avenue. Langlois avenue frontage was bought in 1919 and Giles and Ottawa frontages were bought in 1920, rounding out the park.

"Holland Tulips make fine showing at Jackson Park". *The Border Cities' Star [Windsor]*, May 3, 1946.

115,000 PLANTS

About ready for transplanting are some 115,000 plants in the Lanspeary and Willstead greenhouses. They include geraniums, carnas, asters, balsams, snapdragons, Canterbury bells, carnations, petunias, dianthus, lobelias, larkspurs, marigolds, zinnias, and many other varieties.

Beds which would ordinarily be filled with tulips at this time of the year were not planted because of the shortage this year, but they have been prepared for later flowers, the planting of which will begin very soon now.

Jackson Park is regarded by the parks department as Windsor's show-place. Other parks in which the department tries to make a particularly good showing are Reaume, Willstead, Lanspeary, Assumption, Riverview, Wilson, Prince Road, Mitchell, and the City Hall.

In addition to the parks, boulevards and courts throughout the city are planted with flowers annually. Giles boulevard and several of the courts in Walkerville are included in this list.

In addition to the summer plants, the parks department each year grows many hundreds of chrysanthemums for the annual show at Lanspeary Park. Last year 3,800 mum pots were prepared for that show.

"City Parks' Summer Finery Carefully Tended". *The Windsor Daily Star [Windsor]*, April 29, 1949.

City Parks' Summer Finery Carefully Tended




HELICHRYSUM AND ANTHIRRHINUM

200,000 Plants, Flowers To Beautify City Parks

By JACK MEREDITH

Windsor city parks donning the soft garments of spring, during the next three or four weeks, will receive additional adornments from the parks department greenhouses of more than 200,000 tiny plants and flowers.

The plants, carefully nurtured from seeds and cuttings during the winter months, will be set out in park flower beds and by mid-summer will add gorgeous splashes of rainbow colors to the city scene.

PREPARES CHARGES

William Gravett, horticulture foreman at the Lanspeary and Willstead park greenhouses, one of the busiest men in the city at this time of year, was discovered by The Star at the large Lanspeary Park greenhouse, carefully preparing his little plant charges for the big "moving day."

"You've got a lot of plants here," the reporter ventured.

"A lot of plants!" replied the horticulturist, looking over the solid expanse of green shoots and scarlet geraniums. "I should say we have. For instance, we have salvias, petunias, heliotrope, verbenas, marigold, calendula, scaevola, dusty miller, lobelia, pansies, violas, celosia, asters and zinnias."

"Well!" said the reporter, faintly. "Oh, yes, I almost forgot," interposed Mr. Gravett, "here are some nierenbergias, helichrysum and a few anthirrhinum."



More than 200,000 small plants and flowers which have been nurtured in greenhouses during the winter, will be placed in city parks by parks department workers within the next month. The annual transplanting job provides the department with its busiest season and Parks Manager Charles Cook estimates it will require about three weeks. Soon the green plants and brightly-hued flowers will be flourishing throughout the city and the parks will take on their summertime finery. Shown here are pictures taken in greenhouses at Lanspeary

and Willistead parks as workers prepared for the transplanting. Top, Mr. Alfred Coshever, employe at Willistead Park, gives plants a final watering to prepare them for removal to outside soil. Centre, Mr. William Gravett, city horticulture foreman, checks over annuals and geranium blooms at Lanspeary greenhouse which will soon grace park landscapes. Lower photo, three seven-year-old neighborhood kiddies admire geranium plants at Willistead. Left to right are Joyce Warwick, Helen Hetherington and Catherine Burge.

"That's enough; we believe you," the scribe said, throwing in the garden hose.

Within the next few weeks, after transplanting gets under way, the crowded and moist greenhouse shelves will be empty and barren but not for long.

Mr. Gravett has about 2,000 baby mum plants just perking their way through the pots and once the spring flowers and annuals have been moved out into the open, it will be the mums' turn to share the greenhouse spotlight.

While their summer floral brethren are basking in the balmy breezes the mums, under the careful attention of Mr. Gravett and his staff, will be coaxed to beautiful maturity in time for the annual parks department fall chrysanthemum show. Then there are the poinsettias, which are seeded now in order to reach full red glory by Christmas.

Charles Cook, parks manager, estimates that with the present fine weather to aid his energetic staff, Windsor's widely scattered park system should soon present citizens with lavish beauty spots, and they won't have to travel far to see them.

THEFT TRY FAILS

Although a small safe in the manager's office was tampered with, nothing was reported stolen in a breakin reported from the Wyandotte Recreation last night. Entry was gained through a door leading to a fire escape on the second floor.

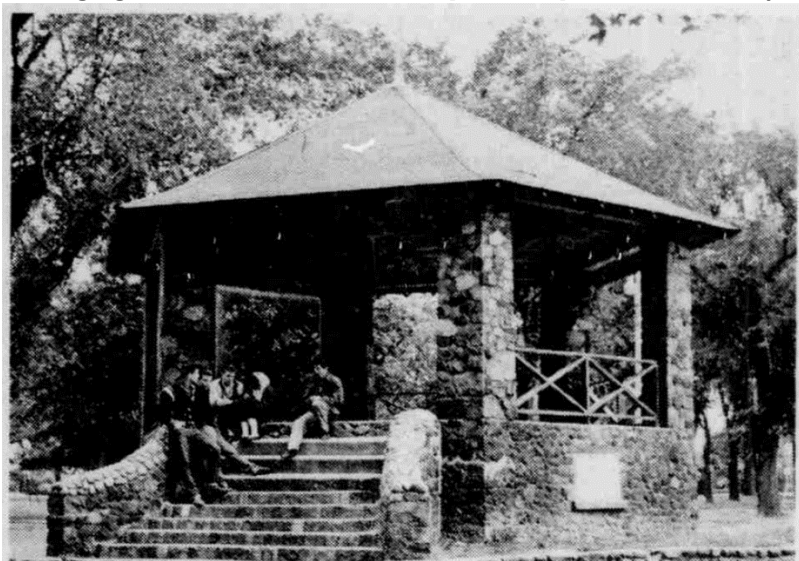
Seek Improvem



Untitled. *The Windsor Daily Star [Windsor]*, February 25, 1950, p.12, c.4.

A \$2,000 building permit has been issued to the Windsor Parks Board to cover the moving of a **greenhouse** previously located in Willistead Park to **Lanspeary Park**.

"Changing Times". *The Windsor Star [Windsor]*, June 25, 1960, p.5-A.



CHANGING TIMES—Once the centre of numerous band concerts, this bandstand today merely serves as a shelter from the sun and rain in Lanspeary Park. The bandstand fell into disuse about 1930. Many of

Windsor's residents can well remember the "old days" when people would gather about the structure to hear the offerings of a small band of musicians.

(Star Staff Photo)

11. Lanspeary Park Greenhouse tenders

The Purchasing Agent refers to the instruction of the City Manager that in order to provide Council with full information, a price is to be obtained for the installation of a gas designed boiler in addition to the prices already obtained for a coal stoker unit and a gas/coal unit. It is explained that a unit which is designed for gas only is more economical in its use of gas than a unit which is designed for dual use, viz., gas or coal. The Purchasing Agent states that the additional price required will be received by noon on this day. Mr. Colter states that he has been asked the question, why it would not be cheaper to call for tenders for bedding and other plants required by the City. Mr. Dawson states that one reason for the City running a greenhouse is that the city propagates plants which could not be obtained from commercial establishments.

"Skaters lose Optimist outdoor rink". *The Windsor Star [Windsor]*, January 21, 1986, p.A5. c2.

UNSEASONABLY WARM WEATHER has made Lanspeary Park rink eye-catching but unusable, just one of the problems facing the city's outdoor ice rinks

Skaters lose Optimist outdoor rink

The Optimist outdoor skating rink has played host to its last game of shinny.

Idle this season and needing more than \$300,000 in repairs, the rink will be closed permanently, City Council decided Monday.

Aldermen accepted the view of parks commissioner Lloyd Burridge that money needed for repairs would be better spent on other recreational uses. Burridge suggested a new indoor ice rink would be better used.

Two rinks — Optimist and the Lions rink at Lanspeary Park — are the only outdoor artificial ice surfaces operated by the parks department.

Optimist would require \$317,900 in repairs to operate at a level even close to city standards, says the L.P. Meyer and Associates consulting firm.

The rink was built in 1953 at a cost of \$47,000 and the Lanspeary rink was built by the Lion's Club in 1956 at a cost of \$65,000.

At Optimist, the concrete slab is cracked in numerous locations, the boards are rotted, the ticket booth

is in poor condition and the players' benches should be replaced, the consulting firm said. The refrigeration system is riddled with leaks and there are various electrical problems.

"It will be expensive to repair and it will never be a good arena" because the ice surface is too small and the refrigeration system antiquated, consultant Leo Meyer told council.

USE OF THE rink has declined steadily over the past five years. Rentals were down to 33 in 1984 from 81 in 1981, while recreational skating fell off by about one-third. The net cost to the city more than doubled in that period.

"I think what this reflects is that people have become spoiled," Walt Metulynsky, city recreation supervisor for seasonal facilities, said in a recent interview.

"They use the indoor rinks now more often because these have change rooms and concession booths and the better ice surfaces," he said.

The Optimist rink narrowly escaped being

scrapped during last spring's budget deliberations and did not open this winter because of operating problems.

The parks department recommends concentrating its marketing efforts on the Lions rink, which has not experienced such a severe decline in usage and has had fewer breakdowns than Optimist.

The two rinks are only about two km (1.2 miles) apart.

The estimated cost of removing the Optimist rink and returning the site to parkland is \$40,000. Council approved spending \$6,000 to remove the boards and benches and secure the facility.

Metulynsky said he hopes the current trend toward fitness and outdoor recreation will lead to a revival of outdoor skating, noting the success of the outdoor skating rink in front of Toronto's city hall.

"I would like to see it. If you enjoy the outdoors, then certainly you would enjoy skating outside, if only for the sheer leisure enjoyment of it. I think it (usage) could get better."

Windsor Star: May 18th, 1991

Six greenhouses give life to city's flowers, plants

By Teresa King

HAVE you ever wondered how the flowers and plants in Windsor parks got there?

Many of them began life in one of six city greenhouses where even now rows of bedding plants, seedlings and pots of flowers wait for transfer to their final destination. That destination could be a park, a boulevard or a pedestrian street mall, according to Ken Lenz, greenhouse horticulturist for the Department of Parks and Recreation.

"The Lanspeary greenhouses, near downtown Windsor, can hold as many as 70,000 plants at any one time," says Lenz. Some plants are grown from seeds and others start out as imported seedlings. Petunias, for example, grown in abundance and seen in all of the parks during the growing season, would take a lot of room in the greenhouses if they were grown from seed. Instead, the annual flowers are purchased from local growers, at the seedling stage. After all, "space in the greenhouse is limited," Lenz says.

Carpet bedding plants, such as small leaf alternanthera or irisine, get off to a good start in the greenhouses as cuttings. Hundreds of the muted yellow, green and red plants are used every year in the city's three design gardens.

THE DESIGN gardens — in Jackson Park and City Hall — are considered by Lenz to be main attractions in parks each summer. This year's bedding plants will be arranged in the shape of the International Master Gardeners' Association logo.

Lantana standard and fuschia standard, both flowering shrubs that are trained to take the shape of trees, are two of several species that spend the cold season in one of the warmest of the hothouses. When the weather is just right and the shrubs are sporting



their bright blooms, they will be transported to the Ottawa Street or Ouellette Avenue malls.

One thousand tree and shrub seeds were planted in the greenhouses last year. The seedlings will eventually be transported to various sites in the city.

Transplanting 150,000 annual plants and flowers from their greenhouse environment to places in parks and avenues continues throughout the spring and early summer.

TOGETHER, GARDENERS and parks and recreation management decide what plants will be grown in each park during the season. Community requests and suggestions are also considered.

One method of determining what residents would like to see blooming in the gardens is to "try it out first in Jackson Park," says Lenz. The sunny marigold, for instance, drew lots of fa-

vorable response when it was tried last summer. More marigolds, according to Lenz, will grow in more city parks this year as a result of last year's trial.

In a further effort to promote public interest and awareness, Lenz experiments with different plants from other locations. A greenhouse employee, visiting out of the city might take a cutting from a plant unknown to the Essex County area. The cutting is then transplanted by the staff. After some development, the unusual species could again be transplanted.

Parks and recreation greenhouse staff were busy this week preparing red salvia and white petunias for planting along the medium of Huron Church Line. Flower-filled planters were also readied for hanging in Jackson Park and Lakeview Marina. Each white planter — which are, incidentally, recycled onion barrels — holds a variety of plants including coleus, purple verbena and white, pink and blue petunias.

During a stroll in Jackson Park, you will see the Evergreen Memorial Azalea Garden. Greenhouse staff rejuvenated the garden by planting new varieties of azaleas. The giant pink, purple and white blossoms are now at their peak. Pink and purple columbine, deep blue ajuga and even the oriental poppy is nearly ready to show its vibrant red petals.



Committee Matters: SCM 45/2023

Subject: Heritage Videos (2) presented by Heritage Planner featuring the Strathcona Building located at 1958-1998 Wyandotte Street East, and the Walker Power Building turntable at 325 Devonshire Road

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: DHSC 467

That the two (2) videos presented by the Heritage Planner dated February 6, 2023 featuring the story of the restoration of the Strathcona Building and the discovery and display of the Walker Power Building Turntable **BE RECEIVED** for Information.

Clerk's File: MBA2023

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 9.1 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>



Committee Matters: SCM 46/2023

**Subject: Request for Heritage Alteration Permit for Willistead Manor, 1899
Niagara Street (Ward 4)**

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 469**

- I. That a Heritage Permit at Willistead Manor, 1899 Niagara Street, **BE GRANTED**, for removal and alterations to the playground as per Appendix B; and,
- II. That the City Planner or his designate **BE DELEGATED** the authority to approve further changes associated with the proposed scope of work.

Report Number: S 11/2023
Clerk's File: SR/12667

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 10.2 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

**Subject: Request for Heritage Alteration Permit for Willistead Manor,
1899 Niagara Street (Ward 4)**

Reference:

Date to Council: February 6, 2023
Author: Kristina Tang, MCIP, RPP
Heritage Planner
ktang@citywindsor.ca
519-255-6543 X 6179
Planning & Building Services
Planning & Building Services
Report Date: January 13, 2023
Clerk's File #: SR/12667

To: Mayor and Members of City Council

Recommendation:

- I. That a Heritage Permit at Willistead Manor, 1899 Niagara Street, **BE GRANTED**, for removal and alterations to the playground as per Appendix B; and,
- II. That the City Planner or his designate **BE DELEGATED** the authority to approve further changes associated with the proposed scope of work.

Executive Summary: N/A

Background:

Willistead Manor and Grounds was the first heritage designation under the *Ontario Heritage Act* in Windsor, with By-law No. 5334 passed by Council on January 12, 1976, making it a Part IV individually designated property (subsequently amended per By-Law No. 149-2012 approved by City Council, October 15, 2012).

Changes to the grounds of Willistead require a heritage permit as the grounds are also part of the Heritage designation bylaw (Appendix A).

City of Windsor's Parks Department have been directed to deliver 32 replacement playgrounds within the next few years, with Willistead's playground being one of them. Parks Department conducted a public survey for Willistead playground in August 6, 2021 to August 27, 2021. The results of the public survey were used to draft the Request for Proposal specifications, which informed proponents while designing the proposed playground and guided the evaluation team while awarding the successful design. The Request for Proposal for 32 new playgrounds (including Willistead) was

awarded in spring of 2022. Construction of the Willistead playground is planned to begin in early spring 2023 pending approval and acceptable weather. Park staff will coordinate with other Willistead Park events as much as possible. Additionally, Parks staff will update Willistead Board of Directors and Rotary (Art in the Park) about the proposal with anticipation that there be no concerns with the proposal since the location is existing.

City of Windsor's Parks Department submitted a Heritage Permit application for the playground on January 6, 2023 (Appendix B). The Public survey summary is referenced in Appendix C.

Discussion:

Property description:

Willistead Manor was built from 1904-1906 in Tudor-Jacobean Revival style, during the Edwardian Period by architect Albert Kahn for son of Hiram Walker, Edward Chandler Walker. It is comprised of the Manor and several accessory structures. In Willistead's heritage designation bylaw, the identified contextual value of the property describes "Its setting on 6.2 hectares of parkland, with open spaces and stands of mature shade trees, and limited hardscape features".

The generous green space and mature trees are evident in the aerial photograph. The playground located at the southeast corner, was a later addition to the park and is a standard playground set from 2003/2004.



On left, aerial photo of Willistead Manor property with existing playground indicated by orange arrow. Close-up aerial of playground area on right. (Source: Google)



View of the current playground from existing park path (Source: Google)



View of playground from Devonshire Street (Source: Google).

Legal provisions:

Under Part IV of the *Ontario Heritage Act (OHA)*, the designation by-law of individually heritage designated properties would include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. The original 1976 designation bylaw for Willistead was amended in 2012 to meet current standards of the *Ontario Heritage Act*. Council passed the amending By-law No. 149-2012 on October 15, 2012 (see Appendix 'A'). Section 33 of the *OHA* requires that changes to designated property that affect heritage attributes must be considered by City Council after consulting with the Municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of the completed application.

Proposal:

The proposed playground location as existing, is the least disruptive to the heritage context of the Park given its distance from any visual impacts to the historic buildings, and to the central axis views through the Park.



Willistead Manor Photo (Source: Steven Kriemadis)

The proposed playground is themed with some elements inspired by Willistead Manor's architecture, including:

- Stone and half-timbering appearances
- Second floor balcony with stone balustrades
- Gabled roof profiles and decorative chimney with chimney pots
- Unenclosed arched terrace area
- Heritage- style gazebo
- Barrel play structure
- Horse and historic car model (reminiscent of early 20th century modes of transportation)



Conceptual renderings of the proposed play area (Source: Playworld)

Parks staff have chosen parks furniture (bicycle rack, receptacles, and benches) for the playground that are complementary to the Heritage context, and consistent with benches in Willistead Park and other street furniture in Walkerville on Wyandotte Street East.



Existing Bench in Willistead Park which the proposal would match.



Two stream receptacle and bike rack proposed.

Concrete walkway will surround the playground as is needed for playgrounds. Parks Staff will consider use of more muted-toned concrete. Two small European Beech trees proposed to be removed are not heritage species. Efforts will be made to relocate these newer planted trees.

The proposal will not have any negative heritage impacts on Willistead Manor property and its parkland.

Official Plan Policy:

The Windsor Official Plan states “Council will enhance heritage resources by (a) Ensuring that within any Heritage Area or Heritage Conservation District that: (i) Infrastructure undertakings respect and enhance the historic character of the area; (ii) Development be of compatible height, massing, scale, setback and architectural style.” (9.3.5.1)

Additionally, from Windsor’s Official Plan Chapter 9 on Heritage Conservation:

9.2 Objectives

LEADERSHIP BY EXAMPLE 9.2.3 To lead the community in the protection, improvement, utilization and management of heritage resources by using municipally owned heritage properties as examples of proper conservation and stewardship.

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect heritage resources by:

DEMOLITION OR ALTERATION APPROVAL

- (a) Requiring any person who proposes to demolish or alter a designated heritage property to submit plans to Council for approval under the Ontario Heritage Act;

MODIFICATION APPROVAL

- (b) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property and/or its Heritage Conservation District;

RECORD FOR ARCHIVES

- (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant prepare, to the satisfaction of the Municipality, an archival record for submission to the municipal archives;

9.3.6 Management of Heritage Resources

9.3.6.1 Council will manage heritage resources by:

LEADERSHIP

- (b) Protecting, conserving and managing Municipally owned heritage resources in a manner which furthers the objectives and policies of this Plan and which sets an example of leadership for the community in the conservation of heritage resources;

MUNICIPAL OPERATIONS

- (c) Ensuring that the activities of all Municipal departments respect the character and significance of Windsor's heritage resources;

Risk Analysis:

The renderings for the playground has been reviewed by Willistead Board of Directors and the proposed replacement location at existing is not expected to be an issue. The proposal has not been reviewed by the Public but is located in the existing playground location, and Parks Department have undertaken a public survey to receive feedback on the Willistead playground and incorporated it into the proposal. The Heritage Permit Process allows members of the public to review the design and provide comments at the public meeting.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

Council has directed funding of \$9.43M from the Playground Replacement Program (PFO-002-15) in report C95/2021 for Parks Department to deliver 32 replacement playgrounds in the City as approved by CR 367/2021. The Willistead Park playground replacement was included within the capital budget funding approved within the scope of the report. Sufficient funding remains in the project to complete the proposed work.

Consultations:

Parks Department staff, Planning Department Urban Design staff, and Asset Planning staff were consulted.

Conclusion:

The heritage permit has been requested by Parks Department for a replacement playground in Willistead Park, with some minor adjustments including removal of two non-heritage trees and additions of accompanying complementary public furniture. Any further changes or verifications to the proposal are recommended to be delegated to Planning staff.

Planning Act Matters: N/A

Approvals:

| Name | Title |
|----------------|---|
| Michael Cooke | Manager of Planning Policy/ Deputy City Planner |
| Thom Hunt | City Planner / Executive Director Planning & Building |
| Wira Vendrasco | Deputy City Solicitor |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer (Acting) |

Notifications:

| Name | Address | Email |
|------|---------|-------|
| n/a | | |

Appendices:

- 1 Appendix A- Designation Bylaw Extract
- 2 Appendix B- Heritage Permit Application
- 3 Appendix C- Willistead Playground Public Survey

Appendix A- Extract from Designation Bylaw

By-Law No. 149-2012 approved by City Council, October 15, 2012

This schedule amends By-Law No. 5334 (approved January 12, 1976) to include Reasons for Designation.

SCHEDULE “B”

REASONS FOR DESIGNATION:

DESCRIPTION OF HISTORIC PLACE

Built from 1904 to 1906, Willistead comprises three Tudor Revival-style buildings (a 2-1/2 storey manor house, a 2-1/2 storey coach house and a 1-1/2 storey gate house) on 6.2 hectares of parkland. It is located in the premier residential area of the former town of Walkerville.

HISTORICAL VALUE

The historical value of Willistead resides in its outstanding Tudor Revival style architecture and in its association with the family of Hiram Walker, who founded Walkerville, which is now part of the City of Windsor. It also has social value as an important community resource for many decades since 1921. Willistead Manor has locational value and landmark status as the “crown jewel” of this historic Walkerville neighbourhood.

Willistead was completed in 1906 for E. (Edward) Chandler Walker (1851-195¹), second son of distillery magnate Hiram Walker, who established the model “company” town of Walkerville. Chandler was founding president (1890) of the Walkerville Land and Building Company and, following his father’s death in 1899, became president of Hiram Walker and Sons. In 1921, his surviving brothers, with the concurrence of his widow, Mary Elizabeth Griffin Walker, donated the estate to the Town of Walkerville for public use, ushering in Willistead’s lengthy history as an important community resource. In subsequent years, the manor house was occupied by town council and police, a library and the Art Gallery of Windsor. Following restoration in 1978-81, it became a conference and special-events facility.

DESIGN VALUE

¹ 1915

Willistead was designed in the style of an opulent 16th century English Tudor manor home by renowned Detroit architect Albert Kahn, during his pre-industrial period (1888-1908). The epitome of Edwardian elegance, with both Elizabethan and Jacobean characteristics, the grand, 36-room, L-shaped manor house features superior materials and craftsmanship, combining half-timber construction, rustic stone, brick and ornately carved wood under a picturesque grouping of medieval red tile roofs and chimneys.

The coach house, which originally housed horses and carriages with living quarters on the upper floors, and the gate house, which served as the gardener's cottage, display a continuity of external materials, workmanship and design, effectively complementing the manor house. An iron fence with limestone piers, designed by Stahl² Kinsey and Chapman, c. 1915, surrounds the flagstone courtyard of the manor house and the entire site. Other structures of note include the stone portico (19th century) moved from Hiram Walker's home in Detroit, and the Queen Victoria Diamond Jubilee Fountain, the Walker family's gift to Walkerville in 1897 (moved from the Walkerville train depot in 1958); both stand in the park.

CONTEXTUAL VALUE

The Willistead complex, in its park setting, has landmark status as the centrepiece of this premier residential neighbourhood developed by the Walkers in the early decades of the 1900s. Comprising many architecturally significant heritage buildings, Walkerville was modelled after Britain's innovative "Garden City Plan."

CHARACTER-DEFINING ELEMENTS

Features that contributes to the historical value of Willistead Manor include:

- Outstanding interior details of the manor house (first and second storeys, primary north-south section); these include marble fireplaces, quarter-cut oak paneling in most principal rooms, hand-carved balustrade and newel posts on the elegant wide staircase leading from the Great Hall, other hand-carved ornamental woodwork featuring typically Elizabethan motifs including Tudor Roses, and fixtures that are original or replicated from early documentation; also the large scale of the great hall, dining room, "morning room" and library;
- Its relationship to other significant Walkerville heritage homes;
- Its proximity to St. Mary's Anglican Church (1904), commissioned by Hiram Walker's Sons in memory of their parents;
- The Queen Victoria Diamond Jubilee Fountain (1897) relocated to the park;
- The stone portico relocated from Hiram Walker's home in Detroit.

² Stahl

Exterior features that contribute to the historical value of the Willistead Manor include:

- High contrast half-timbering, combined with stonework, brick and stucco;
- Overall quality of materials and craftsmanship (e.g., an Austrian-trained wood carver executed the exterior and interior wood carvings, and Scottish stonemasons hand cut and fitted the limestone quarried in Amherstburg);
- Hand-carved exterior verge boards;
- Steeply pitched red clay-tile roof slightly flared at the base, with gabled dormers;
- Tall and prominent chimneys, with each chimney pot of a different design;
- Variety of windows, including many multi-pane leaded windows.

Characteristic that contributes to the contextual value of Willistead Manor include:

- The size and grandeur of the manor house with complementary coach house and gate house;
- Its setting on 6.2 hectares of parkland, with open spaces and stands of mature shade trees, and limited hardscape features; and
- Enclosure of the entire property by an iron and limestone fence with a gate house.

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1
519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT

Contact Name(s) Laura Ash, Supervisor, Parks Projects
Company or Organization The Corporation of the City of Windsor, Parks Development
Mailing Address 2450 McDougall Street
Windsor, Ontario
Postal Code N8X 3N6
Email lash@citywindsor.ca Phone(s) 519-253-2300 ext. 2735

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____
Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____
Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

☒ Applicant

☐ Registered Owner

☐ Agent

2. SUBJECT PROPERTY

Municipal Address: 1899 Niagara Street, Windsor, Ontario

Legal Description (if known): _____

Building/Structure Type:

☐ Residential ☐ Commercial ☐ Industrial ☒ Institutional

Heritage Designation:

☒ Part IV (Individual) ☐ Part V (Heritage Conservation District)

By-law #: 149-2012, 5334 District: _____

Is the property subject to a Heritage Easement or Agreement?

☐ Yes ☒ No

3. TYPE OF APPLICATION

Check all that apply:

☐ Demolition/Removal of heritage attributes ☐ Addition ☐ Erection ☒ Alteration*
☒ Demolition/Removal of building or structure ☐ Signage ☐ Lighting

*The Ontario Heritage Act's definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

Existing playground constructed in 2003/2004 consisting of a large play structure and 2-bay swing set, surrounded by concrete curb and set in sand. Details and layout provided in attached drawings and pictures.

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

Remove existing playground equipment, sand, concrete curb, asphalt walkway connection and two smaller European Beech trees (relocate if possible) to accommodate construction of a new, custom-made playground, new granular base, big 'O' subdrain connecting to existing catchbasin approximately 20 m southeast of playground. New site furnishings including benches around playground, bike rack and waste receptacle. Details attached.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

The existing playground is nearing the end of its expected lifetime. Playground equipment is subject to regular inspection for safety and must maintain compliance with Canadian standards.

Describe the potential impacts to the heritage attributes of the property.

The proposed playground is a custom design with elements that compliment the historic nature of Willistead Park. Details and renderings of the custom playground are attached.

7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- ☒ Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- ☒ Site plan/ Sketch (showing buildings on the property and location of proposed work)
- ☒ Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- ☒ Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- ☐ Registered survey
- ☐ Material samples, brochures, product data sheets etc.
- ☐ Cultural Heritage Evaluation Report
- ☐ Heritage Impact Assessment (HIA)
- ☐ Heritage Conservation Plan
- ☐ Building Condition Assessment

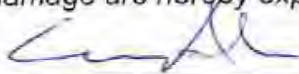
8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s) _____



Date Jan. 6, 2023

Date _____

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
_____ to make this application on my behalf.
name of agent

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, _____, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

Signature of Registered Owner

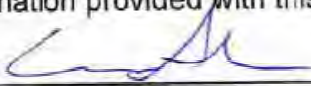
Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.



Signature of Applicant

Jan. 6, 2023

Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

☐ Application Approval (City Council):

Development & Heritage Standing Committee: _____

City Council: _____

☐ Application Approval (City Planner):

Heritage Planner: _____

Staff Decision Appealed to City Council: _____

If so, Date to City Council: _____

Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

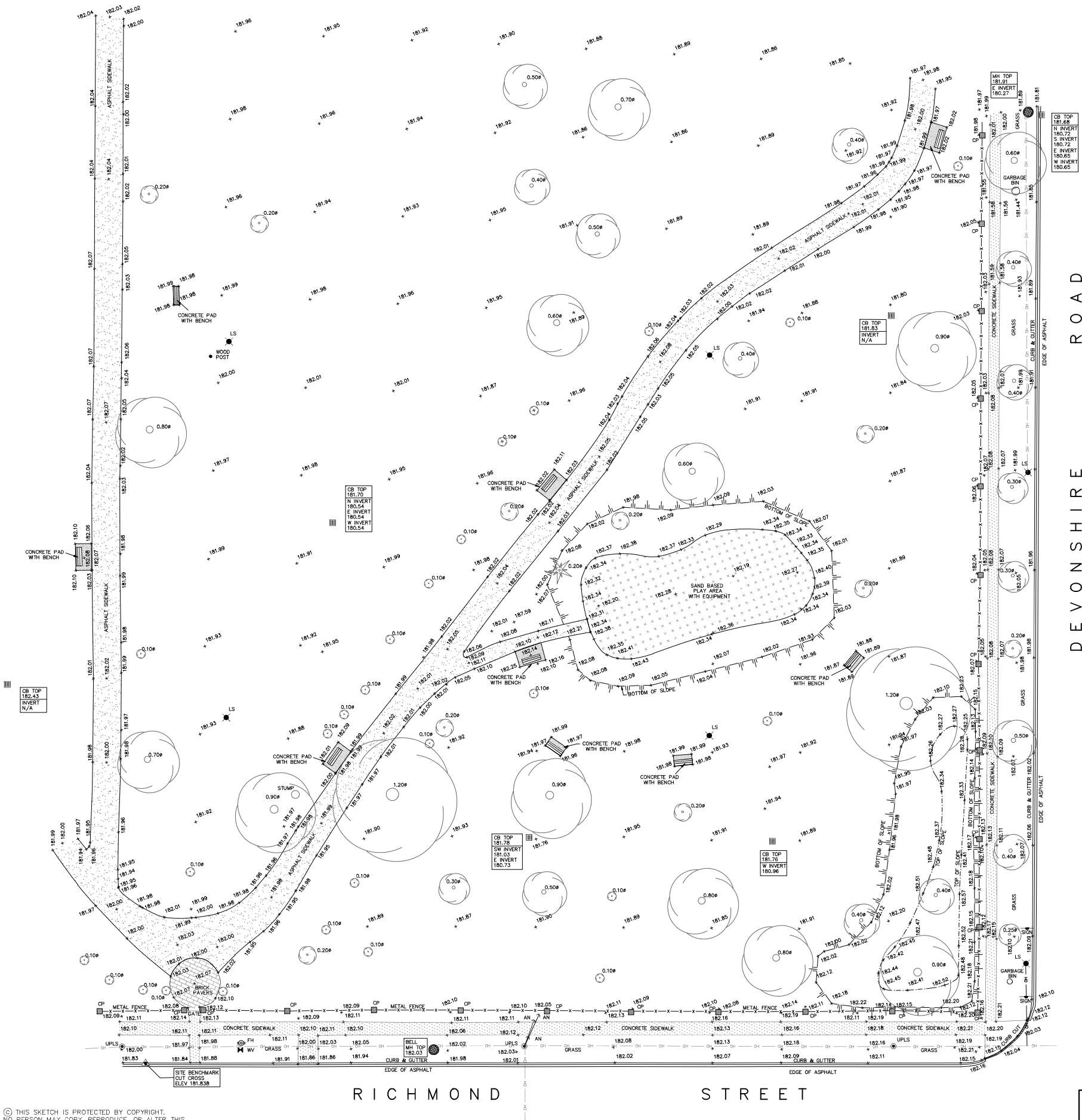
CONTACT INFORMATION

Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 320 - 350 City Hall Square West
Windsor ON N9A 6S1
planningdept@citywindsor.ca
519-255-6543 x 6179
519-255-6544 (fax)
<http://www.citywindsor.ca>

CAUTION
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

SKETCH SHOWING TOPOGRAPHICAL DETAILS OF
WILLISTEAD PARK-PLAYGROUND
CITY OF WINDSOR
1899 NIAGARA STREET

SCALE 1 : 250 METRES
0 1 2 3 4 5 10 20 30
SURVEYORS ON SITE INC. ©



- LEGEND
- WV WATER VALVE
 - FH FIRE HYDRANT
 - MH MANHOLE ELEVATION AT TOP CENTRE
 - CB CATCH BASIN ELEVATION AT TOP CENTRE
 - CP CONCRETE BLOCK PILLAR
 - LS LIGHT STANDARD
 - UPLS UTILITY POLE WITH LIGHT STANDARD
 - OH OVERHEAD UTILITY WIRES
 - OH SIGN
 - DT DECIDUOUS TREE WITH TRUNK DIAMETER
 - CT CONIFEROUS TREE WITH TRUNK DIAMETER
 - SE SPOT ELEVATION

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS SKETCH ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

ELEVATIONS ARE GEODETIC AND REFERRED TO THE CANADIAN
GEODETIC VERTICAL DATUM (CGVD28) BY DIRECT MEASUREMENT
TO A REAL TIME NETWORK (SMARTNET).

THE INFORMATION SHOWN ON THIS SKETCH WAS COLLECTED OCTOBER 6, 2021.

CATCH BASINS INVERT THAT ARE MARKED AS N/A (NOT ACCESSIBLE) ON
THE FACE OF SKETCH, ARE FULL OF WATER, SOIL OR CANNOT BE OPENED.

SITE BENCH MARK

SITE BENCH MARK IS A CUT CROSS SET ON TOP OF CONCRETE
CURB LOCATED ON NORTHERLY LIMIT OF RICHMOND STREET HAVING
AN ELEVATION OF 181.838m.

© THIS SKETCH IS PROTECTED BY COPYRIGHT.
NO PERSON MAY COPY, REPRODUCE, OR ALTER THIS
PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN
AUTHORIZATION OF SURVEYORS ON SITE INC.

CLARKE SOS
SURVEYORS
A DIVISION OF SURVEYORS ON SITE INC.

Ontario Land Surveyors
Consulting Surveyors
3560 Walker Road
Windsor, Ontario
N9W 3S4
Ph: (519) 258-4166
Toll Free: 1-888-735-4166
www.surveyorsonsite.com

| | |
|------------|------------------|
| DRAWN BY | HK |
| CHECKED BY | CJO |
| JOB NO. | 2021-595 |
| PLAN FILE | L-490-3&6 |
| CAD FILE | 2021-595-TOP0 |
| DATE | NOVEMBER 2, 2021 |

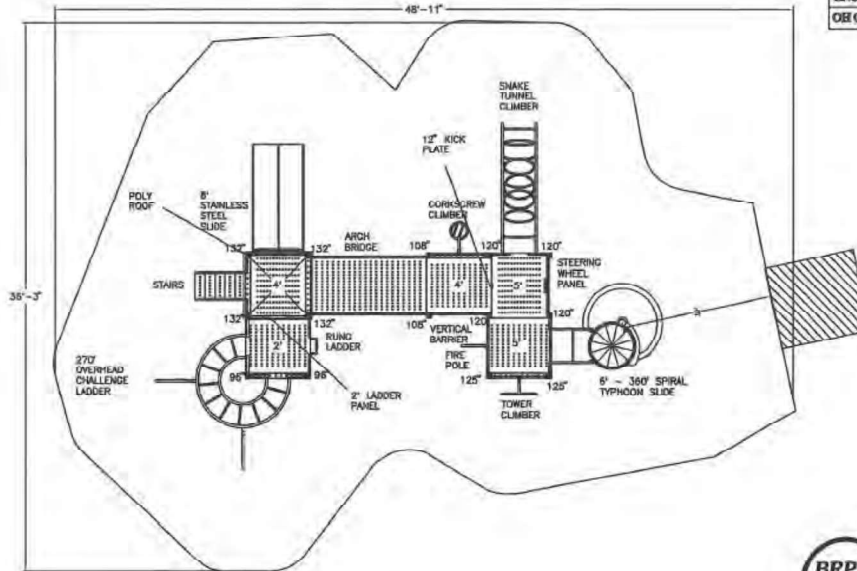
Existing Playground

- Large Miracle play structure constructed by Belair Recreational Products Inc. in 2003-2004 with 2-bed Little Tikes swing set, sand base
- Photos and drawings below:



CITY OF WINDSOR TYPE "B" PLAY STRUCTURE

| COLOUR LEGEND | |
|---------------|--------|
| POST | RED |
| ACCENT | YELLOW |
| PANEL | |
| SLIDE | BLUE |
| ROOF/TUBE | BLUE |
| BARREL | |
| CANOPY | |
| VINYL | BLUE |
| CHC PANEL | |
| OR CLIMBERS | |

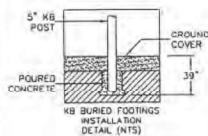
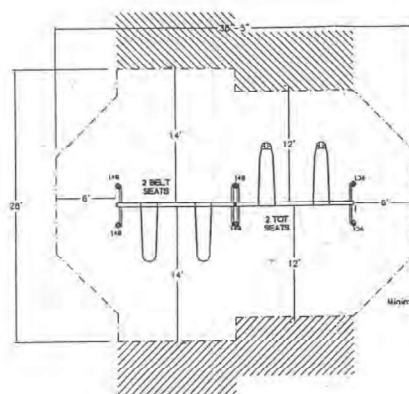


No-encroachment Zone



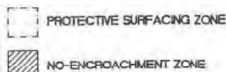
BELAIR
Recreational
Products Inc.

| | | | | |
|---|--|------------------------------------|---|-------------------|
| AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS. | A W3060952 | ✓ COMPLIES TO CSA 12" STRINGERS | DESIGNED FOR AGES 2-12 | SCALE: 1/8"=1'-4" |
| | GROUND SPACE: PROTECTIVE AREA: 35'-3" x 48'-11" | | ADDITIONAL DESIGN/INSTALLATION DETAILS REQUIRED FOR ALL COMPONENTS | DATE: 21AUG03 |
| | | | TYPE: (QUANTITY) | KG |



Playground Layout Compliance:

✓ CSA Z-614 Children's Playspaces and Equipment



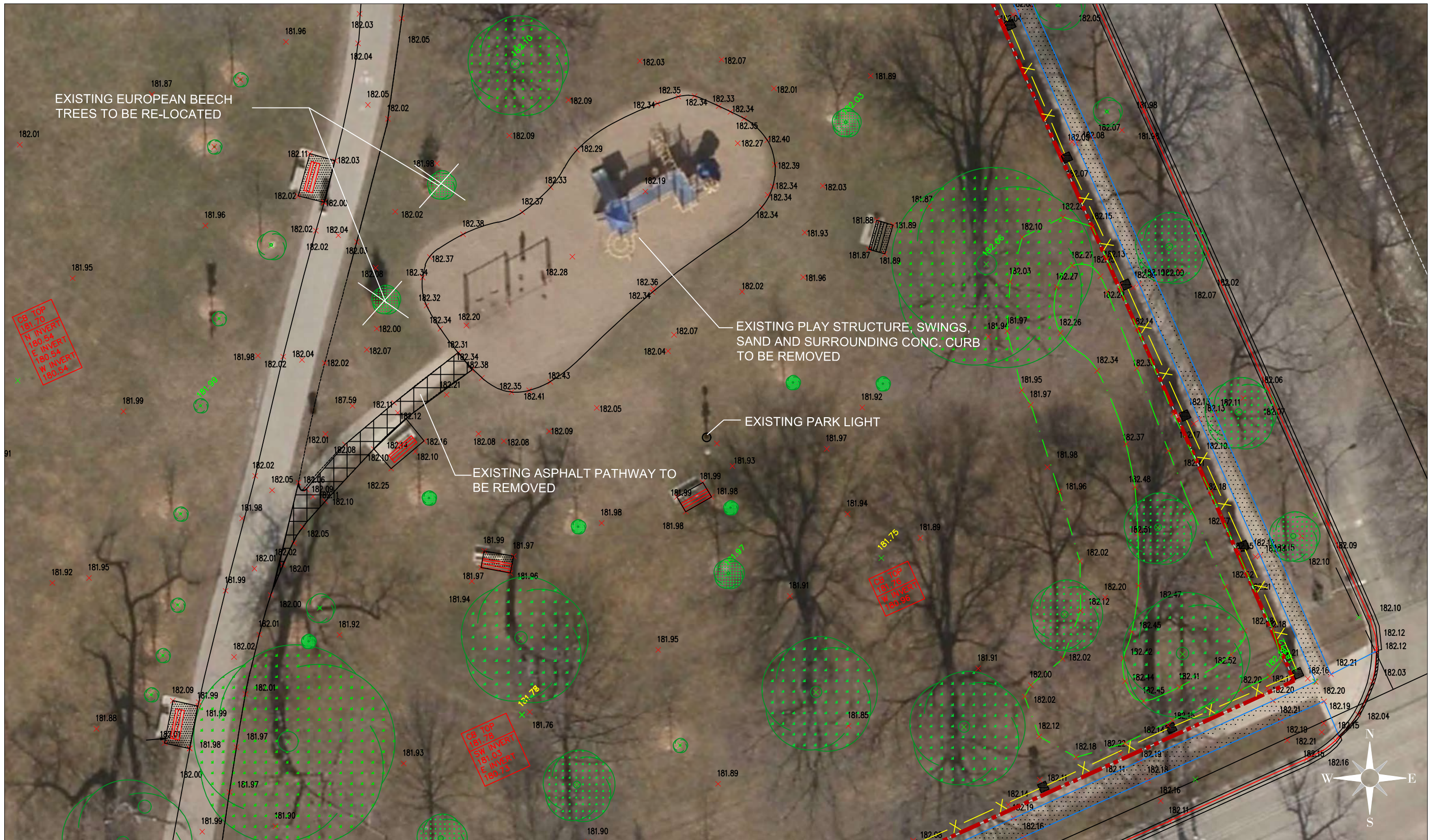
- GENERAL NOTES
1. Non-encroachment zone - that additional area adjacent to the protective surfacing zone intended to allow pedestrian traffic near the play equipment to use while maintaining any risk of injury to pedestrians.
 2. All steel heights are measured from top of ground cover or from play equipment.
 3. Fall absorbing ground cover is required under and around all play equipment.
 4. The minimum recommended fall zone around the entire playstructure is shown. This zone is to be free of all obstructions or other hazards (i.e. roots, rocks, border materials, etc.).
 5. This playstructure is designed to meet the performance and safety requirements of CSA for children 5-12 years and that all components are to be appropriate for all children. Supervision is required.
 6. All steel heights are identified by last showing the steel height, i.e. 39 represents a 39 inch post.
 7. Each steel must meet these and is to be supplied by steel.
 8. Steel-to-steel enclosure panel locations are marked by an asterisk. The height of steel cover may be found by subtracting the height from the highest such to which the steel-to-steel enclosure panel meets.

| |
|---|
| Project: KB Swings |
| LTCPS rep: Anita Cormier LTCPS Canada 800-265-9953 |
| Kid Builders: Post Material: Galvanized Post Color: Burgundy Accent Color: Tan Panel Color: [None] Slide Color: [None] Roof Color: [None] Mounting: Buried |
| Drawn by: Jason Heberlie Date: 12/1/01 DWG Name: QT96692 Scale: 1"=8' Approved by: [Signature] 12/1/01 |
| LTCPS - Paris P.O. Box 125 Paris, Ontario Canada N3L 3R7 Voice: 1-800-265-9953 Fax: 519-442-8200 |



Two European Beech trees to be removed (relocated if possible):





WILLISTEAD PLAYGROUND REPLACEMENT - REMOVALS

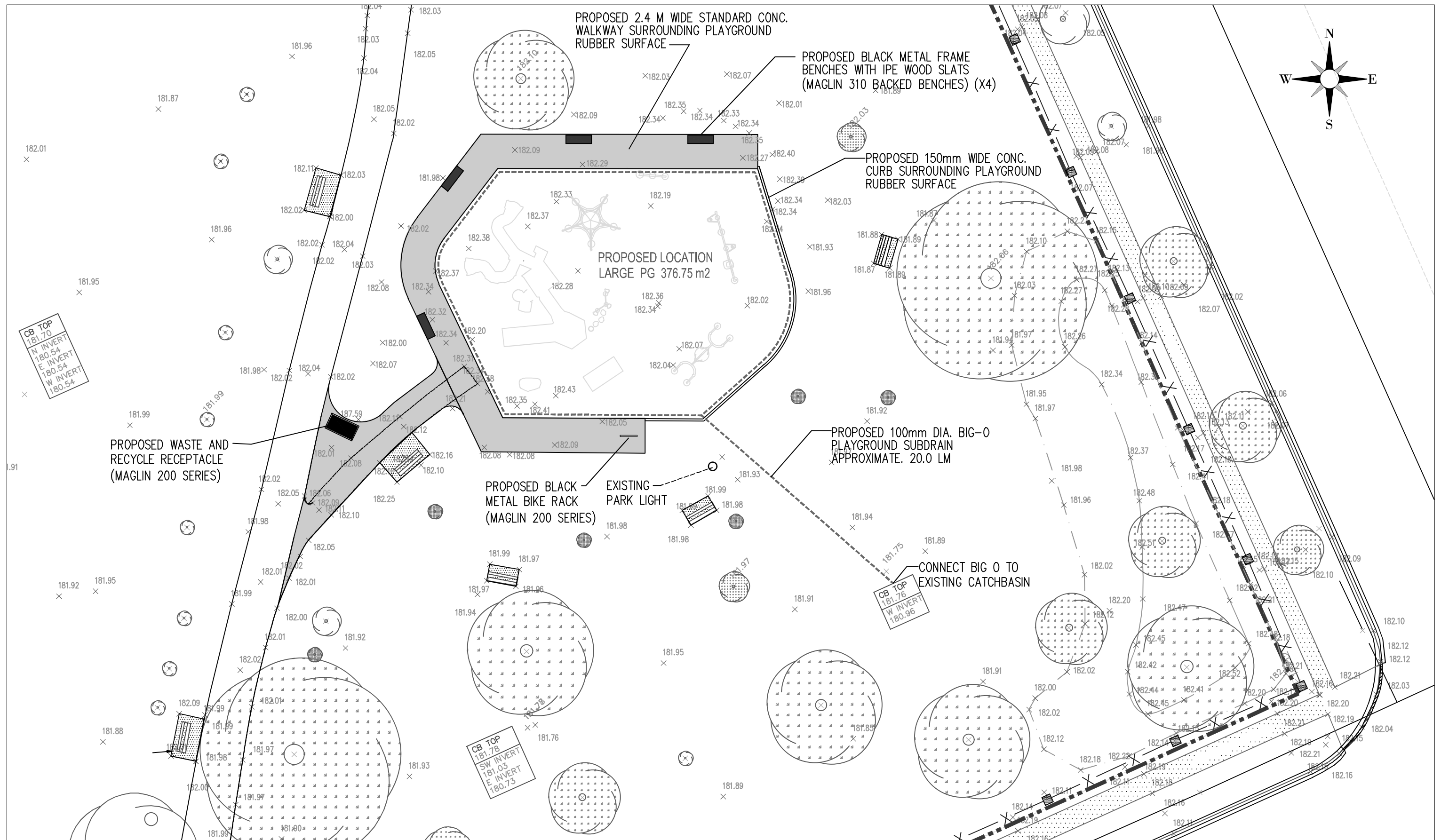
JANUARY 2023

1 : 250

Proposed Playground

- Large accessible playground with custom design to compliment the historic nature of Willistead Park
- Play area for ages 5-12 includes fully custom designed play building resembling Willistead Manor complete with gazebo in the yard featuring numerous flower-style play panels.
- Play area for ages 18 months – 5 years resembling history of the building itself.
- Different sides of the play structure resemble the different sides of the Tudor Style Manor designed by the famous architect Albert Kahn.
- Fully custom, hand-made barrel climber reflecting the prohibition era; fully custom, hand-made horse with saddle remembering the beautiful horse stable and encouraging creative play; historic Model T play unit for imaginative play.
- Including two large tube slides for different sliding experiences, a T-swing with two infant seats a multi-person utility swing, and a quiet, accessible play area underneath.
- Complete with EPDM rubber surfacing that adds to the theme with a roadway in front of the building itself.
- Conceptual images below:





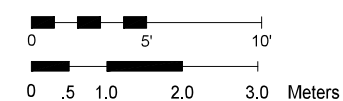
WILLISTEAD PLAYGROUND REPLACEMENT - PROPOSED WORKS

JANUARY 2023

1 : 250



City Council Meeting - February 27, 2023
Page 407 of 692



CONCRETE PAD
WITH BENCH



Custom products are shown as conceptual.

WILLISTEAD PARK
City Council Meeting - February 27, 2023
Page 408 of 692





WILLISTEAD PARK

City Council Meeting - February 27, 2023

Page 409 of 692



Custom products are shown as conceptual.



Custom products are shown as conceptual.

WILLISTEAD PARK
City Council Meeting - February 27, 2023
Page 410 of 692

 **PLAYWORLD**
The world never stops playing



Willistead Park



Custom products are shown as conceptual.



Custom products are shown as conceptual.

WILLISTEAD PARK
City Council Meeting - February 27, 2023
Page 412 of 692

 **PLAYWORLD**
The world needs play.

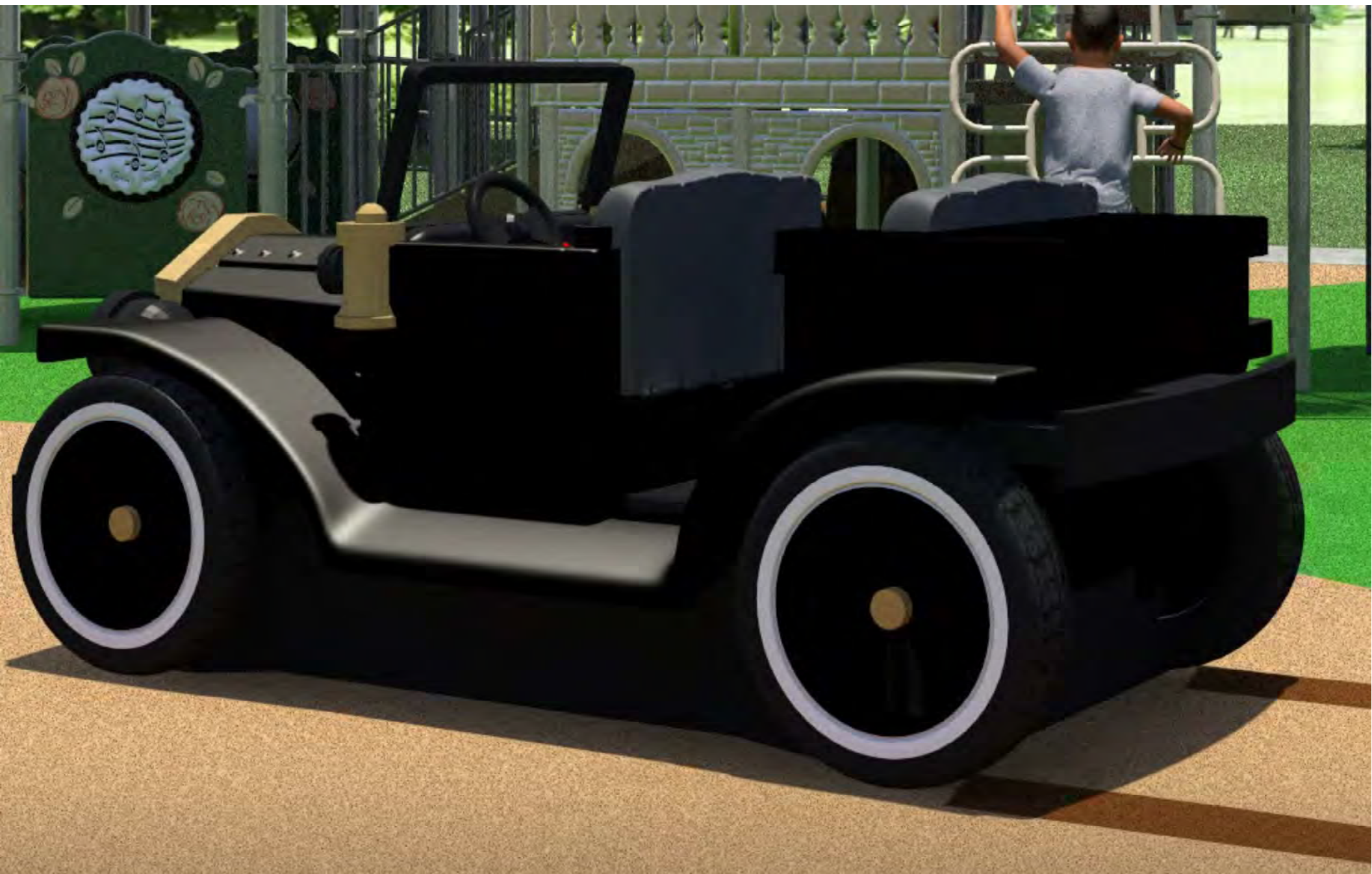




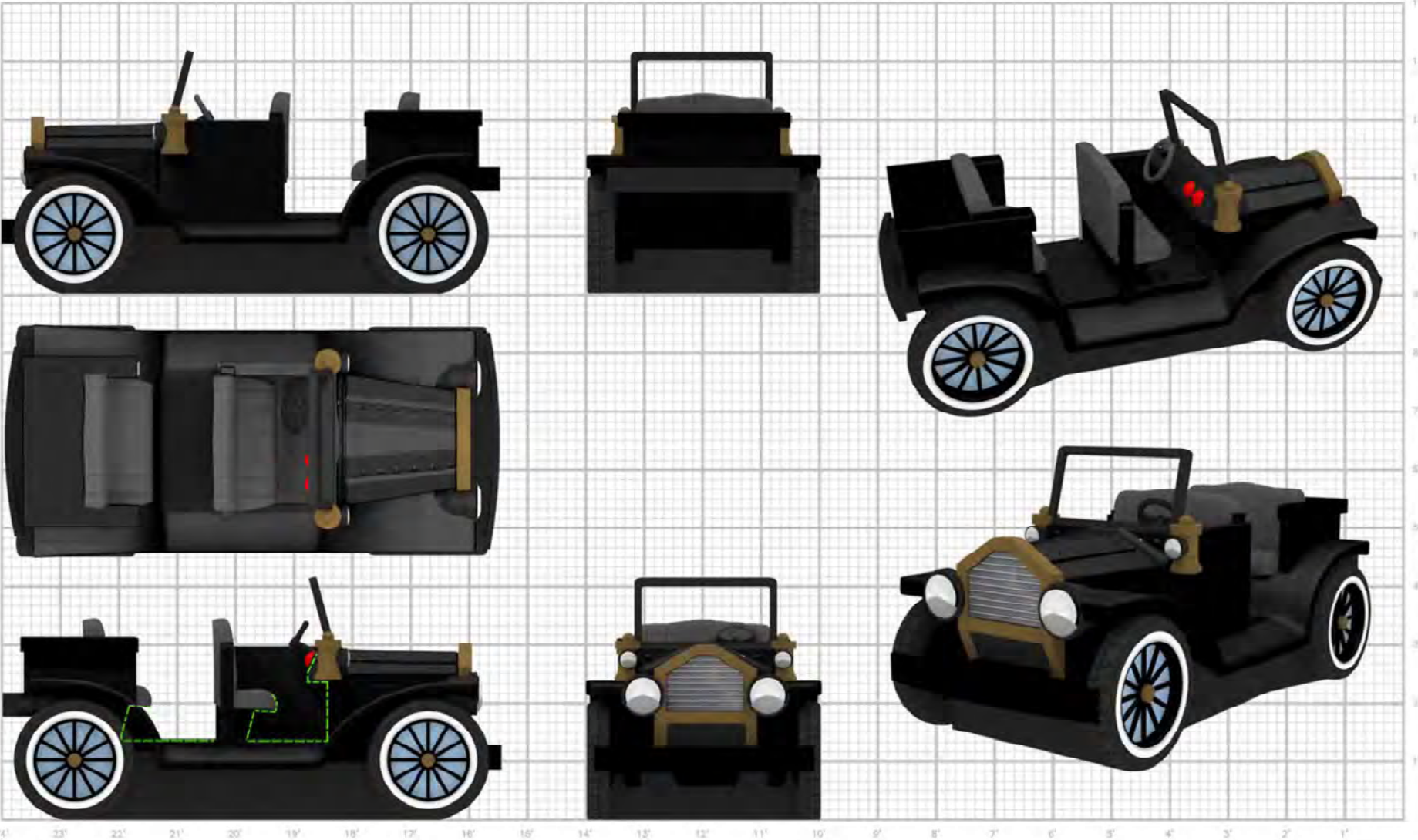




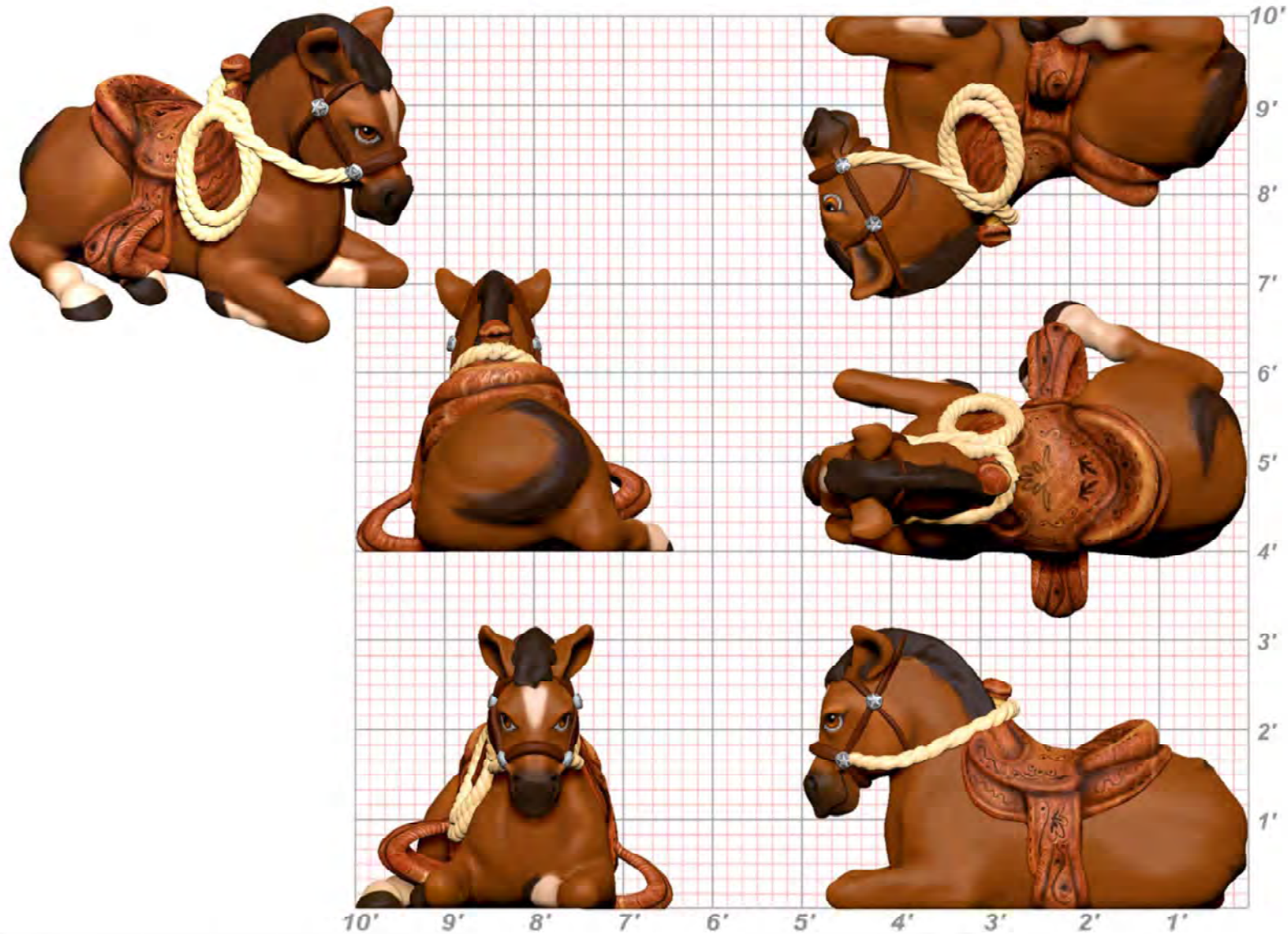




APPROVAL SIGNATURE _____ DATE APPROVED _____







Project Name

Horse and Saddle

Scale

1 Square = 2 Square Inches

© 2016 PLAYTIME LLC All Rights Reserved. Designs are the property of PLAYTIME and are not to be sold or distributed in any other party without expressed written consent. Prices, colors and designs are subject to change at the discretion of PLAYTIME.

City Council Meeting - February 27, 2023

Page 421 of 692

PLAYTIME, LLC
13310 James E. Casey Ave.
Englewood, CO 80112
303-662-0382
www.Playtime.com

 **PLAYTIME**
the softer side of play

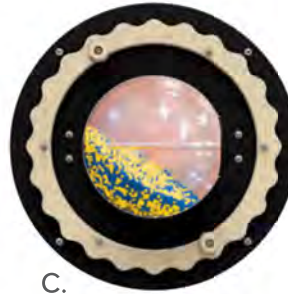
Activity Panels



A.



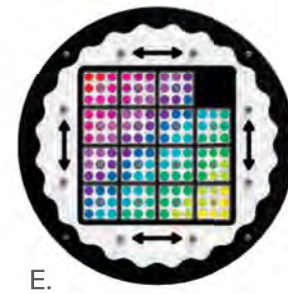
B.



C.



D.



E.



F.

Features

Keep kids engaged with interactive, world-altering panel play.

A. Add a little more intrigue to your Challengers® or Playmakers® structures for kids ages 2-12 with our activity panels. A standard frame, available for both deck and ground level use, and seven exciting insert options allow you to customize your playground with the visual, tactile, social, auditory, or cognitive play events you want. From optical illusions and puzzles to music play, there's a range of interactive sensory activities for everyone. Simply select a color for your Activity Panel Frame, then choose an Activity Panel Insert (colors as shown).

A. HYPNOTIZE INSERT

Spin the outer ring to feel the dizzying pull of this optical illusion

B. FUNHOUSE INSERT

Laugh at your distorted reflection in this wacky, cracked mirror.

C. VERY BURIED INSERT

Rotate the sphere to shift the pebbles and reveal hidden treasures.

D. A-MAZE-ING INSERT

Turn the outer ring to direct the metal ball into the center and back again.

E. FOUR-THE-WIN INSERT

Grab a partner and match four caps in a row to win, or invent your own rules.

F. SLIDE & SOLVE INSERT

Slide the tiles vertically and horizontally to solve the puzzle.

G. MAGICAL MUSIC INSERT

Make your own music in mode setting or listen to preset tunes at the touch of a button.

Unity® Hoopla Swing



Traditionally, swinging has largely been a singular event. The Unity® Swings are designed for multiple users to share in the experience and fun!

Soaring through the air is fun in itself, but the Unity Hoopla Swing provides so much more. As they swing, children's nervous systems are presented with continuous information for processing.

Children gain an understanding of how their bodies move through space and they gain a sense of how much speed they are comfortable with. The swinging, rocking motion can be very calming—especially for children on the autism spectrum. The shape of the swing supports a child's body, making it perfect for children with physical disabilities who might not otherwise be able to experience a swing.

- Holds up to 6 children
- Provides an inclusive, motion experience
- Develops both physical and social skills such as balance, coordination, body strength, and cooperation

Unity® Basket Swing (pictured with add-a-bay option)



The Basket Swing offers a unique swinging experience for children of all ages in a similar setting as the Hoopla Swing.

The Basket Swing is big enough to hold multiple children safely and comfortably, allowing children of varying physical abilities to enjoy the swing together. Parents can also accompany their young children, making it a swing that can be enjoyed and used by all.

The Basket Swing encourages social interaction by allowing children to face each other to socialize or simply enjoy the fun of swinging together.

- Comfortable material makes the swing accessible for all
- Encourages social interaction
- Great addition to inclusive playground
- Unity® Swings' sleek designs make them aesthetically pleasing in any play space
- Hoopla and Basket options are available for the single bay and the add-a bay, allowing you to mix or match
- Both swing options support multiple children and reinforce the Here, Now, Together ideology of Unity®

Willisted Park

Design Number: 21-7478A - Compliance and Technical Data

Reference Document: CAN/CSA-Z614:20

| Ref. No. | Part No. | Qty. | Description | Unit CSA Status | Total Weight (lbs) | Pre- Consumer Recycled Content (lbs) | Post- Consumer Content (lbs) | CO2e Footprint (kgs) | Users | Install Hours | Concrete (Yds3) | Active Play Events |
|-------------|----------|------|---|-----------------------|--------------------------|---|---------------------------------------|----------------------------|-------|------------------|--------------------|--------------------------|
| 1 | ZZXX0198 | 1 | UNITY SWING FRAME | Certified | 270.40 | | | 1,221 | 0 | 3.00 | 0.52 | 0 |
| 2 | ZZXX0203 | 1 | HOOPLA SWING | Certified | 48.50 | | | 278 | 4 | 1.50 | 0.00 | 4 |
| 3 | ZZXX0265 | 2 | INFANT SEAT W/SILVER SHIELD FOR 8ft TOP RAIL | Certified | 22.62 | | | 179 | 2 | 0.50 | 0.00 | 2 |
| 4 | ZZCH0007 | 2 | 3.5in OD x 100in STEEL POST W/ RIVETED CAP | Certified | 63.22 | | | 88 | 0 | 2.00 | 0.25 | 0 |
| 5 | ZZCH0028 | 6 | 3.5in OD x 136in STEEL POST W/ RIVETED CAP | Certified | 261.06 | | | 351 | 0 | 6.00 | 0.75 | 0 |
| 6 | ZZCH0038 | 2 | 3.5in OD x 148in STEEL POST W/ RIVETED CAP | Certified | 94.22 | | | 127 | 0 | 2.00 | 0.25 | 0 |
| 7 | ZZCH0048 | 1 | 3.5in OD x 160in STEEL POST W/ RIVETED CAP | Certified | 50.21 | | | 68 | 0 | 1.00 | 0.13 | 0 |
| 8 | ZZCH0058 | 3 | 3.5in OD x 172in STEEL POST W/RIVETED CAP | Certified | 156.03 | | | 218 | 0 | 3.00 | 0.38 | 0 |
| 9 | ZZCH0870 | 1 | 48in DECK STEEL FILLER POST (CH) | Certified | 29.12 | | | 53 | 0 | 0.75 | 0.13 | 0 |
| 10 | ZZPM0016 | 6 | 5in OD X 120in STEEL POST W/ RIVETED CAP | Certified | 402.66 | | | 596 | 0 | 6.00 | 0.78 | 0 |
| 11 | ZZPM0357 | 2 | 5in x 84in STEEL POST w/CAP | Certified | 106.06 | | | 145 | 0 | 2.00 | 0.24 | 0 |
| 12 | ZZCH0617 | 4 | TRIANGULAR COATED DECK ASSEMBLY | Certified | 119.60 | | | 480 | 8 | 4.00 | 0.00 | 0 |
| 13 | ZZCH0629 | 2 | LONG COATED DECK ASSEMBLY | Certified | 214.04 | | | 635 | 12 | 2.00 | 0.00 | 0 |
| 14 | ZZCH2530 | 2 | 12in DECK TO DECK KICK PLATE | Certified | 17.70 | | | 33 | 0 | 1.00 | 0.00 | 0 |
| 15 | ZZPM0619 | 1 | HEX COATED DECK ASSEMBLY | Certified | 228.72 | | | 638 | 8 | 2.00 | 0.00 | 0 |
| 16 | ZZUN2290 | 3 | COATED DECK TO DECK CONNECTION KIT | Certified | 0.87 | | | 11 | 0 | 1.50 | 0.00 | 0 |
| 17 | ZZUN5898 | 1 | CH/PM CONVERSION PLATFORM | Certified | 59.45 | | | 225 | 1 | 2.00 | 0.00 | 0 |
| 18 | ZZPM7537 | 1 | GROUND TO DECK WHEELCHAIR RAMP W/ GUARDRAILS (12in RISE) | Certified | 388.84 | | | 782 | 4 | 3.00 | 0.00 | 0 |
| 19 | ZZUN9390 | 1 | 6in WHEELCHAIR RAMP CENTER SUPPORT | Certified | 7.93 | | | 10 | 0 | 0.50 | 0.06 | 0 |
| 20 | ZZCH3006 | 2 | 30in ROUND TUBE SLIDE ENTRANCE/EXIT | Certified | 306.40 | | | 1,694 | 4 | 4.00 | 0.06 | 2 |
| 21 | ZZUN3007 | 4 | 30in ROUND STRAIGHT TUBE SECTION | Certified | 104.08 | | | 724 | 0 | 1.00 | 0.00 | 0 |
| 22 | ZZUN3008 | 2 | 30in ROUND LEFT TUBE SECTION | Certified | 52.04 | | | 362 | 0 | 0.50 | 0.00 | 0 |



Willisted Park

Design Number: 21-7478A - Compliance and Technical Data

Reference Document: CAN/CSA-Z614:20

| Ref. No. | Part No. | Qty. | Description | Unit CSA Status | Total Weight (lbs) | Pre- Consumer Recycled Content (lbs) | Post- Consumer Content (lbs) | CO2e Footprint (kgs) | Users | Install Hours | Concrete (Yds3) | Active Play Events |
|----------------|------------|------|---|-----------------------|--------------------------|---|---------------------------------------|----------------------------|-----------|------------------|--------------------|--------------------------|
| 23 | ZZUN3009 | 4 | 30in ROUND RIGHT TUBE SECTION | Certified | 104.08 | | | 724 | 0 | 1.00 | 0.00 | 0 |
| 24 | ZZUN3028 | 2 | ROUND TUBE SLIDE SUPPORT LEG 5ft | Certified | 40.70 | | | 114 | 0 | 0.00 | 0.00 | 0 |
| 25 | ZZUN3037 | 2 | ROUND TUBE SLIDE SUPPORT LEG 2ft | N/A | 30.80 | | | 92 | 0 | 1.00 | 0.06 | 0 |
| 26 | ZZPM0599 | 3 | WHEELCHAIR CURB FOR HALF PANELS | Certified | 23.61 | | | 75 | 0 | 0.75 | 0.00 | 0 |
| 27 | ZZPM4396 | 1 | ACCESSIBLE MAZE PANEL | Certified | 24.72 | | | 194 | 0 | 0.50 | 0.00 | 2 |
| 28 | ZZPM4406 | 1 | | Certified | 31.59 | | | 237 | 1 | 0.50 | 0.00 | 1 |
| 29 | ZZPM4288 | 1 | ACCESS GATE | Certified | 34.38 | | | 92 | 0 | 0.50 | 0.00 | 0 |
| 30 | ZZUN8811 | 1 | 12in STONE PILLAR | Certified | 140.81 | | | 591 | 1 | 1.50 | 0.06 | 1 |
| 31 | ZZPM4409 | 1 | ACCESSIBLE BELL PANEL | Certified | 32.28 | | | 275 | 0 | 0.50 | 0.00 | 0 |
| 32 | ZZPM4714 | 1 | HEX SHADE | Certified | 562.50 | | | 1,990 | 0 | 10.00 | 0.12 | 0 |
| 33 | ZZPM9727 | 1 | PM HEX HAT POST SUPPORTS | Certified | 156.40 | | | 495 | 0 | 1.00 | 0.00 | 0 |
| 34 | ZZCH9177 | 1 | 36in ACCESS STEPPED PLATFORM (DECK TO DECK) | Certified | 217.24 | | | 550 | 2 | 1.50 | 0.00 | 0 |
| 35 | ZZUN1471 | 1 | INSTALLER HARDWARE KIT | N/A | | | | 57 | | | | |
| 36 | ZZUN9930 | 1 | PIPE SYSTEMS MAINTENANCE KIT W/ AEROSOL | N/A | | | | 90 | | | | |
| 37 | ZZXX0112 | 1 | CSA AGE GROUP LABELS | N/A | | | | 1 | | | | |
| 38 | ZZXX0679 | 1 | LABEL KIT- COMPOSITE STRUCTURE - CSA | N/A | 0.04 | | | TBD | 0 | 0.08 | 0.00 | 0 |
| 39 | ZZXXGNGUIC | | ***CUSTOM PIECES*** | N/A | | | | 1 | | | | 28 |
| Totals: | | | | | 4,402.92 | 612 | 1,336 | 14,495 | 47 | 68.08 | 3.78 | 40 |
| | | | | | 1,981.31 Kg | 275 Kg | 601 Kg | 14 Metric Tons | | | | |
| | | | | | | | | | | 2.87 m3 | | |



Willisted Park

Design Number: 21-7478A - Compliance and Technical Data

Reference Document: CAN/CSA-Z614:20

| Ref. No. | Part No. | Qty. | Description | Unit CSA Status | Total Weight (lbs) | Pre- Consumer Recycled Content (lbs) | Post- Consumer Content (lbs) | CO2e Footprint (kgs) | Users | Install Hours | Concrete (Yds3) | Active Play Events |
|-------------|----------|------|-------------|-----------------------|--------------------------|---|---------------------------------------|----------------------------|-------|------------------|--------------------|--------------------------|
|-------------|----------|------|-------------|-----------------------|--------------------------|---|---------------------------------------|----------------------------|-------|------------------|--------------------|--------------------------|

CAN/CSA-Z614:20

The lay-out for this custom playscape, design number 21-7478A, has been configured to meet the requirements of the CAN/CSA-Z614:20 standard. In addition, each of the above components listed as "Certified" have been tested and are IPEMA certified. Components listed as "Not Applicable" do not fall within the scope of the CAN/CSA-Z614:20 standard and have not been tested. IPEMA certification can be verified on the IPEMA website, www.ipema.org. In the interest of playground safety, IPEMA provides a Third Party Certification Service which validates compliance.

Installation Times

Installation times are based on one experienced installer. A crew of three experienced individuals can perform the installation within the given time, each member working 1/3 of the given hours. [Eg. Installation Time = 30 hours. For a crew of three, each member will work 10 hours on the installation for a total of 30 hours on the project.]

Carbon Footprint

The CO2e (carbon footprint given in Kilograms and Metric Tons) listed above is a measure of the environmental impact this play structure represents from harvesting raw materials to the time it leaves our shipping dock. Playworld Systems nurtures a total corporate culture that is focused on eliminating carbon producing processes and products, reducing our use of precious raw materials, reusing materials whenever possible and recycling materials at every opportunity. Playworld Systems elected to adopt the Publicly Available Specification; PAS 2050 as published by the British Standards Institute and sponsored by Defra and the Carbon Trust. The PAS 2050 has gained international acceptance as a specification that measures the greenhouse gas emissions in services and goods throughout their entire life cycle.

Pre-Consumer Recycle Content

A measurement, in pounds, that qualifies the amount of material that was captured as waste and diverted from landfill during an initial manufacturing process and is being redirected to a separate manufacturing process to become a different product. E.g. 100% of our Aluminum Tubing is made from captured waste material during the manufacturing process of extruded Aluminum products such as rods, flat bars and H-channels.

Post-Consumer Recycle Content

A measurement, in pounds, that qualifies the amount of material that was once another product that has completed its lifecycle and has been diverted from a landfill as a solid waste through recycling and is now being used in a Playworld Systems' product. E.g. **20% to 40% of the steel in our steel tubing and sheet steel have been diverted from landfills. Automobiles are scrapped and recyclable steel is purchased by the steel mill that produces our raw product.

** The amount of Post-Consumer recycled steel fluctuates daily based on the availability of the recycled steel.

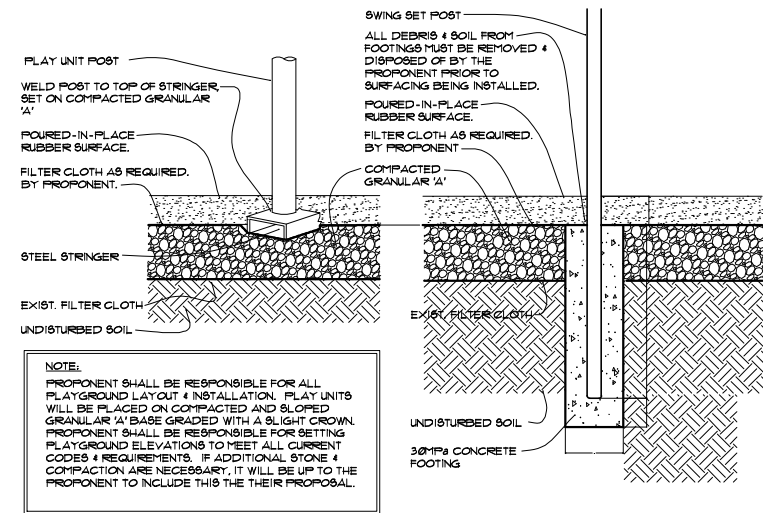


GENERAL NOTES:

1. CONTRACTOR TO CALL FOR LOCATES PRIOR TO COMMENCEMENT OF ANY WORK ON SITE. CONTRACTOR TO DETERMINE AND VERIFY THE LOCATION AND EXISTENCE OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. ADVISE THE PROJECT MANAGER FOR ANY CONFLICT BETWEEN EXISTING UTILITIES AND NEW WORK.
2. THE LOCATION OF UTILITIES IF INDICATED ON THE DRAWING IS NOT CERTIFIED TO BE ACCURATE. THE ONUS LIES ON THE CONTRACTOR AFTER ACCEPTANCE OF ANY CONTRACT AWARD TO OBTAIN AT THEIR OWN EXPENSE THE EXACT LOCATION OF EACH UTILITY. NO EXTRAS TO THE CONTRACT OR CLAIM FOR COMPENSATION WILL BE ALLOWED IF IT SHOULD BE DISCOVERED THAT ANY UTILITY IS ACTUALLY LOCATED IN THE SITE, LINE OR GRADE THAT IS IN VARIANCE WITH THE SITE, LINE OR GRADE SHOWN ON THIS DRAWING.
3. CONTRACTOR TO INFORM CITY PROJECT MANAGER OF COMMENCEMENT OF WORK DATE OF WORK START UP TIME PRIOR TO ANY ONSITE OPERATIONS TAKING PLACE. THE CITY WILL MEET CONTRACTOR ON SITE TO REVIEW ALL WORK PRIOR TO COMMENCEMENT. A MINIMUM OF 48 HOURS NOTICE SHALL BE GIVEN TO THE CITY PRIOR TO STARTING WORK.
4. THE CONTRACTOR TO VERIFY THE GRADES OF ALL PROPOSED INVERTS, CATCH BASINS AND MANHOLE TOP ELEVATIONS AND ADJUST TO SUITE EXISTING GRADES. ALL DRAINAGE INSTALLED AS A RESULT OF THIS WORK SHALL HAVE POSITIVE DRAINAGE TO EXISTING CATCH BASINS AND OR MANHOLES. CONTRACTOR TO VERIFY DEPTHS AND GRADES IN THE FIELD WITH CITY PROJECT MANAGER. CONTRACTOR TO OBTAIN ALL PERMITS REQUIRED FOR ANY DRAINAGE WORK IF NECESSARY.
5. REPAIR ANY DAMAGE DONE AS A RESULT OF CONSTRUCTION. VERIFY THAT ALL EXISTING SITE CONDITIONS ARE AS SHOWN ON THE PLANS. THE CONTRACTOR IS RESPONSIBLE TO THE CITY FOR ANY DAMAGE DONE TO A UTILITY THROUGH ANY ACT OF NEGLIGENCE BY THE CONTRACTOR OR ANYONE ACTING UNDER THE AUTHORITY OF THE CONTRACTOR.
6. ALL WORK TO BE PERFORMED IN COMPLIANCE WITH THE HEALTH AND SAFETY ACT LATEST REVISIONS AS WELL AS THE CITY OF WINDSOR HEALTH AND SAFETY REGULATIONS.
7. ALL NEW CONCRETE BARRIER CURBS TO CONFORM TO THE CITY OF WINDSOR STANDARDS AND AS PER DRAWINGS. ALL CONCRETE WORK TO MEET CITY OF WINDSOR STANDARDS ALL SLOPES MUST MEET OR EXCEED CITY OF WINDSOR FADS AND ACCA REGULATIONS.
8. RESTORATION OF ANY AREAS DISTURBED AS A RESULT OF CONSTRUCTION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RESTORE TO EXISTING CONDITIONS OR BETTER INCLUDING DAMAGED ASPHALT, CONCRETE, CURBS OR ANY OTHER SITE FEATURE DAMAGED AS A RESULT OF CONTRACTOR OPERATIONS. GRADING WILL BE RESTORED AS ROUGH FINISHED GRADE AND THE CITY WILL PERFORM ALL FINISHED SITE GRADING AFTER WORK HAS BEEN COMPLETED. ROUGH GRADING INCLUDES ELIMINATING ANY TRIP HAZARDOUS UNEVEN AREAS TO ALLOW FOR POSITIVE DRAINAGE.
9. GRADES AND DIMENSIONS ARE PROVIDED FOR CONVENIENCE TO BIDDER AND ARE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE OR VERIFY WITH THE CITY PROJECT MANAGER.
10. PLAYGROUND SITE WORK TO BE CONFIRMED WITH PROJECT MANAGER PRIOR TO POURING CONCRETE. CONTRACTOR TO ENSURE ALL NECESSARY FALL ZONE AREAS ARE MET AND MARKED OUT AROUND PLAYGROUND PIT PRIOR TO ANY PERIMETER CONCRETE BEING POURED.

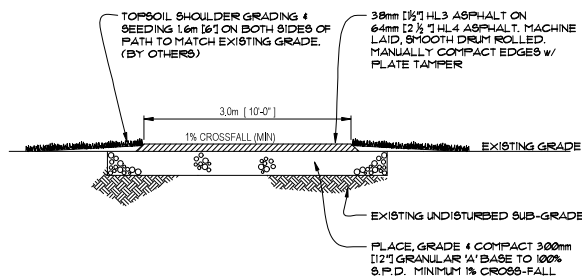
EXISTING TREE PROTECTION

1. THE FOLLOWING NOTES WILL PERTAIN TO ANY AND ALL EXISTING TREES ON THE SITE LOCATED WITHIN THE CONSTRUCTION AREA OR ADJACENT TO ANY CONSTRUCTION OPERATIONS AS A RESULT OF WORK BEING PERFORMED.
2. PRIOR TO ANY DEMOLITION OR CONSTRUCTION, PROTECT ALL TREES TO REMAIN AS DIRECTED BY THE PROJECT MANAGER OR BY ERECTING SNOW FENCE BEYOND THE DRIP LINE OR AS CLOSE AS POSSIBLE TO THE DRIP LINE TO THE SATISFACTION OF THE PROJECT MANAGER. DO NOT STORE OR STOCKPILE ANY BUILDING MATERIALS OR EQUIPMENT INSIDE THE DRIP LINE OF EXISTING TREES.
3. IF RE-GRADING IS REQUIRED BETWEEN THE DRIP LINE OF AN EXISTING TREE, DO NOT REMOVE OR ADD MORE THAN 100MM (4") OF SOIL. IF THE SITUATION REQUIRES A CHANGE IN GRADE OF MORE THAN 100MM (4") NOTIFY THE CITY PROJECT MANAGER FOR FURTHER INSTRUCTION.
4. DO NOT WRAP OR RIG CABLES AROUND OR IN ANY TREE.
5. DO NOT FLUSH OR DISPOSE OF ANY CHEMICALS OR OTHER CONTAMINATES BETWEEN THE TRUCK OF THE TREE AND TWICE THE RADIUS OF THE HEAD OF THE TREE. DO NOT WASH OFF VEHICLES OR TRUCKS NEAR OR UNDER THE DRIP LINE OF ANY TREE. VEHICLES OF ANY KIND MUST BE RINSED ON HARD SURFACE AREA SUCH AS STONE, ASPHALT OR CONCRETE.
6. WHERE LIMBS OR PORTIONS OF THE TREE ARE TO BE REMOVED AS A RESULT OF CONSTRUCTION WORK CAREFULLY REMOVE THEM IN ACCORDANCE WITH ACCEPTED ARBORCULTURE PRACTICE.
7. ANY TREES DAMAGED AS A RESULT OF CONSTRUCTION BEYOND REPAIR MUST BE REPLACED TO THE SATISFACTION OF THE CITY OF WINDSOR WITH NEW TREE CALLIPER NO LESS THAN 150MM. THE CONTRACTOR TO NOTIFY THE CITY PROJECT MANAGER AS SOON AS ANY DAMAGE HAS OCCURRED TO ANY EXISTING TREE.



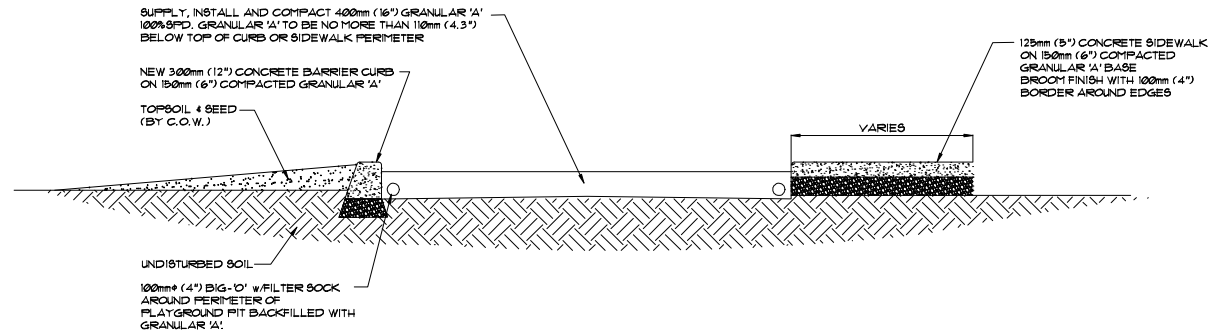
PLAYGROUND PIT DETAILS

NTS



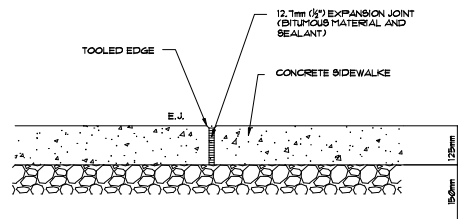
ASPHALT PATH

NTS



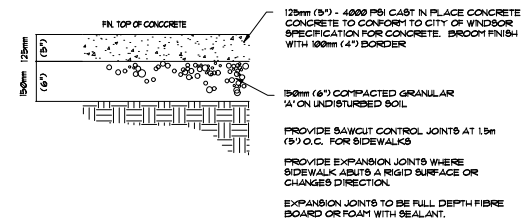
SECTION A-A
TYPICAL SECTION THRU PLAY AREA

NTS



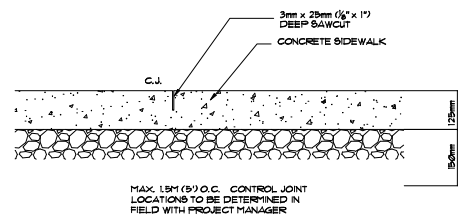
SIDEWALK EXPANSION JOINT

NTS



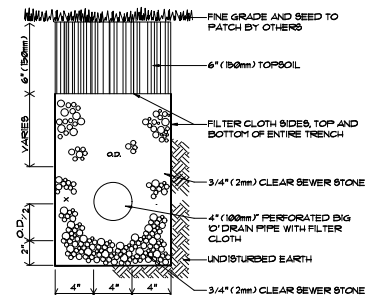
CONCRETE SIDEWALK

NTS



SIDEWALK CONTROL JOINT

NTS





PERFORATED BIG 'O'
INSTALLATION DETAIL

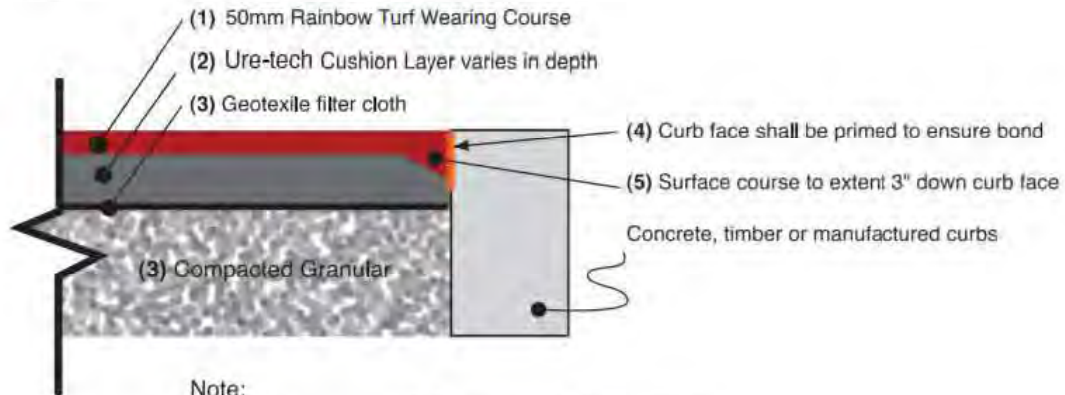
NTS

LEGEND

NOTES

| | |
|---|---------------|
| June 12/18 | TENDER |
| Date | Issued for |
| Revisions | |
| Community Services Parks and Forestry 2450 McDougall St. Windsor, Ontario N8X 3N6 253 - 2300 | |
|   | |
| PLAYGROUND CONCRETE AND SITEWORK | |
| DETAIL SHEET | |
| Sheet Title | |
| Date | NOVEMBER 2021 |
| Design | T.D. |
| Drawn | S. P. H. |
| Cad File | Plot Date |
| Scale AS SHOWN | |
| xxx-21 | |
| Project No. | |
| 1 of 1 | |
| Sheet No. | |

Edge Detail At Curbs



Note:

- 1) Surface course shall measure minimum 50mm
- 2) Cushion layer varies in thickness and is dependent of Critical Height of Structure
- 3) Base for Ure-tech Surfacing shall be installed as per Ure-tech specifications

Current Method with curbing around the playground

Proposed Benches

Maglin – 300 Series

- Black, surface mounted, 70-inch length
- Cast aluminum ends, Ipe wood seat and back, two end arms
- Four proposed along playground perimeter sidewalk
- Conceptual images below:



300 Series

310 BACKED BENCHES

Places of prominence demand beautifully crafted, elegant outdoor seating. The stately 300 Series – 310 Bench offers intricately detailed solid cast aluminum ends with optional metal, Ipe wood, or HDPE recycled plastic seat and back surfaces.

Standard Powdercoat Colors

Gloss Collection



Fine Textured Collection* (matte finish)



Due to variations in screen resolution, color swatches may vary slightly from actual colors. Please contact Maglin for samples. *Fine Textured Paint available for an upcharge. Not available on metal table tops and stacking chairs, or for vinyl graphic application.

Proposed Bike Rack

Maglin – 200 Series

- Black, steel, surface mounted
- Conceptual images below:



200 Series

200 BIKE RACKS

The 200 Series – 200 Bicycle Rack is familiar, dependable and complements other classic designs from our collections. Custom raised lettering is available for personalization, along with optional direct burial or surface mount installation, making this bike rack a favored choice with municipal purchasers.

MBR-0200-00005

200 Series – 200 Bike Rack: H.S. Steel Tube, Aluminum Spun Top, Surface Mount, 2 Bike Configuration

Proposed Waste Receptacles

Maglin – 200 Series

- Black, steel flat-bar frame, flared top, dome lid, garbage and recycling
- Conceptual images below:



Black colour



Dome Lid



Multi-Unit

200 Series

200 RECYCLE RECEPTACLE

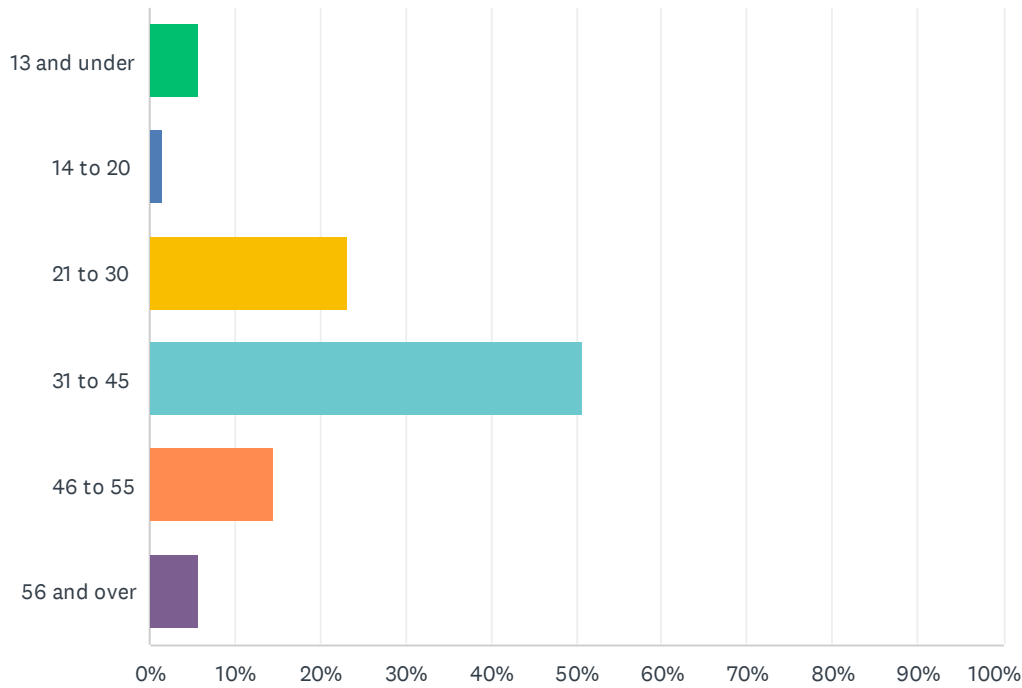
The 200 Series – 200 Recycle Unit balances traditional form and robust, heavy-duty steel flat bar construction with the needs of the modern urban environment. This option is available in 2 or 3 streams, with 20-gallon commercial-grade plastic liners and black molded ABS or metal lid options. A single-stream option is also available with a metal lid. A variety of lid configurations allow for the appropriate sorting of litter, recyclables, or organics.

MRR-0200-00008

200 Series – 200 Recycle Receptacle: Heavy Duty Steel Flat Bar Frame, Black ABS Plastic Lid, 3 Stream, 3 x 20 Gallon Polyethylene Liners, Lamacoid Labels

Q1 What is your Age

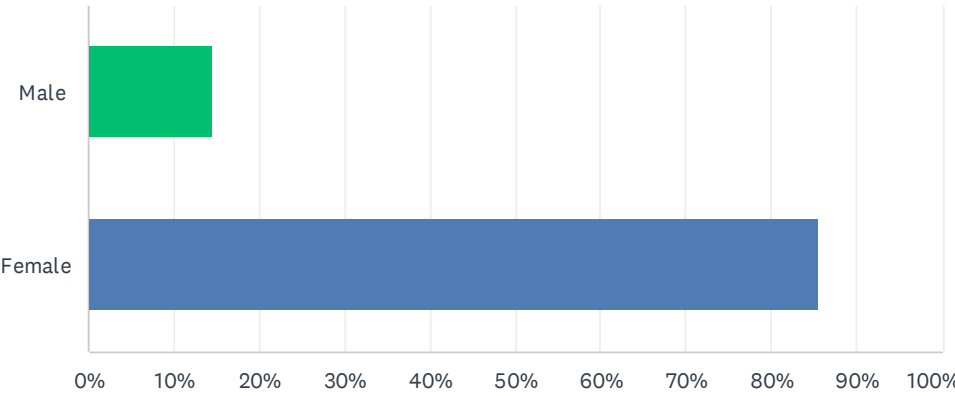
Answered: 69 Skipped: 0



| ANSWER CHOICES | RESPONSES | |
|-----------------------|-----------|----|
| 13 and under | 5.80% | 4 |
| 14 to 20 | 1.45% | 1 |
| 21 to 30 | 23.19% | 16 |
| 31 to 45 | 50.72% | 35 |
| 46 to 55 | 14.49% | 10 |
| 56 and over | 5.80% | 4 |
| Total Respondents: 69 | | |

Q2 What is your gender?

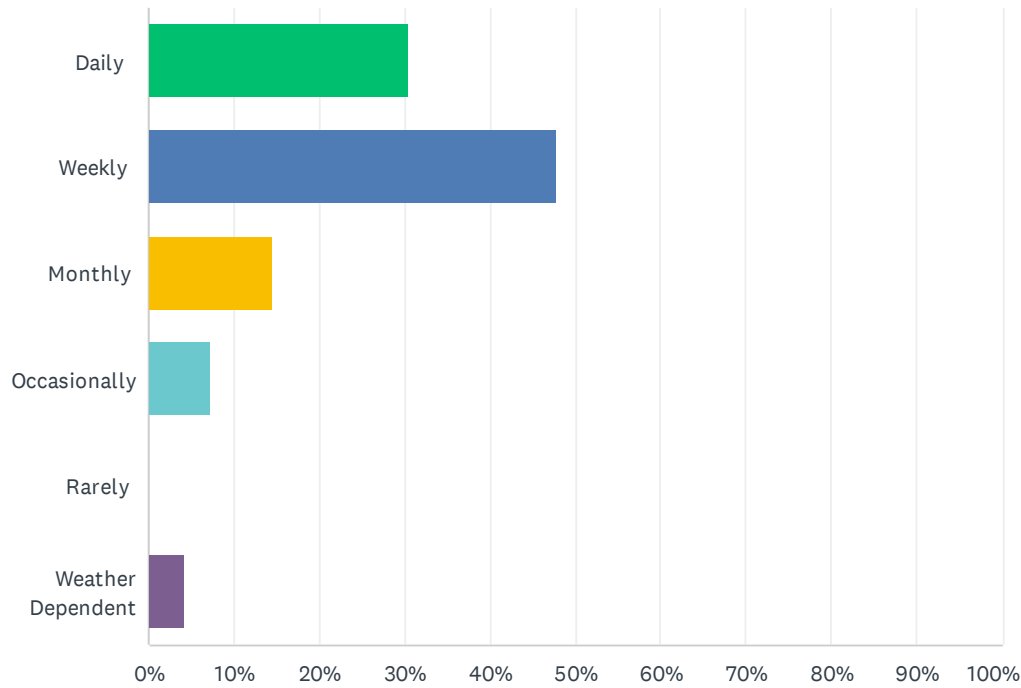
Answered: 69 Skipped: 0



| ANSWER CHOICES | RESPONSES | |
|-----------------------|-----------|----|
| Male | 14.49% | 10 |
| Female | 85.51% | 59 |
| Total Respondents: 69 | | |

Q3 How often do you or your family use the playground?

Answered: 69 Skipped: 0

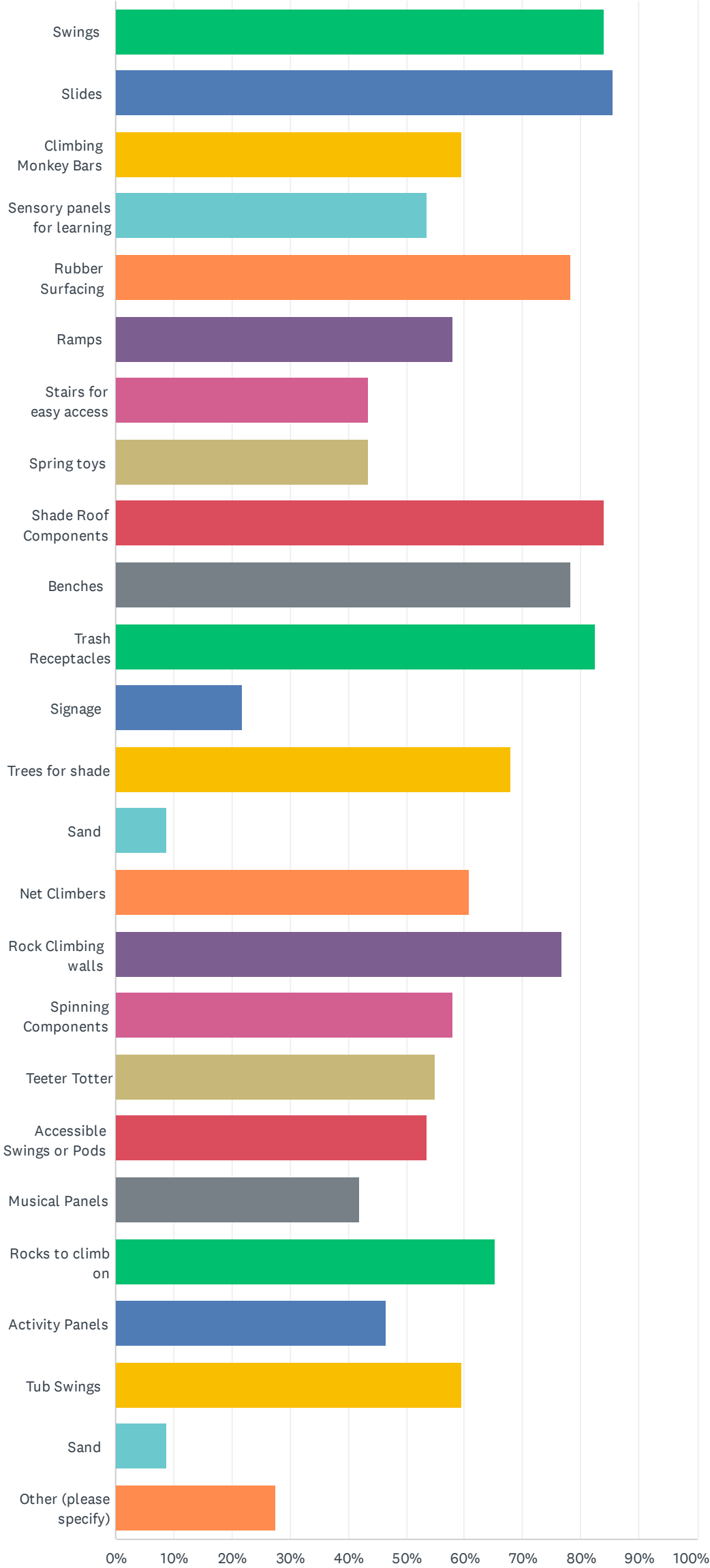


| ANSWER CHOICES | RESPONSES | |
|-----------------------|-----------|----|
| Daily | 30.43% | 21 |
| Weekly | 47.83% | 33 |
| Monthly | 14.49% | 10 |
| Occasionally | 7.25% | 5 |
| Rarely | 0.00% | 0 |
| Weather Dependent | 4.35% | 3 |
| Total Respondents: 69 | | |

Q4 What elements would you like to see at the playground? check all boxes that apply

Answered: 69 Skipped: 0

Willistead Park - Playground Survey



Willistead Park - Playground Survey

| ANSWER CHOICES | RESPONSES | |
|-----------------------------|-----------|----|
| Swings | 84.06% | 58 |
| Slides | 85.51% | 59 |
| Climbing Monkey Bars | 59.42% | 41 |
| Sensory panels for learning | 53.62% | 37 |
| Rubber Surfacing | 78.26% | 54 |
| Ramps | 57.97% | 40 |
| Stairs for easy access | 43.48% | 30 |
| Spring toys | 43.48% | 30 |
| Shade Roof Components | 84.06% | 58 |
| Benches | 78.26% | 54 |
| Trash Receptacles | 82.61% | 57 |
| Signage | 21.74% | 15 |
| Trees for shade | 68.12% | 47 |
| Sand | 8.70% | 6 |
| Net Climbers | 60.87% | 42 |
| Rock Climbing walls | 76.81% | 53 |
| Spinning Components | 57.97% | 40 |
| Teeter Totter | 55.07% | 38 |
| Accessible Swings or Pods | 53.62% | 37 |
| Musical Panels | 42.03% | 29 |
| Rocks to climb on | 65.22% | 45 |
| Activity Panels | 46.38% | 32 |
| Tub Swings | 59.42% | 41 |
| Sand | 8.70% | 6 |
| Other (please specify) | 27.54% | 19 |
| Total Respondents: 69 | | |

| # | OTHER (PLEASE SPECIFY) | DATE |
|----|---|-------------------|
| 1 | small sandbox, but no open sand as a playground surface | 8/27/2021 2:40 PM |
| 2 | Swings, slides, monkey bars and rubber surfacing | 8/27/2021 9:30 AM |
| 3 | Splash pad | 8/20/2021 1:23 PM |
| 4 | Multiple swings including an accessible swing, at least two baby swings (there is a period in which swings are the only things at the playground that babies can use and thus more than one is needed - for instance, I would avoid any playground with only one baby swing for a period of about two years in case it is occupied), and big kid swings (ideally more than one). With respect to accessible swings which fortunately have become common at Windsor playgrounds - some have a rubber clasp which breaks easily and doesn't secure whereas others have a metal clasp which secures much more safely and should be used exclusively. It is also critical that an accessible swing not be considered a substitute for a baby swing. | 8/17/2021 1:37 PM |
| 5 | adult exercise equipment | 8/13/2021 1:24 PM |
| 6 | recycling recepticles | 8/8/2021 8:27 AM |
| 7 | NO MORE SAND PLEASE | 8/7/2021 8:31 PM |
| 8 | Splash pad/ wade pool | 8/7/2021 7:55 PM |
| 9 | Washrooms | 8/7/2021 6:25 PM |
| 10 | Bathroom | 8/7/2021 5:28 PM |
| 11 | SPLASH PAD | 8/7/2021 5:27 PM |
| 12 | Zip line | 8/7/2021 9:31 AM |
| 13 | water filling station | 8/7/2021 7:23 AM |

| Willistead Park - Playground Survey | | |
|-------------------------------------|--|-------------------|
| 14 | Swing | 8/6/2021 4:23 PM |
| 15 | Splash pad | 8/6/2021 1:43 PM |
| 16 | Shade needed | 8/6/2021 12:35 PM |
| 17 | Bathrooms! We always go to the parks with bathrooms available. So do many friends. | 8/6/2021 12:09 PM |
| 18 | Water station for bottle refills | 8/6/2021 12:07 PM |
| 19 | exercise equipment for adults! | 8/6/2021 10:52 AM |

Q5 What is your favorite playground component from the list above?

Answered: 63 Skipped: 6

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | rock climbing | 8/27/2021 2:40 PM |
| 2 | Slides | 8/27/2021 11:36 AM |
| 3 | Sensory panels | 8/27/2021 10:37 AM |
| 4 | Rubber surfacing with slides | 8/27/2021 9:51 AM |
| 5 | Rubber surfacing | 8/27/2021 9:44 AM |
| 6 | For me - the rubber surfacing. The sand never feels safe - never know what is hidden underneath. I cringe seeing parents let their kids have bar feet playing in it. My kids would say swings are their favourite but love the monkey bars and high slides too. | 8/27/2021 9:30 AM |
| 7 | Ladders | 8/26/2021 9:52 PM |
| 8 | Variety and trees | 8/20/2021 1:23 PM |
| 9 | Swings have been of the most use to my child thus far and are good for different ages and accessibility (please see my comment above about why I feel that multiple baby swings are important in addition to accessible and big kid swings). However, the most important features in playground design are safety and accessibility, including multiple options for accessible play, rubber surfacing and shade roofs (or even better - sun sails) for safety. (Trees for shade are good but won't be shading the playground for years until after being planted and shade roof components provide limited shade - in Australia, playgrounds have sun sails which are easy ways to shade large portions and keep kids safe from the sun and the equipment cool - often playground equipment is too hot for kids to touch in the summer). Sun sails, placed thoughtfully, can keep some of the playground in the shade at all times. It is such a disappointment that parts of playgrounds are unusable on sunny summer days because they are too hot (also sun exposure is a health risk to all). | 8/17/2021 1:37 PM |
| 10 | Swings | 8/13/2021 5:00 PM |
| 11 | shade trees | 8/13/2021 1:24 PM |
| 12 | tub swings | 8/13/2021 12:20 PM |
| 13 | Swings | 8/13/2021 6:59 AM |
| 14 | Everything | 8/10/2021 7:06 PM |
| 15 | SHADE. PLEASE SHADE. | 8/10/2021 7:21 AM |
| 16 | Slides | 8/10/2021 5:16 AM |
| 17 | Swings, slides, and net climbers | 8/9/2021 9:17 PM |
| 18 | Swings and slides | 8/9/2021 6:40 PM |
| 19 | Rock Climbing walls | 8/9/2021 2:24 PM |
| 20 | all encommpasing | 8/9/2021 1:39 PM |
| 21 | activity panels | 8/9/2021 11:48 AM |
| 22 | Rubber surfacing. I live facing Willistead Park and unfortunatelly we will drive to other parks that do not have a sand base. We would use the playgound more frequently if it did not have a sand base. | 8/9/2021 11:00 AM |
| 23 | Rubber surfacing | 8/9/2021 9:34 AM |
| 24 | Rock Climbing Wall | 8/9/2021 6:55 AM |
| 25 | Slides | 8/8/2021 10:26 AM |
| 26 | rubber surfacing | 8/8/2021 9:40 AM |
| 27 | swings | 8/8/2021 8:27 AM |
| 28 | Different size slides | 8/7/2021 8:31 PM |
| 29 | Splash pad! | 8/7/2021 7:55 PM |
| 30 | All of it | 8/7/2021 6:25 PM |
| 31 | Climbing | 8/7/2021 6:03 PM |
| 32 | Trees | 8/7/2021 5:28 PM |
| 33 | SPLASH PAD | 8/7/2021 5:27 PM |
| 34 | Zip line and/or enormous slide | 8/7/2021 9:31 AM |
| 35 | Teeter totters | 8/7/2021 8:30 AM |

| Willistead Park - Playground Survey | | |
|-------------------------------------|---|-------------------|
| 36 | shaded areas are most needed at most city playgrounds | 8/7/2021 7:23 AM |
| 37 | Learning | 8/7/2021 5:56 AM |
| 38 | Rock wall | 8/6/2021 10:51 PM |
| 39 | rocks to climb on | 8/6/2021 8:59 PM |
| 40 | Shade (trees or roof components) | 8/6/2021 8:58 PM |
| 41 | Rocks to climb on | 8/6/2021 7:56 PM |
| 42 | rubber surface | 8/6/2021 6:24 PM |
| 43 | Swings | 8/6/2021 6:00 PM |
| 44 | Rubber surfacing | 8/6/2021 4:23 PM |
| 45 | Rubber | 8/6/2021 3:29 PM |
| 46 | Rock climbing wall | 8/6/2021 1:59 PM |
| 47 | Slide | 8/6/2021 1:43 PM |
| 48 | Swings ! | 8/6/2021 1:24 PM |
| 49 | Net climber | 8/6/2021 1:14 PM |
| 50 | Rocks | 8/6/2021 1:11 PM |
| 51 | Sensory panels | 8/6/2021 12:59 PM |
| 52 | Slides | 8/6/2021 12:56 PM |
| 53 | Net climbers | 8/6/2021 12:51 PM |
| 54 | rock climbing walls | 8/6/2021 12:48 PM |
| 55 | Slides | 8/6/2021 12:35 PM |
| 56 | Monkey bars | 8/6/2021 12:30 PM |
| 57 | Shade, musical panels | 8/6/2021 12:09 PM |
| 58 | Monkey bars | 8/6/2021 12:09 PM |
| 59 | Rock climbing wall | 8/6/2021 11:40 AM |
| 60 | Rubber surface | 8/6/2021 11:35 AM |
| 61 | Rick climbing walls | 8/6/2021 11:30 AM |
| 62 | Rock climbing walls | 8/6/2021 11:20 AM |
| 63 | none i want parks in Windsor a few of them anyways especially in the central to downtown areas being equipped with adult fitness equipment. Wigle park? southdale park should have a total overhaul as most kids there are low income and the park is their only. | 8/6/2021 10:52 AM |

Q6 Is there anything specific you would like to see included in the playground?

Answered: 55 Skipped: 14

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | water drinking fountain | 8/27/2021 2:40 PM |
| 2 | I would like to see a water component added to the design | 8/27/2021 10:37 AM |
| 3 | Rubber surfacing | 8/27/2021 9:51 AM |
| 4 | Rock climbing | 8/27/2021 9:44 AM |
| 5 | My kids really like the feature they call the elevator at the park located on little river road. | 8/27/2021 9:30 AM |
| 6 | Multiple access and egress options for each platform. Options for play loops. Not linear climbers. Hard and easy ways to access the tall slides. No bottleneck ladders (Malden and mic Mac are both bad for this. A single ladder to the highest level is no fun.) | 8/26/2021 9:52 PM |
| 7 | Splash pad | 8/20/2021 1:23 PM |
| 8 | I would strongly recommend a playground designed with multiple play structures for different age groups spaced out, rather than one large play structure. Willisted Park attract lots of kids from teenagers to infants. When there is one large play structure, its use by older kids can make the playground less safe and less comfortable for younger kids and toddlers (for example, while my child is a toddler/young child I would avoid playgrounds primarily with one large play structure like the pirate playground downtown as it is more designed for older kids). It is great to see kids of all ages playing at Willisted park and multiple play structures (rather than one big one) will allow kids of all ages to thrive. I also recommend sensory and music panels for learning in addition to play structures as these are great for kids learning beyond gross motor skills. | 8/17/2021 1:37 PM |
| 9 | More swings | 8/13/2021 5:00 PM |
| 10 | lots of benches | 8/13/2021 1:24 PM |
| 11 | n/a | 8/13/2021 12:20 PM |
| 12 | Universal design for all elements. This park needs to fit the character of the neighbourhood and not be a tacky collection of neon elements. Also the neighbourhood is quiet so noise makers like music panels shouldn't be prioritized. | 8/13/2021 6:59 AM |
| 13 | Stuff for little ones like 18 months. | 8/10/2021 7:21 AM |
| 14 | Shaded play area | 8/10/2021 5:16 AM |
| 15 | It would be really nice if the park reflected the historical nature of the neighbourhood. There are some great, destination parks in other cities. So glad to see Willistead was picked for a large playground structure. Hoping it can be a really unique destination playground as the park already draws families from other neighbourhoods. | 8/9/2021 9:17 PM |
| 16 | Safety precautions signages | 8/9/2021 6:40 PM |
| 17 | Lots of shade roof components | 8/9/2021 2:24 PM |
| 18 | splash pad | 8/9/2021 1:39 PM |
| 19 | Adequate seating for parents. Clear site lines through the playground so that we can easily keep track of our children. Shade so that it is not in full sun. | 8/9/2021 11:00 AM |
| 20 | Water fountain | 8/9/2021 9:34 AM |
| 21 | Rope Climbers, Rock Climbers, | 8/9/2021 6:55 AM |
| 22 | Rubber base | 8/8/2021 10:26 AM |
| 23 | shade sails or roofs, benches for parents, | 8/8/2021 9:40 AM |
| 24 | cats and unicorns | 8/8/2021 8:27 AM |
| 25 | Splash pad | 8/7/2021 8:31 PM |
| 26 | Splash pad! | 8/7/2021 7:55 PM |
| 27 | Washrooms, water refill station/water fountain, splashpad, swings, slides, SHADE!!! | 8/7/2021 6:25 PM |
| 28 | Include older child ages, please!!! 10-13 year olds. | 8/7/2021 6:03 PM |
| 29 | Washroom | 8/7/2021 5:28 PM |
| 30 | SPLASH PAD | 8/7/2021 5:27 PM |
| 31 | Zip line and/or enormous slide | 8/7/2021 9:31 AM |
| 32 | I really think this park- and all windsor parks, should be fenced in. Toddlers have no concept of safety and most of our time is spent chasing my 1 year old around so that she doesn't run into | 8/7/2021 8:30 AM |

| Willistead Park - Playground Survey | | |
|-------------------------------------|---|-------------------|
| | thr Street. Not only us- we see many parents chasing their little ones also. It's a safety concern. More fencing needed. | |
| 33 | Different high | 8/7/2021 5:56 AM |
| 34 | No sand | 8/6/2021 10:51 PM |
| 35 | lots of trees | 8/6/2021 8:59 PM |
| 36 | Spinning components - so good for children's development | 8/6/2021 8:58 PM |
| 37 | Because willistead is such a beautiful historic park, the playground should be naturally integrated into the park. A natural playground like the one at Mitchell Park (but larger and more components). See https://www.earthscapeplay.com/projects/ for examples, but their larger ones would be beautiful in the park. | 8/6/2021 7:56 PM |
| 38 | Fenced in | 8/6/2021 4:23 PM |
| 39 | Fencing and shade for guardians | 8/6/2021 3:29 PM |
| 40 | Any of the above | 8/6/2021 1:59 PM |
| 41 | Large slides | 8/6/2021 1:43 PM |
| 42 | More shade | 8/6/2021 1:24 PM |
| 43 | Naturalistic park | 8/6/2021 1:11 PM |
| 44 | Accessiblilty for kids in wheelchairs-not just a swing | 8/6/2021 12:59 PM |
| 45 | More Shade | 8/6/2021 12:56 PM |
| 46 | Just updated | 8/6/2021 12:51 PM |
| 47 | climbing infrastructure | 8/6/2021 12:48 PM |
| 48 | Broader age appropriateness | 8/6/2021 12:35 PM |
| 49 | Water fountain, bathrooms, splashpad | 8/6/2021 12:30 PM |
| 50 | Fences | 8/6/2021 12:09 PM |
| 51 | Bathrooms | 8/6/2021 12:09 PM |
| 52 | Splash pad | 8/6/2021 11:35 AM |
| 53 | There is a huge group of 10-13 year olds in this neighbourhood that still love to play at the park. Any elements that can keep them active and engaged would be appreciated. | 8/6/2021 11:30 AM |
| 54 | tub swings and activity panels | 8/6/2021 11:20 AM |
| 55 | adult fitness equipment. a full nautilus set, lat pull down, chest fly, shoulder press, and ellipticals a few of them actually | 8/6/2021 10:52 AM |

Q7 What would make you want to come to a city park? (for example: walking trails, playground, tennis courts, open space, soccer fields, basketball courts)

Answered: 58 Skipped: 11

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | open space | 8/27/2021 2:40 PM |
| 2 | Willistead park is a beautiful park . Just needs a better play ground to match | 8/27/2021 11:36 AM |
| 3 | Playgrounds and walking trails and shaded benches in the playground area | 8/27/2021 10:37 AM |
| 4 | Updated playground equipment, walking trails, and trees for shade | 8/27/2021 9:51 AM |
| 5 | S hade and benches | 8/27/2021 9:44 AM |
| 6 | The more features there, the more likely we would spend time there. We love being around all of the activity of people playing sports, exercising etc, even if we aren't participating in the activity - it keeps you motivated and feeling like you are in a healthy happy community. | 8/27/2021 9:30 AM |
| 7 | Shaded play area, parking, slides that are actually slippery. Various ways to climb , mix stairs, ladders, rock walls, nets other. Not just all on one theme. Connected play structures. No orphan monkey bars. | 8/26/2021 9:52 PM |
| 8 | Walking trail, playground | 8/20/2021 1:23 PM |
| 9 | Year round Public Washrooms are important and absent across the city. Walking trails, quiet spots (shady trees) including benches for adults - especially near the playground - and open space, alongside a playground are what I'd most like to see in Willisted Park. It would be good to see picnic tables as well. Features like Basketball courts, tennis/pickleball courts, and soccer fields are great of course for city parks but I would like to preserve the overall greenness of Willisted park as it currently is. | 8/17/2021 1:37 PM |
| 10 | More swings | 8/13/2021 5:00 PM |
| 11 | walking trails, gardens, benches, shade trees | 8/13/2021 1:24 PM |
| 12 | open space | 8/13/2021 12:20 PM |
| 13 | Shade, seating, clean environment with a good maintenance record. Safe, well lit. | 8/13/2021 6:59 AM |
| 14 | Picnic area/shaded areas/walking trails | 8/10/2021 7:06 PM |
| 15 | Cool playground and shade. | 8/10/2021 7:21 AM |
| 16 | The walking paths here are great | 8/10/2021 5:16 AM |
| 17 | Benches closer to the play structure. At sometimes I find the benches too far away from the play structure so parents don't even use them as they are trying to ensure the safety of their child. | 8/9/2021 9:17 PM |
| 18 | A picnic area with a shade, table and chair, so a group of family and/or friends can enjoy having a picnic during a good summer day | 8/9/2021 6:40 PM |
| 19 | walking trails | 8/9/2021 2:24 PM |
| 20 | walking trails and a nice playground | 8/9/2021 11:48 AM |
| 21 | walking trails, playgrounds, natural areas, community gardens, cultural events and entertainment spaces (whether they are small or big), adaptable hard surface spaces, eco friendly design and landscaping, ability to offer food/drink options, interactives spaces | 8/9/2021 11:00 AM |
| 22 | Walking trails, public washrooms, shaded sitting areas | 8/9/2021 9:34 AM |
| 23 | Walking Trails, Playgrounds, Cleanliness, Total Integration with Nature | 8/9/2021 6:55 AM |
| 24 | Walking trails or path around the structure so parents or siblings can exercise while kids play. | 8/8/2021 10:26 AM |
| 25 | a nice playground, without sand, shade and places to sit while kids play | 8/8/2021 9:40 AM |
| 26 | open space | 8/8/2021 8:27 AM |
| 27 | Playground, splash pad, picnic tables and walking trails | 8/7/2021 7:55 PM |
| 28 | Washrooms, water refill station/water fountain, splashpad, swings, slides, SHADE!!! | 8/7/2021 6:25 PM |
| 29 | We need multi-age activities at the playground. | 8/7/2021 6:03 PM |
| 30 | SPLASH PAD | 8/7/2021 5:27 PM |
| 31 | Playground, walking trails, trees, water feature | 8/7/2021 9:31 AM |
| 32 | Fencing | 8/7/2021 8:30 AM |
| 33 | walking, playground | 8/7/2021 7:23 AM |
| 34 | Playgrounds and walking trails. | 8/6/2021 10:51 PM |

Willistead Park - Playground Survey

| | | |
|----|---|-------------------|
| 35 | native plant gardens where there are lots if birds and insects fir kids to discover. walking trails with lots of trees. | 8/6/2021 8:59 PM |
| 36 | Natural elements - trees, grassy areas, variety of plants | 8/6/2021 8:58 PM |
| 37 | Trees, natural wood playground. | 8/6/2021 7:56 PM |
| 38 | playground | 8/6/2021 6:24 PM |
| 39 | Open space | 8/6/2021 4:23 PM |
| 40 | Safety and accessibility | 8/6/2021 3:29 PM |
| 41 | Walking trail | 8/6/2021 1:59 PM |
| 42 | Splash padmore music or sensory accessible to small kids | 8/6/2021 1:43 PM |
| 43 | Playgrounds , walking trails , shade and picnic tables. | 8/6/2021 1:24 PM |
| 44 | Walking trail, playground | 8/6/2021 1:14 PM |
| 45 | Love this park very under utilized | 8/6/2021 1:11 PM |
| 46 | Accessibililty for kids in wheelchairs-not just a swing | 8/6/2021 12:59 PM |
| 47 | Walking trails and playground | 8/6/2021 12:56 PM |
| 48 | Playground and trails | 8/6/2021 12:51 PM |
| 49 | nature, open space, playground equipment | 8/6/2021 12:48 PM |
| 50 | Splash pads | 8/6/2021 12:35 PM |
| 51 | Basketball courts, splash pad, playground | 8/6/2021 12:30 PM |
| 52 | Walking trails, shade, playground | 8/6/2021 12:09 PM |
| 53 | Bathrooms | 8/6/2021 12:09 PM |
| 54 | Walking trails, playgrounds, anything I can do with my 2 yr old. | 8/6/2021 12:07 PM |
| 55 | Trails, open space for varied activities, trees, playground | 8/6/2021 11:40 AM |
| 56 | Playground, splash pad | 8/6/2021 11:35 AM |
| 57 | walking trails, playground, open space, basketball courts | 8/6/2021 11:20 AM |
| 58 | adult exercise equipment | 8/6/2021 10:52 AM |



Subject: 749 and 753 Walker Road, Semi-Detached Houses - Heritage Permit Request (Ward 4)

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 470**

- I. That the Heritage Permit at 749 Walker Road, Semi-Detached House, **BE GRANTED** for the erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- II. That the Heritage Permit at 753 Walker Road, Semi-Detached Houses, **BE GRANTED** for the removal of an accessory structure and erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- III. That the Heritage Permit approvals **BE SUBJECT** to the following approval conditions prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Provision of satisfactory architectural drawings by qualified designers;
 - c. Determination that the work is satisfactory to meet Building code compliance;and,
- IV. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of the rear detached garages with second floor additional dwelling units.

Report Number: S 12/2023

File Number: MBA/3430

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 10.3 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: 749 and 753 Walker Road, Semi-Detached Houses - Heritage Permit Request (Ward 4)

Reference:

Date to Council: February 6, 2023
Author: Tracy Tang
Planner II - Revitalization & Policy Initiatives
ttang@citywindsor.ca
519-255-6543 x 6449

Kristina Tang, MCIP, RPP
Heritage Planner
ktang@citywindsor.ca
519-255-6543 x 6179
Planning & Building Services
Report Date: January 16, 2023
Clerk's File #: MBA/3430

To: Mayor and Members of City Council

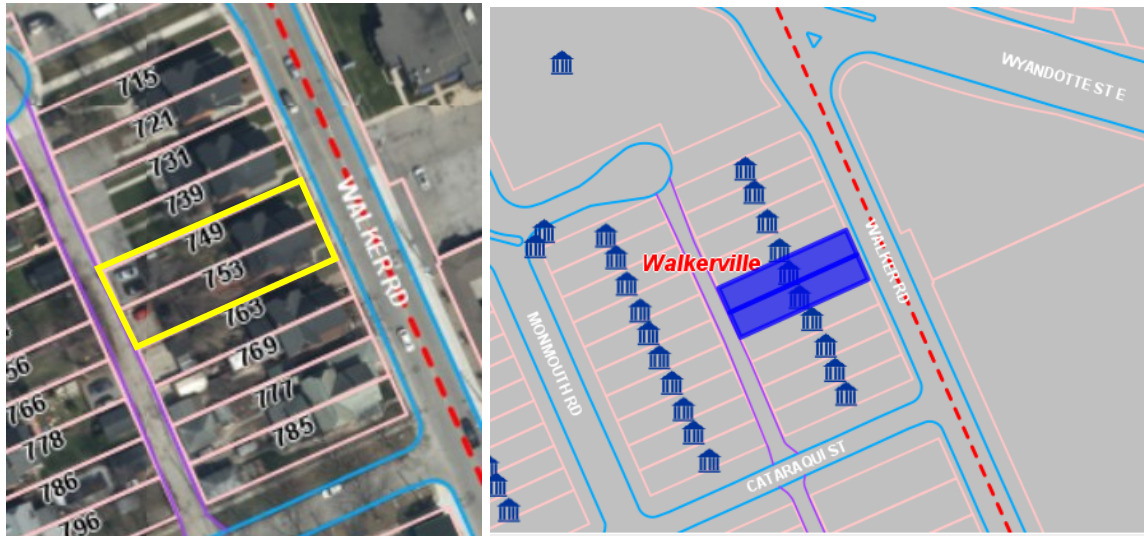
Recommendation:

- I. THAT the Heritage Permit at 749 Walker Road, Semi-Detached House, **BE GRANTED** for the erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- II. THAT the Heritage Permit at 753 Walker Road, Semi-Detached Houses, **BE GRANTED** for the removal of an accessory structure and erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- III. THAT the Heritage Permit approvals **BE SUBJECT** to the following approval conditions prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Provision of satisfactory architectural drawings by qualified designers;
 - c. Determination that the work is satisfactory to meet Building code compliance; and,
- IV. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of the rear detached garages with second floor additional dwelling units.

Executive Summary: N/A

Background:

The properties 749 and 753 Walker Road are known as the Semi-Detached Houses built in 1893. They form two red-brick houses sharing a centre wall with 749 on the north of the centre property line and 753 on the south. 749 and 753 Walker Road are both heritage designated properties and are located exactly mid-block. They are two of the ten semi-detached residences on that block which have different levels of heritage recognitions, notable for being originally occupied by Hiram Walker workers.



Aerial imagery and parcel fabric map showing 749 and 753 Walker Road midblock on west side of Walker, between Wyandotte and Cataraqui

City Council approved the individual heritage designations under Part IV of the *Ontario Heritage Act* of 749 Walker Road through By-law No. 10049 on December 11, 1989 and 753 Walker Road through By-law No. 10317 on June 11, 1990. The Statements of Cultural Heritage Value or Interest from the By-laws are attached as Appendix 'A'.

The owner of 749 and 753 Walker Road, Evan Matthews, has been in correspondence with the Planning & Building Department about the proposed ADUs at the rear of his properties. The current proposal presents a mirror-image of the ADUs proposed at the rear of both 749 and 753 Walker Road, at the lot line. A minor variance to allow for the development with a 0.0m setback from the interior side lot line was required and approved by the Committee of Adjustment on June 16, 2022.

A Heritage Permit is required for the removal of the accessory structure at the rear of 753 Walker Road and new erection of one rear detached garage with second floor ADU on each property. To address the outstanding components and details required as part of a complete Heritage Permit application package, the Owner provided updated drawings, elevations, and floor plans in January 2023. The Heritage Permit application package can be found in Appendix 'B'.

Legal Provisions:

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix 'A'). In accordance with the *OHA*, changes to designated property that affect heritage attributes must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of notice of complete application. The heritage designations apply to the entire real property and new construction such as the proposal have the potential to impact the heritage attributes of a designated property and thus needs to be evaluated.

Discussion:

Property Description:

The semi-detached houses at 749 and 753 Walker Road were built in 1893 by the Hiram Walker & Sons Distillery Ltd., with the purpose of being for their distillery workers. The semi-detached houses are part of the group of houses on the 700 block on the west side of Walker Road, and form an integral architectural component of the group with their red brick and large mass. As included in the designation by-laws of both properties, they are notable for being prime examples of Victorian-era middle class housing built in Walkerville. The buildings are both constructed of red brick in stretcher-bond, with segmental arch structural openings trimmed with brick voussoirs. They are two storeys in height and originally designed to be symmetrical along a shared centre wall. Both properties have access to parking from the rear alley. See Appendix 'C' for additional photos of the properties.

Furthermore, the properties are located within the Walkerville Heritage Area where development is to be of compatible height, massing, scale, setback, and architectural style.

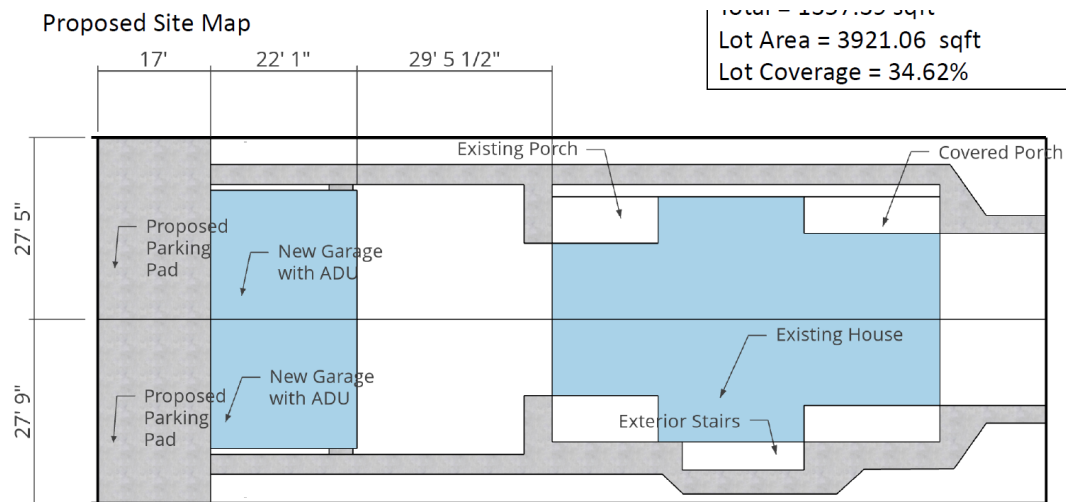
Proposal and Heritage Conservation Considerations

For the proposed scope of work, some relevant references from the *Standards & Guidelines for Conservation of Historic Places* have been considered.

11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

The heritage permit for 749 Walker Road is for the erection of one detached garage with a second floor ADU in the rear yard, while the heritage permit for 753 Walker Road is for the same along with the removal of an accessory structure (shed) in the rear yard to

accommodate the new structure. The ADUs are as proposed in the drawings attached within Appendix 'B'.



Site Map view of existing structures and proposed rear detached garages with second floor ADUs

The new structures are proposed to be located behind the existing dwellings and subordinate in height and massing to allow the main historic structures to continue being the prominent view from Walker Road. The alignment of the ADUs makes them more discreet. They would not be visible from a straight front-on view from Walker Road, but would still be visible from certain angles along Walker Road.



Photo of property taken from Walker Road with some view of the rear yard (single storey accessory structure at back currently visible)



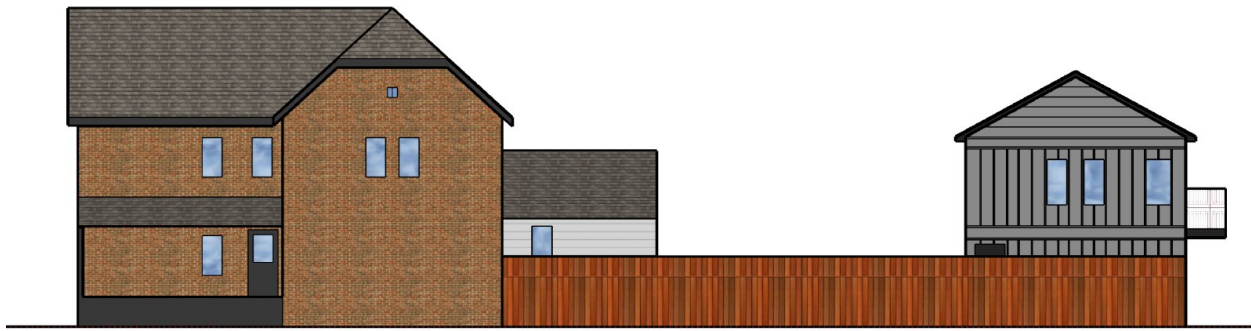
Walker Road-view renderings of the historic Walker Road semis with proposed ADUs at rear



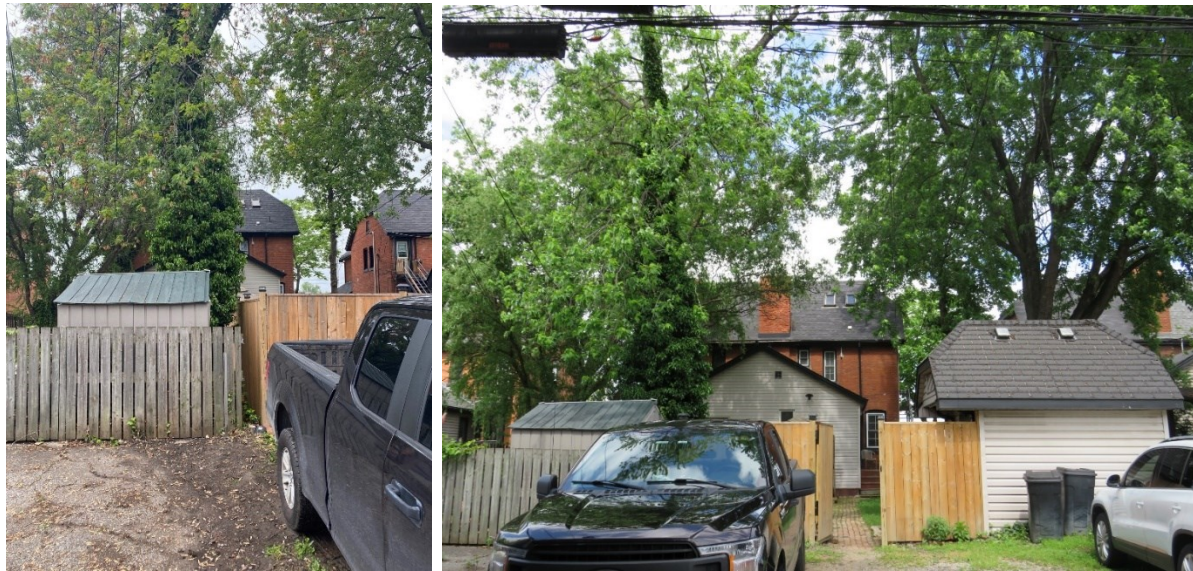
Alley-view rendering of the proposed rear detached garages with second floor ADUs

To match the historic character of Walkerville, traditional and compatible type of materials have been recommended. The Owner is proposing a board and batten cladding in a slate grey colour that would allow the new structures to be more discreet (darker tones) from Walker Road front views. Black double hung windows in a four-over-four grid pattern are proposed to match with the windows on the existing dwellings, along with metal balconies in black facing the alley. The second floor ADUs would have a separate entrance from the ground floor garage space, off the side of the structures.

The Owner plans to build both ADUs along the shared interior lot line to facilitate a design matching with the semi-detached existing dwellings. A minor variance application to allow for the development with a 0.0m setback from the side lot line was presented to and approved by the Committee of Adjustment on June 16, 2022. The minor variance application was reviewed by Heritage Planning.



Side elevation drawings comparing the heights and massing of the historic dwelling and the proposed ADU



Alley view of the shared interior lot line of 749 and 753 Walker Road where the proposed detached garages with second floor ADUs would be located. The accessory structure on right at 753 Walker Road is proposed to be demolished. The shed at 749 Walker would also be removed.

The proposal is in consideration of the Heritage Standards and Guidelines and does not appear to adversely impact the heritage properties. The conditions recommended with the approval would allow for verification of the proposal further along the design process as the Owner would be required to apply for Building Permit applications to meet Building Code compliance, and provide satisfactory architectural drawings prepared by qualified designers. Should the application be approved, Heritage Planning Staff will also continue the discussion on material and colour selections and require satisfactory final product information to be provided as a condition of the approval. Additional property photographs are provided in Appendix 'C'.

Official Plan Policy:

The Windsor Official Plan states "Council will recognize Windsor's heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act." (9.3.3.1(a))

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

Risk Analysis:

Risk of inappropriate new erections on the heritage designated properties is being mitigated through the Heritage Permit application process and conditions.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

There is no cost to the City; the property owner is paying the full cost of the proposal and is not seeking heritage financial incentives at this time (heritage conservation on the historic structure may be pursued by the Owner separately). The proposed works may increase the assessed value of the property.

Consultations:

Heritage Planning Staff have been in discussion with the property owner and conducted a site visit in June 2022. Planning and Building Department Staff were consulted in the preparation of this report.

Conclusion:

The heritage permit requests for the erection of rear detached garages with second floor ADUs at 749 and 753 Walker Road and the removal of an accessory structure at 753 Walker Road are recommended for approval, subject to conditions. Delegated authority to the City Planner or designate to direct any further minor changes as needed will provide project efficiencies and confirm that the development proposed would not have a negative impact on the heritage attributes of the properties.

Planning Act Matters: N/A

Approvals:

| Name | Title |
|----------------|--|
| Michael Cooke | Manager of Planning Policy/Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Building |
| Wira Vendrasco | Deputy City Solicitor |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---------------|----------------|--|
| Evan Matthews | | evanwmatthews@gmail.com |

Appendices:

- 1 Appendix A - Statements of Cultural Heritage Value or Interest from Heritage Designation By-laws 10049 and 10317
- 2 Appendix B - Heritage Permit Applications
- 3 Appendix C - Additional Photos of 749 and 753 Walker Road

APPENDIX 'A' – Heritage Designation By-laws for 749 and 753 Walker Road

From By-Law No. 10049, December 11, 1989

749 Walker Road

SCHEDULE "B"

Reasons for Designation:

- (i) Examples of Victorian-era middle class housing built in Walkerville in 1893 and an integral component of the architectural group of houses on the west side of Walker Road, 700 block.
- (ii) Stretcher-bond brick cladding with segmental arch structural openings, trimmed with brick voussoirs.
- (iii) Double-hung multi-paned wood sash windows.
- (iv) Wooden architectural details, including millwork, porch details, louvre attic vents and gable fascia boards with finials.
- (v) Coal chute on north façade and original front door and accompanying screen door.

From By-Law No. 10317, June 11, 1990

753 Walker Road

SCHEDULE "B"

Reasons for Designation:

- (vi) Examples of Victorian-era middle class housing built in Walkerville in 1893 and an integral component of the architectural group of houses on the west side of Walker Road, 700 block.
- (vii) Stretcher-bond brick cladding with segmental arch structural openings, trimmed with brick voussoirs.
- (viii) Double-hung multi-paned wood sash windows.
- (ix) Wooden architectural details, including millwork, porch details, louvre attic vents and gable fascia boards with finials.

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1
519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT

Contact Name(s) Evan Matthews
Company or Organization _____
Mailing Address 753 Walker Rd

Postal Code N8Y 2N2
Email evanwmatthews@gmail.com Phone(s) 519-977-4488

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?



Applicant



Registered Owner



Agent

2. SUBJECT PROPERTY

Municipal Address: 749 Walker Rd

Legal Description (if known): PLAN 211; PT LOT 6; BLOCK S; RP 12R9133; PART 2

Building/Structure Type:

☒ Residential ☐ Commercial ☐ Industrial ☐ Institutional

Heritage Designation:

☒ Part IV (Individual) ☐ Part V (Heritage Conservation District)

By-law #: 8600 District: 6

Is the property subject to a Heritage Easement or Agreement?

☐ Yes ☒ No

3. TYPE OF APPLICATION

Check all that apply:

☐ Demolition/Removal of heritage attributes ☐ Addition ☒ Erection ☐ Alteration*
☒ Demolition/Removal of building or structure ☐ Signage ☐ Lighting

*The Ontario Heritage Act's definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

Character defining elements that embody the heritage value of 749 Walker Road include its:

- two storey, semi-detached construction
- red brick walls laid in stretcher bond
- fieldstone foundation
- original ornamental fascia board and gable finial
- window openings with brick voussoirs
- pitched roof
- double hung, multi-paned wood sash windows
- original ornamental wood millwork
- status as one of a grouping of five identical, semi-detached buildings
- location on the fringe of Walkerville

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

There will be no alterations, additions, or demolitions to the existing heritage building. There will be an erection of an ADU in the rear of the property and a demolition of a shed that is less than 108 sqft.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

Allowing the property to grow with the current climate and world we live in.

Describe the potential impacts to the heritage attributes of the property.

No impact to the heritage attributes of the property. Many other homes in the area have garages and ADUs on the property and as such this structure will fit in well.

7. CHECKLIST OF MATERIALS SUBMITTED

Check all that apply:

Required:

- ☒ Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- ☒ Site plan/ Sketch (showing buildings on the property and location of proposed work)
- ☒ Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- ☐ Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):


- ☐ Registered survey
- ☐ Material samples, brochures, product data sheets etc.
- ☐ Cultural Heritage Evaluation Report
- ☐ Heritage Impact Assessment (HIA)
- ☐ Heritage Conservation Plan
- ☐ Building Condition Assessment

8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s)  Date April 25, 2022
Date _____

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
_____ to make this application on my behalf.
name of agent

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, Evan Matthews, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 25, 2022

Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Signature of Applicant

Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

☐ Application Approval (City Council):

Development & Heritage Standing Committee: _____

City Council: _____

☐ Application Approval (City Planner):

Heritage Planner: _____

Staff Decision Appealed to City Council: _____

If so, Date to City Council: _____

Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 320 - 350 City Hall Square West
Windsor ON N9A 6S1
planningdept@citywindsor.ca
519-255-6543 x 6179
519-255-6544 (fax)
<http://www.citywindsor.ca>

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1
519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT

Contact Name(s) Evan Matthews
Company or Organization _____
Mailing Address 753 Walker Rd

Postal Code N8Y 2N2
Email evanwmatthews@gmail.com Phone(s) 519-977-4488

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?



Applicant



Registered Owner



Agent

2. SUBJECT PROPERTY

Municipal Address: 753 Walker Rd

Legal Description (if known): PLAN 211; PT LOTS 6 & 8; BLOCK S

Building/Structure Type:

☒ Residential ☐ Commercial ☐ Industrial ☐ Institutional

Heritage Designation:

☒ Part IV (Individual) ☐ Part V (Heritage Conservation District)

By-law #: 8600 District: 6

Is the property subject to a Heritage Easement or Agreement?

☐ Yes ☒ No

3. TYPE OF APPLICATION

Check all that apply:

☐ Demolition/Removal of heritage attributes ☐ Addition ☒ Erection ☐ Alteration*
☒ Demolition/Removal of building or structure ☐ Signage ☐ Lighting

*The Ontario Heritage Act's definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

Character defining elements that embody the heritage value of 753 Walker Road include its:

- two storey, semi-detached construction
- red brick walls laid in stretcher bond
- fieldstone foundation
- original ornamental fascia board and gable finial
- window openings with brick voussoirs
- pitched roof
- double hung, multi-paned wood sash windows
- original ornamental wood millwork
- status as one of a grouping of five identical, semi-detached buildings
- location on the fringe of Walkerville

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

There will be no alterations, additions, or demolitions to the existing heritage building. There will be an erection of an ADU in the rear of the property and a demolition of a shed that is less than 108 sqft.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

Allowing the property to grow with the current climate and world we live in.

Describe the potential impacts to the heritage attributes of the property.

No impact to the heritage attributes of the property. Many other homes in the area have garages and ADUs on the property and as such this structure will fit in well.

7. CHECKLIST OF MATERIALS SUBMITTED

Check all that apply:

Required:

- ☒ Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- ☒ Site plan/ Sketch (showing buildings on the property and location of proposed work)
- ☒ Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- ☐ Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):


- ☐ Registered survey
- ☐ Material samples, brochures, product data sheets etc.
- ☐ Cultural Heritage Evaluation Report
- ☐ Heritage Impact Assessment (HIA)
- ☐ Heritage Conservation Plan
- ☐ Building Condition Assessment

8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s)  Date June 6, 2022
Date _____

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
_____ to make this application on my behalf.
name of agent

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, Evan Matthews, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

June 6, 2022

Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Signature of Applicant

Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

☐ Application Approval (City Council):

Development & Heritage Standing Committee: _____

City Council: _____

☐ Application Approval (City Planner):

Heritage Planner: _____

Staff Decision Appealed to City Council: _____

If so, Date to City Council: _____

Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

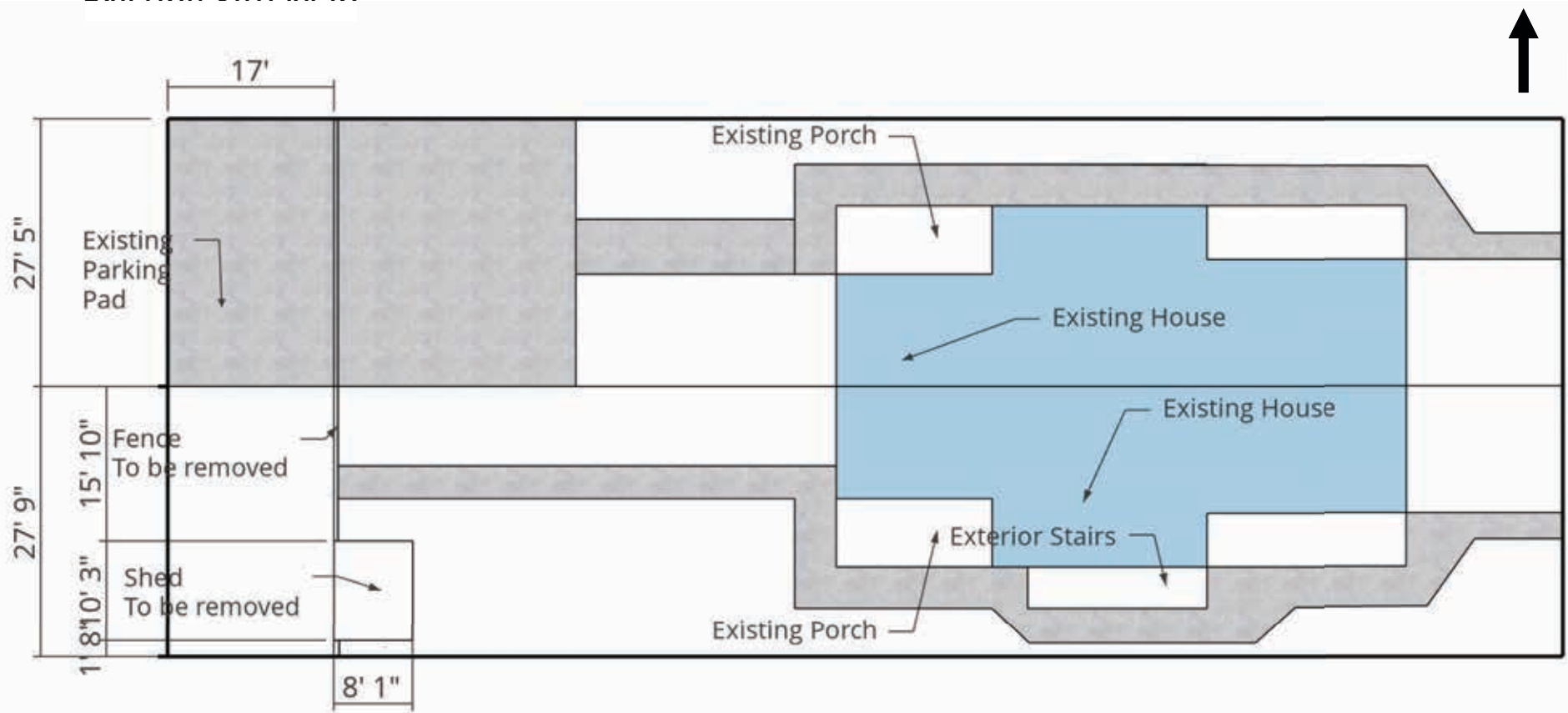
Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 320 - 350 City Hall Square West
Windsor ON N9A 6S1
planningdept@citywindsor.ca
519-255-6543 x 6179
519-255-6544 (fax)
<http://www.citywindsor.ca>

Existing Site Map



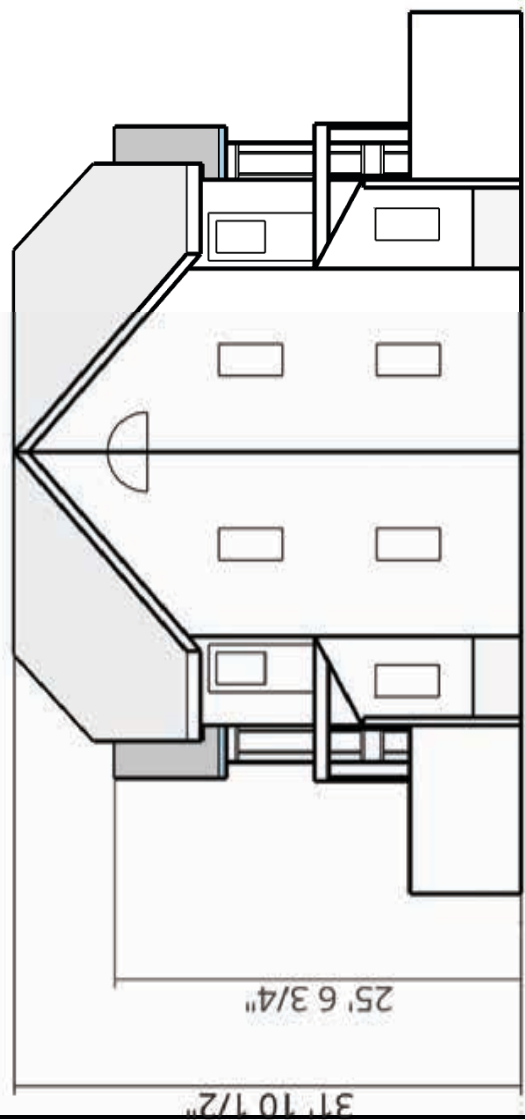
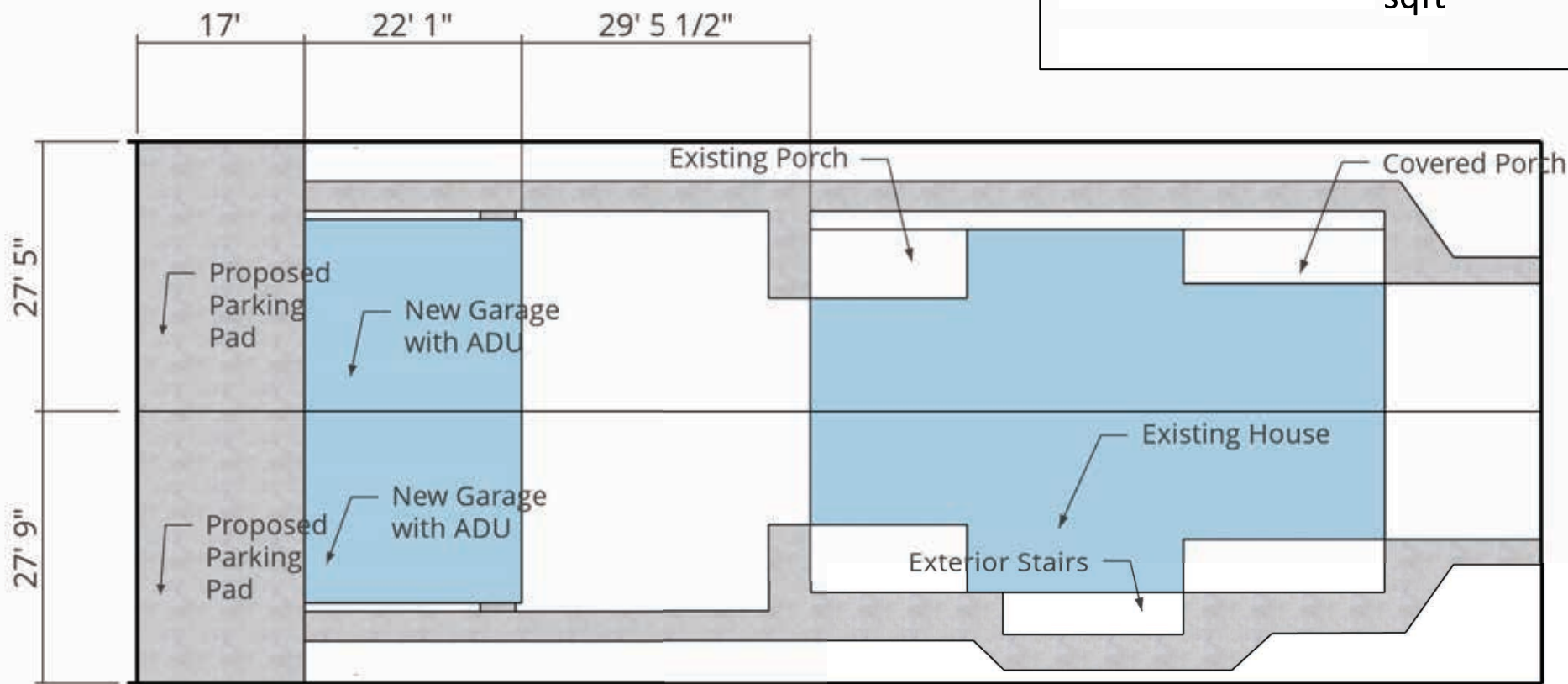
sqft

New Building = 430 sqft

Total = 1357.39 sqft

1357.39 sqft

Proposed Site Map



Project: NEW GARAGE/ ADU FOR 749 and 753 WALKER RD

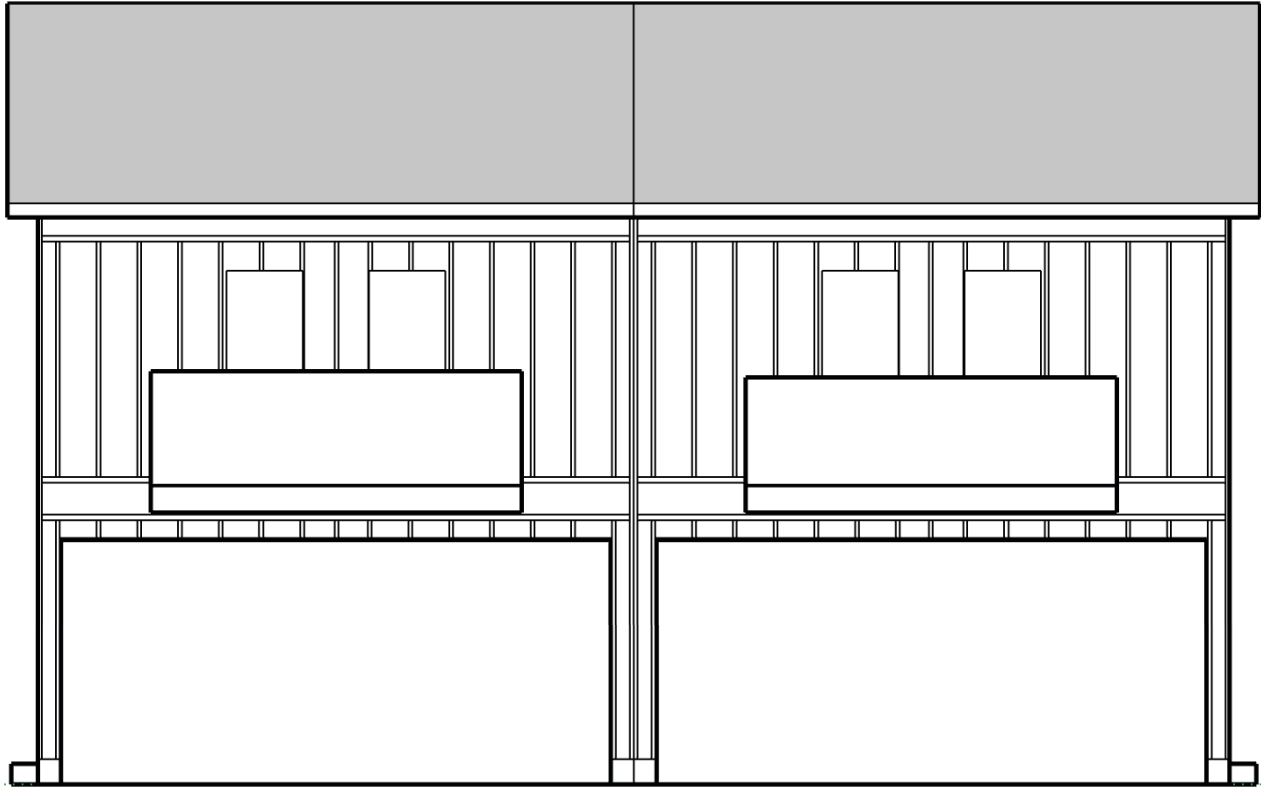
Date: FEBRUARY 2022

Revisions: January 12 2023

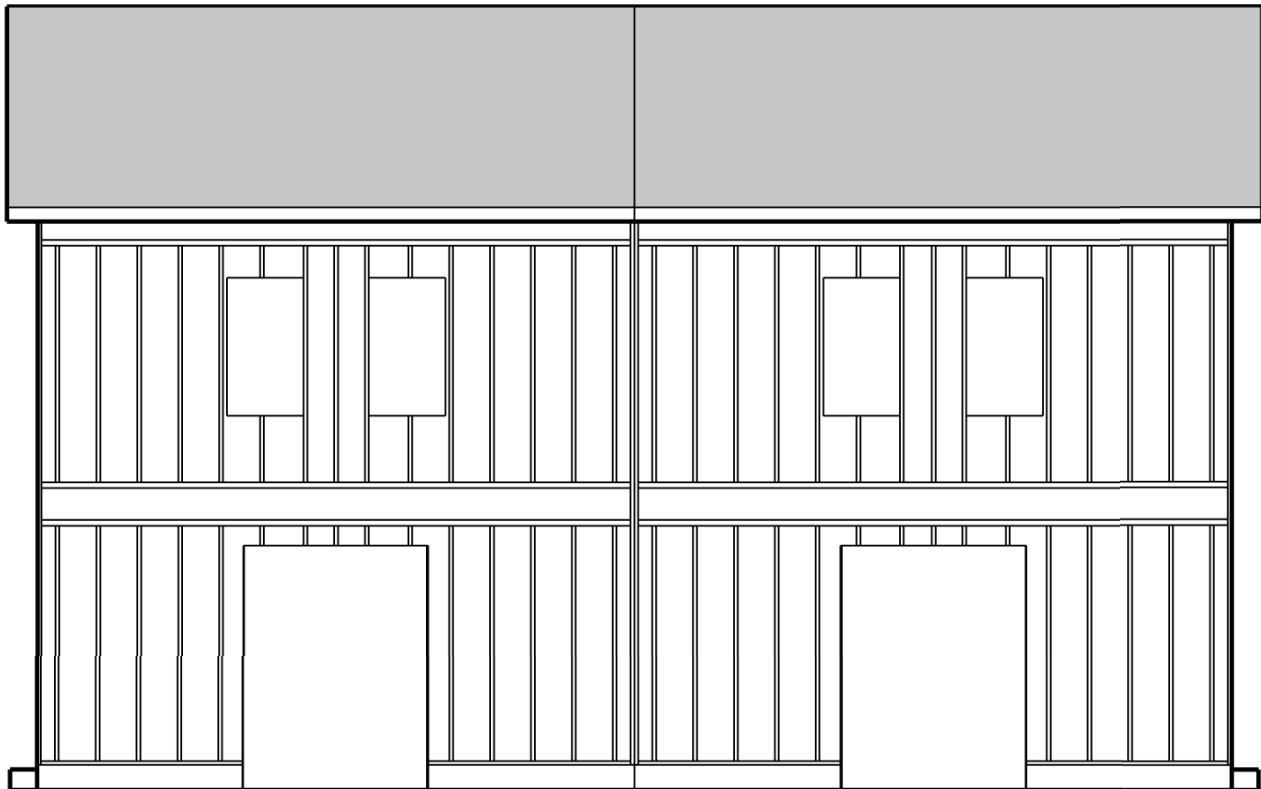
Drawing: SITE PLAN

Scale: AS SHOWN

A-1

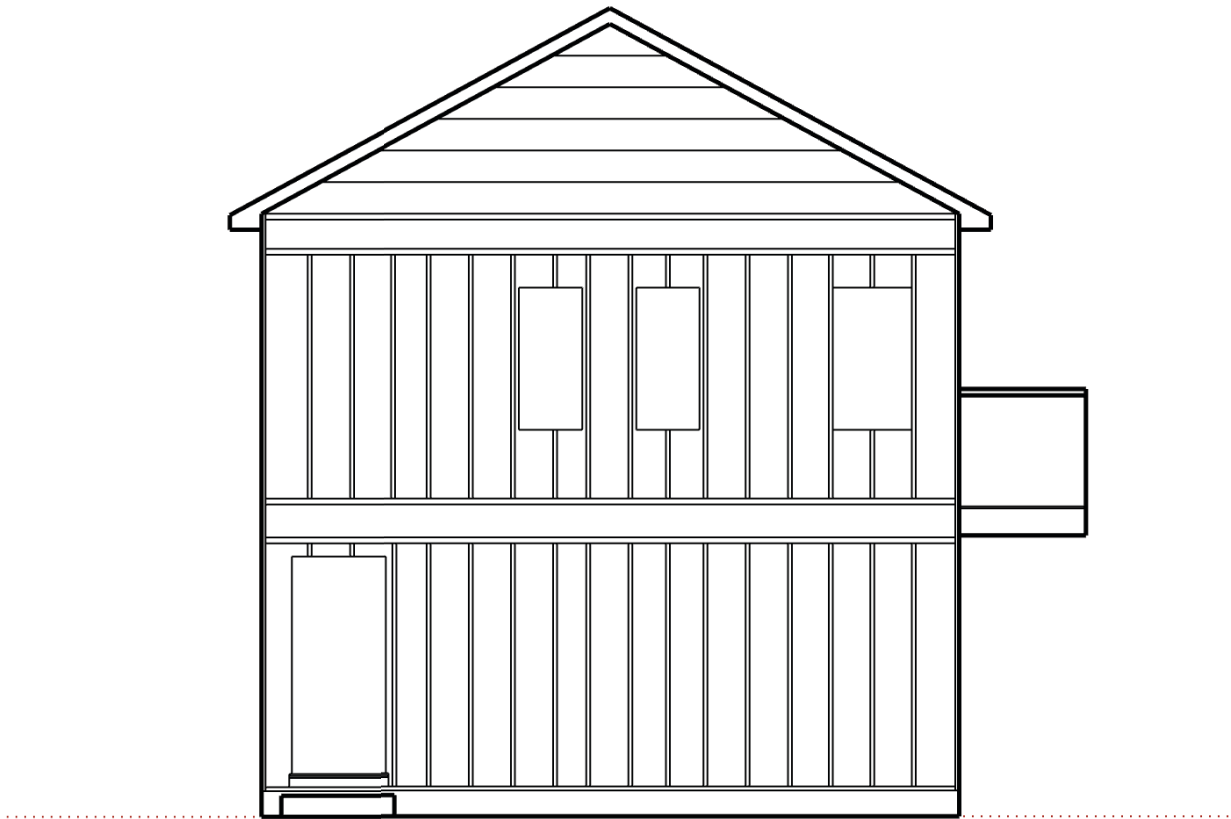


Standing in the yard near the house facing West

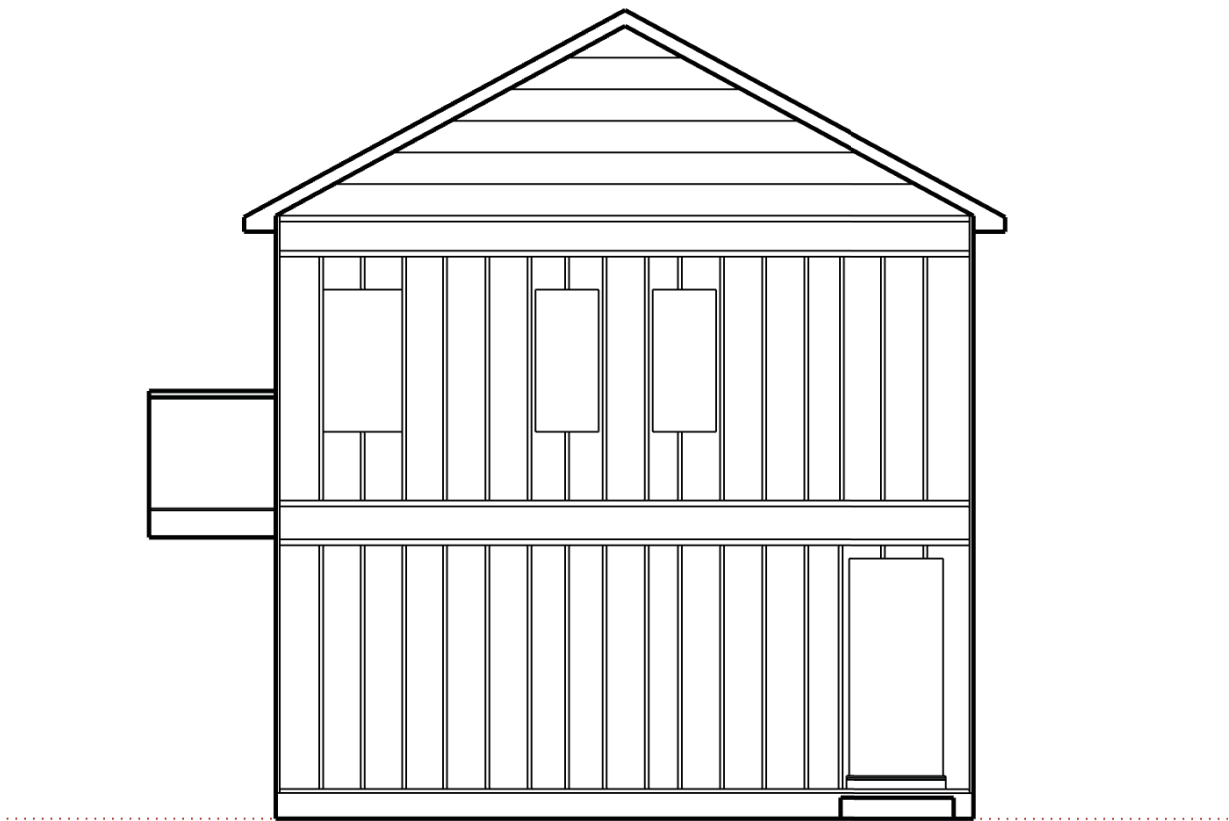


| | | |
|--|----------------------------|-----|
| Project: NEW GARAGE/ ADU FOR 749 and 753 WALKER RD | | A-2 |
| Date: FEBRUARY 2022 | Revisions: January 12 2023 | |
| Drawing: ELEVATION | Scale: AS SHOWN | |

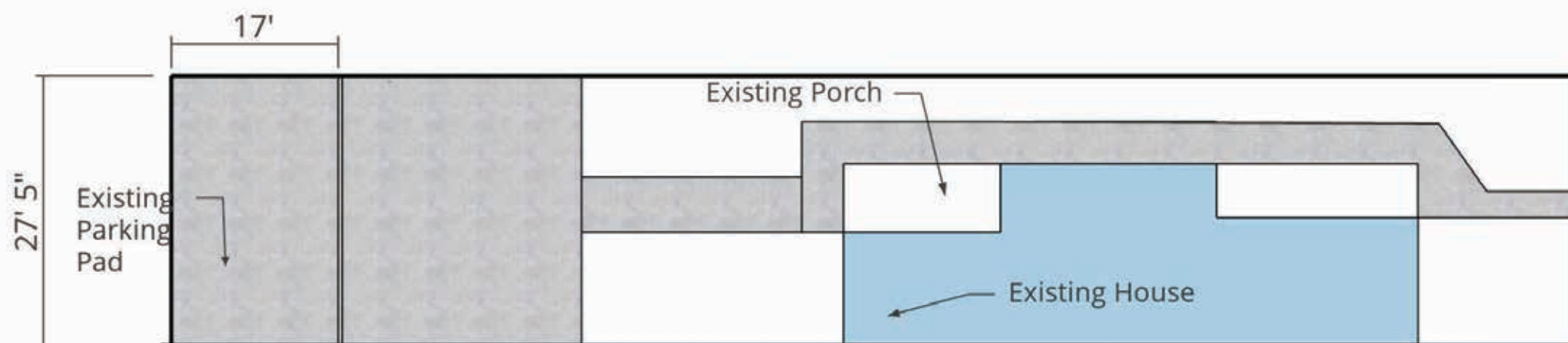
On the South Side of the Building Facing North



On the North Side of the Building Facing South

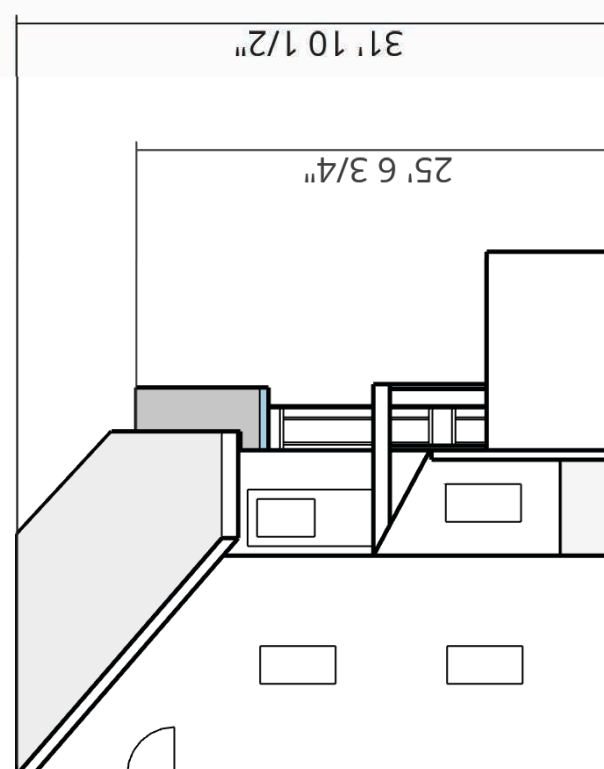
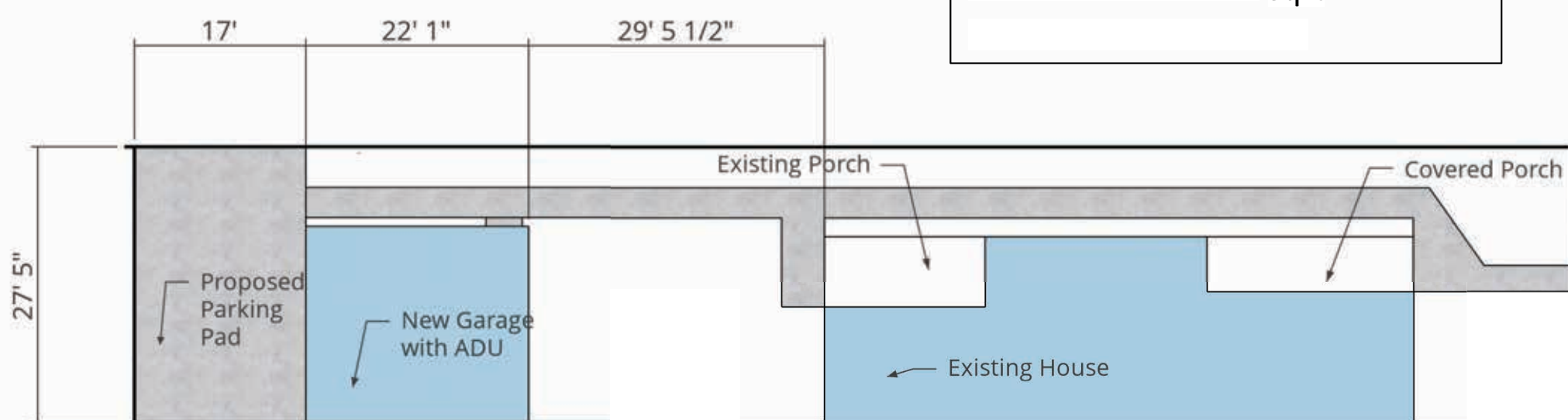


| | | |
|--|----------------------------|-----|
| Project: NEW GARAGE/ ADU FOR 749 and 753 WALKER RD | | A-3 |
| Date: FEBRUARY 2022 | Revisions: January 12 2023 | |
| Drawing: ELEVATION | Scale: AS SHOWN | |



Proposed Site Map

New Building = 430 sqft
Total = 1357.39 sqft

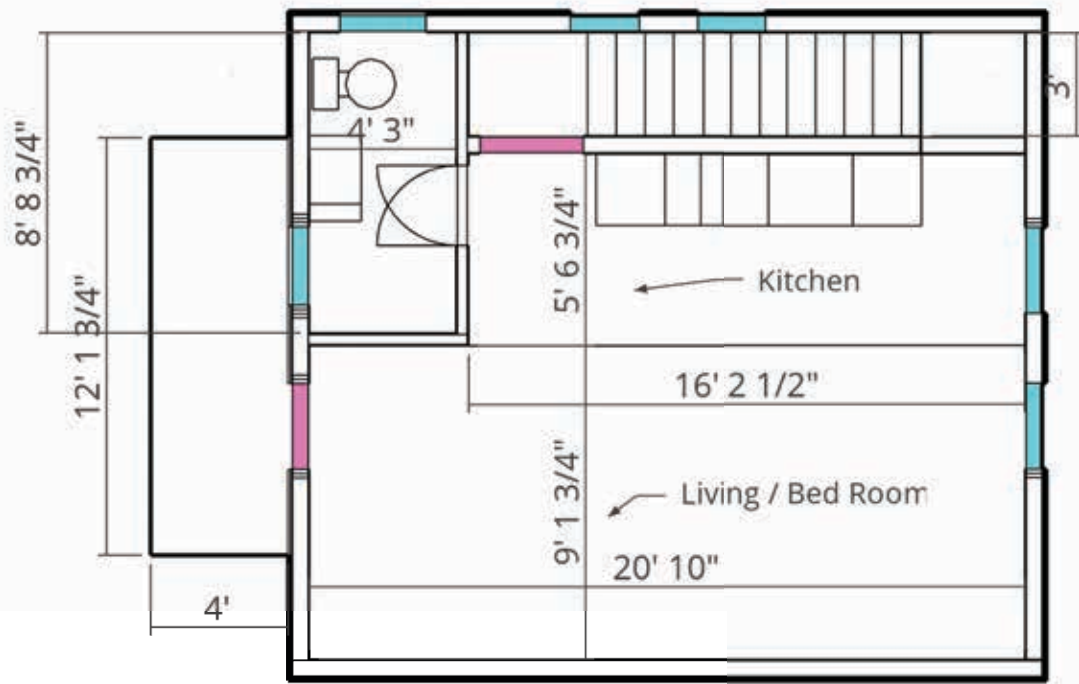


| | |
|--|----------------------------|
| Project: NEW GARAGE/ ADU FOR 749 WALKER RD | |
| Date: FEBRUARY 2022 | Revisions: January 12 2023 |
| Drawing: SITE PLAN | Scale: AS SHOWN |

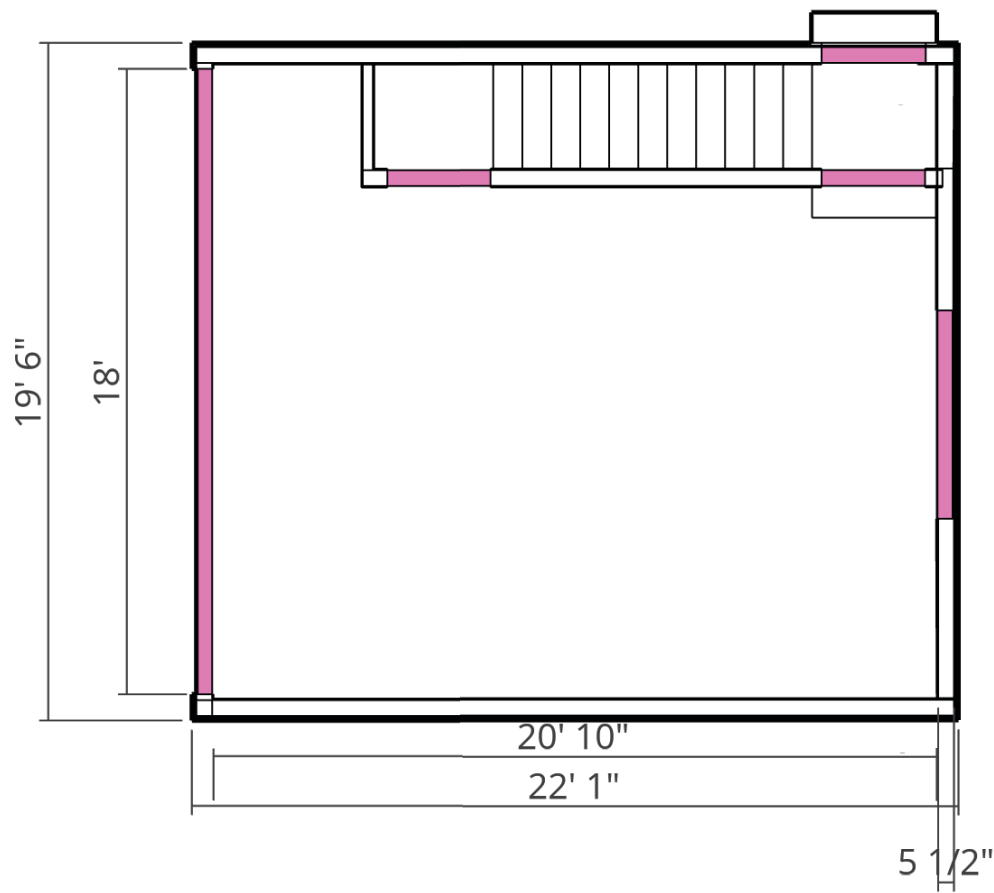
B-1

■ Floor

↑ North



Garage 1st Floor



Project: NEW GARAGE/ ADU FOR 749
WALKER RD

Date:
FEBRUARY 2022

Revisions:
January 12 2023

Drawing:
FLOOR PLAN

Scale:
AS SHOWN

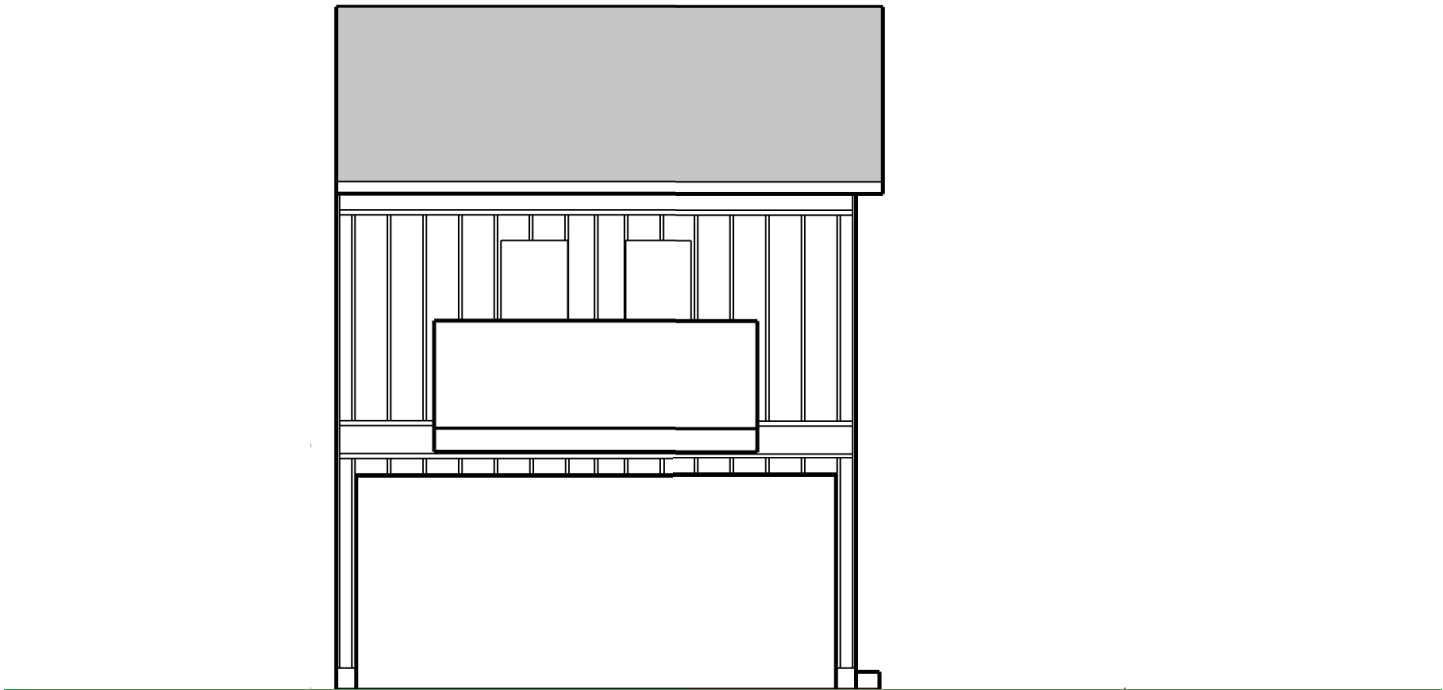
B-2

Door

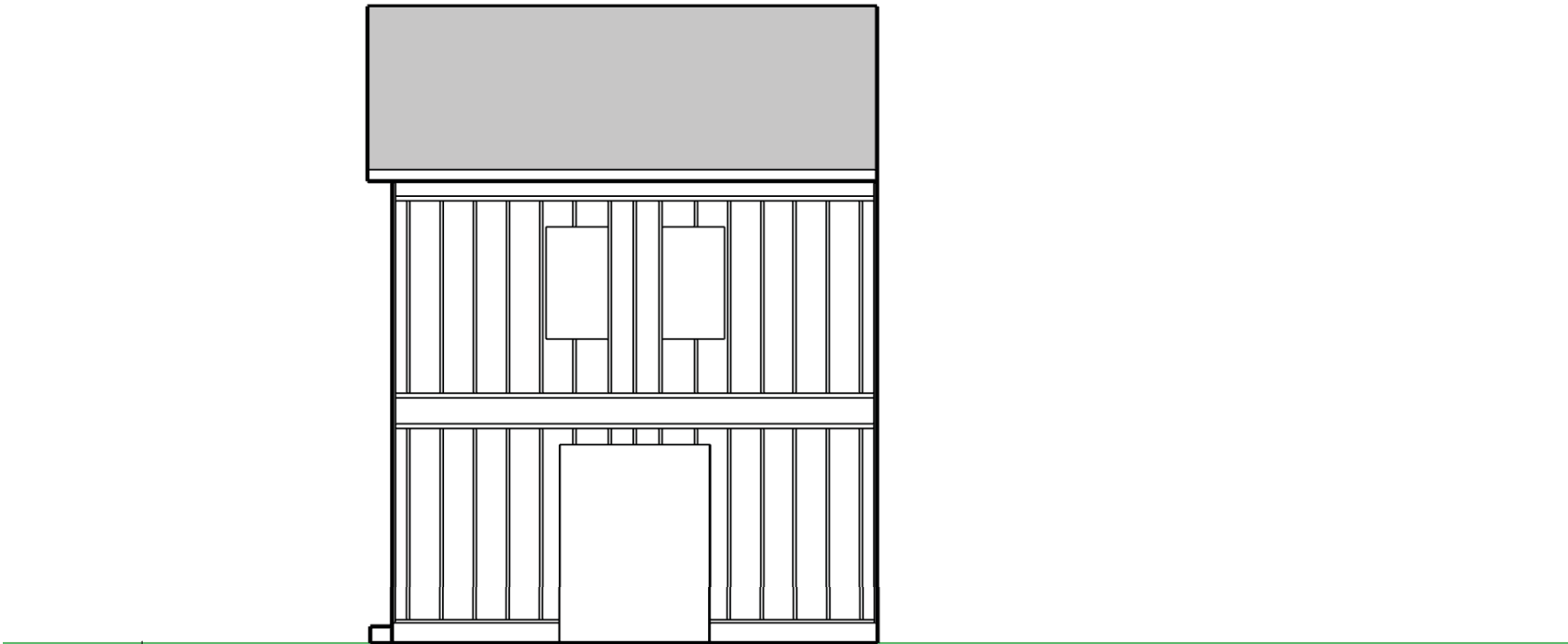
Window



Standing



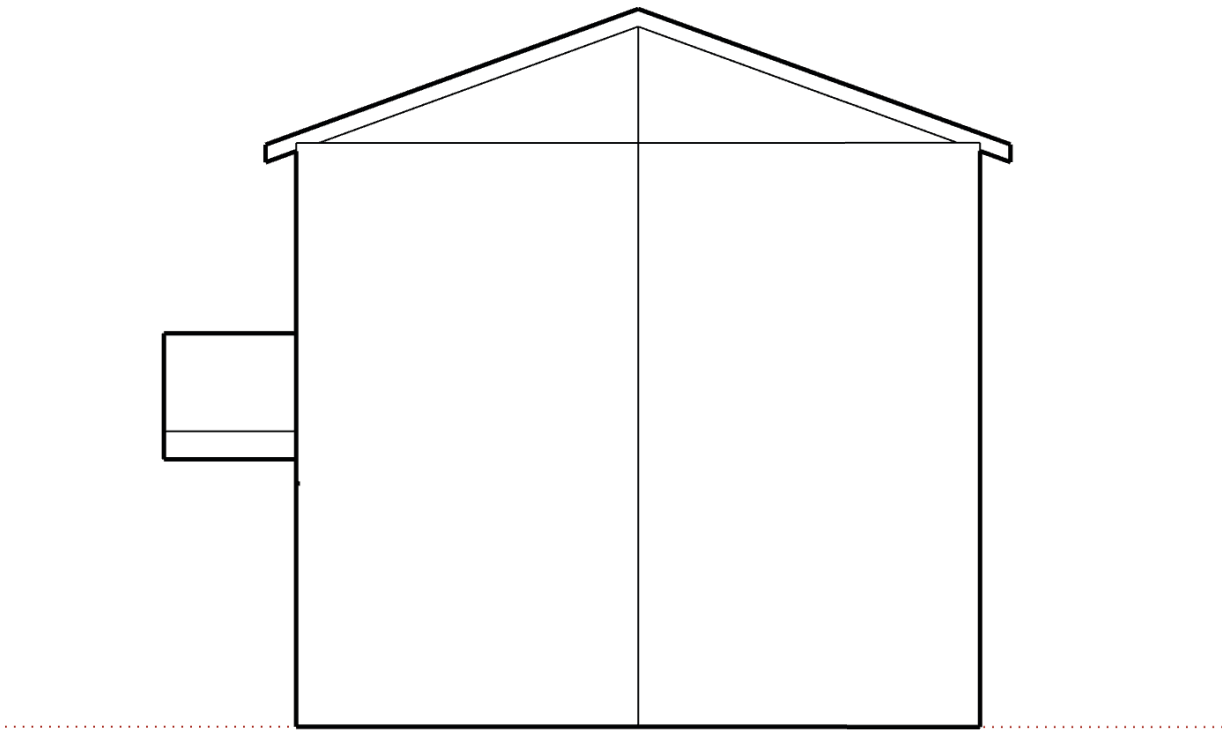
Stanc



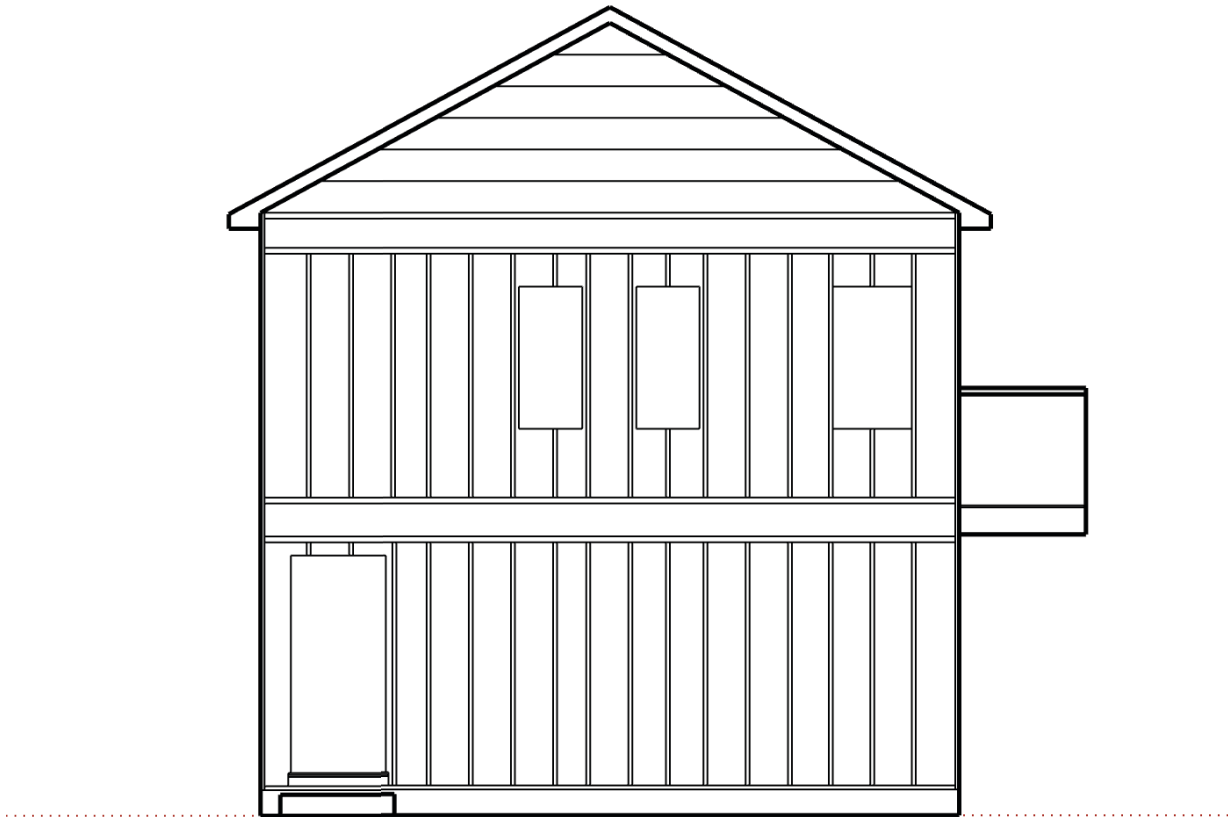
| | |
|---|-------------------------------|
| Project: NEW GARAGE/ ADU FOR 749 WALKER RD | |
| Date: FEBRUARY 2022 | Revisions: January 12 2023 |
| Drawing: ELEVATION | Scale: AS SHOWN |

B-3

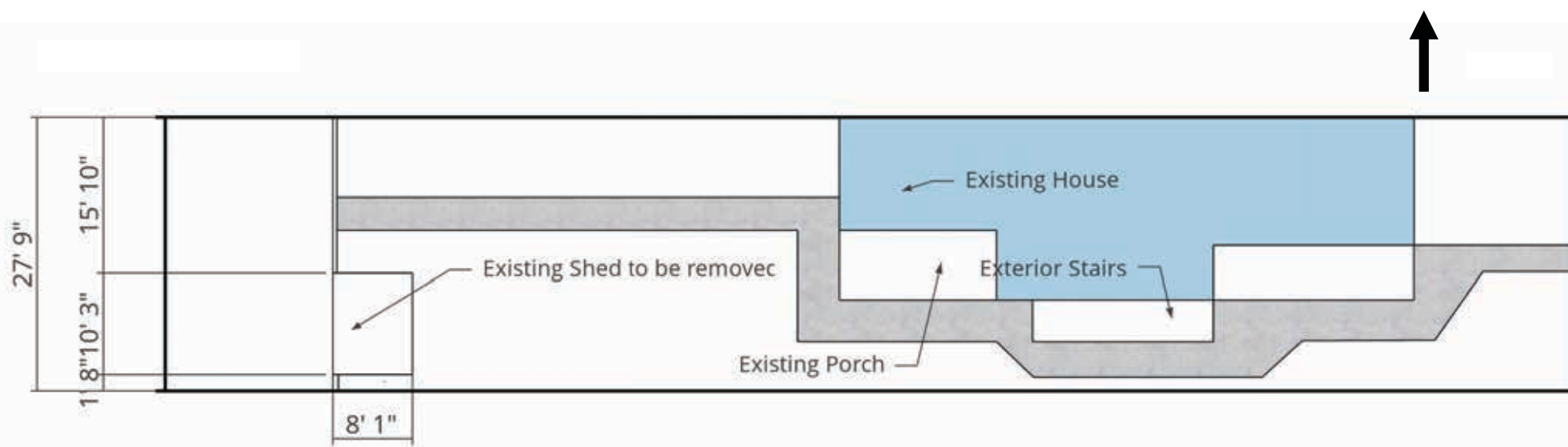
On the South Side of the Building Facing North



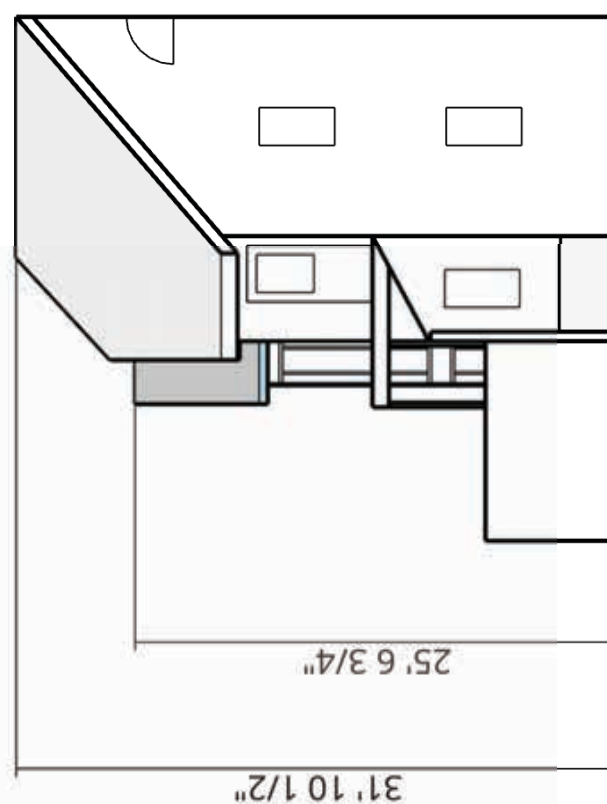
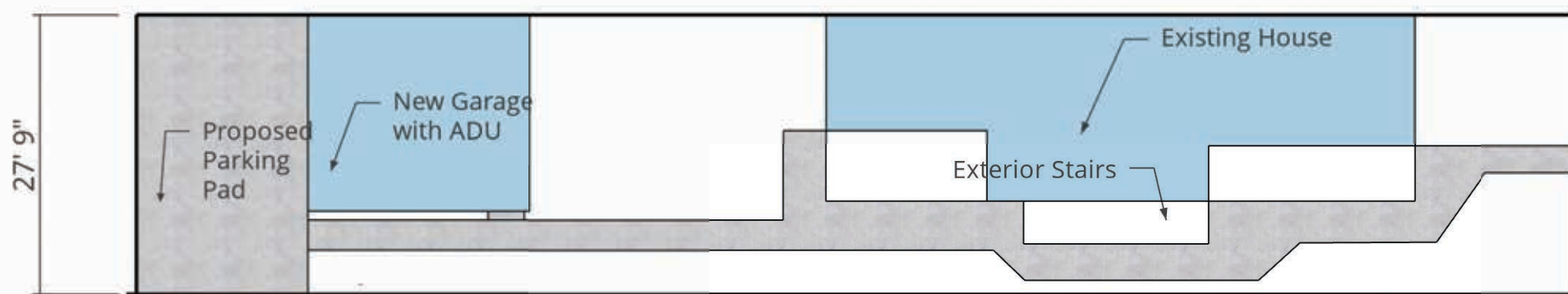
On the North Side of the Building Facing South



| | | |
|---|-------------------------------|-----|
| Project: NEW GARAGE/ ADU FOR 749 WALKER RD | | B-4 |
| Date: FEBRUARY 2022 | Revisions: January 12 2023 | |
| Drawing: ELEVATION | Scale: AS SHOWN | |



Existing House = 927.39 sqft
 New Building = 430 sqft
 Total = 1357.39 sqft
 Lot Area = 3921.06 sqft



Project: NEW GARAGE/ ADU FOR 753
 WALKER RD

Date:
 FEBRUARY 2022

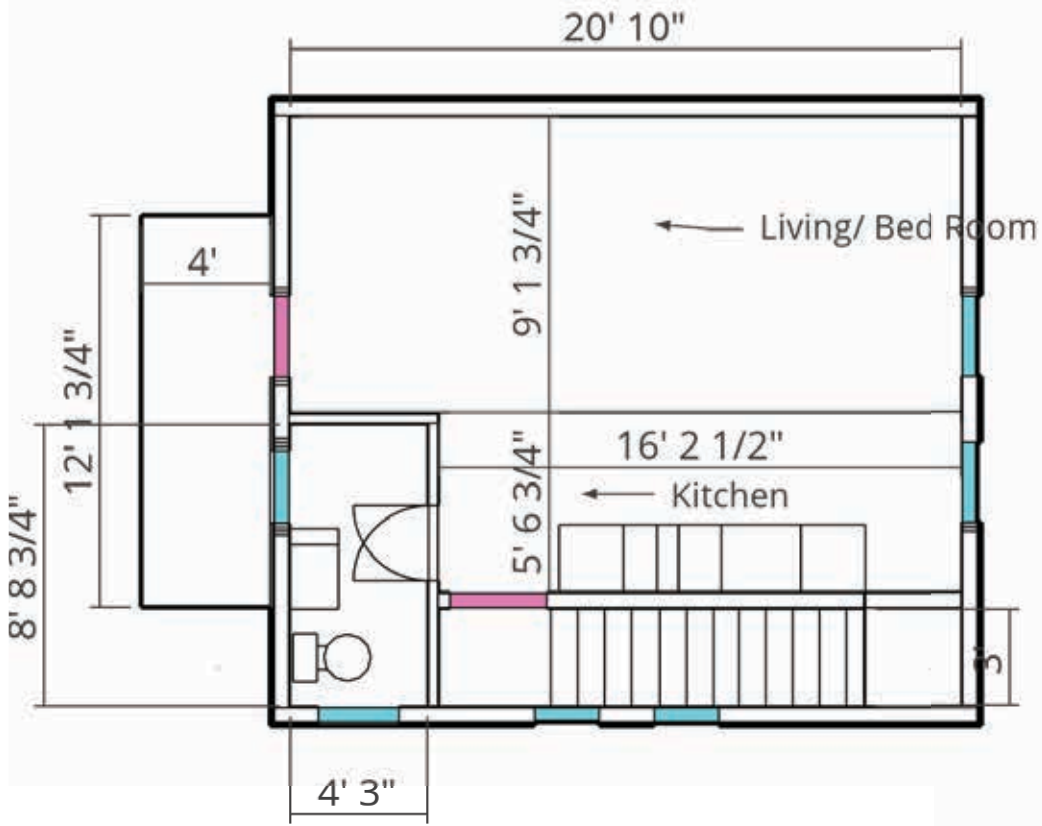
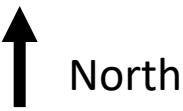
Revisions:
 January 12 2023

Drawing:
 SITE PLAN

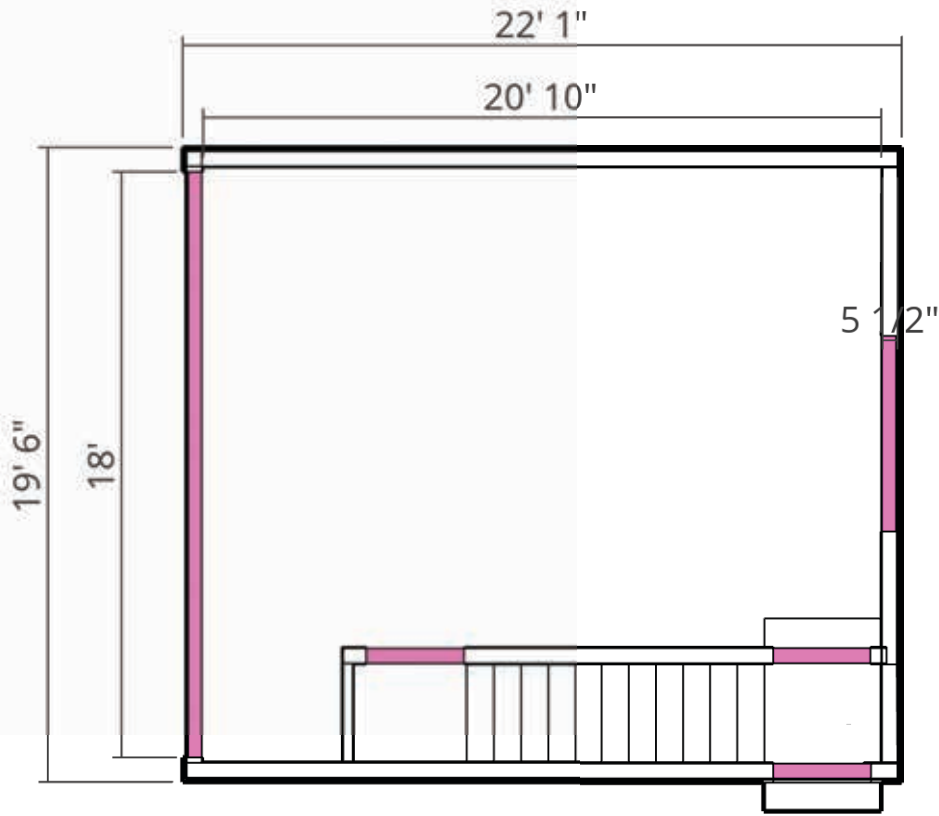
Scale:
 AS SHOWN

C-1

ADU 2nd Floor



Garage 1st Floor



Project: NEW GARAGE/ ADU FOR 753
WALKER RD

Date:
FEBRUARY 2022

Revisions:
January 12 2023

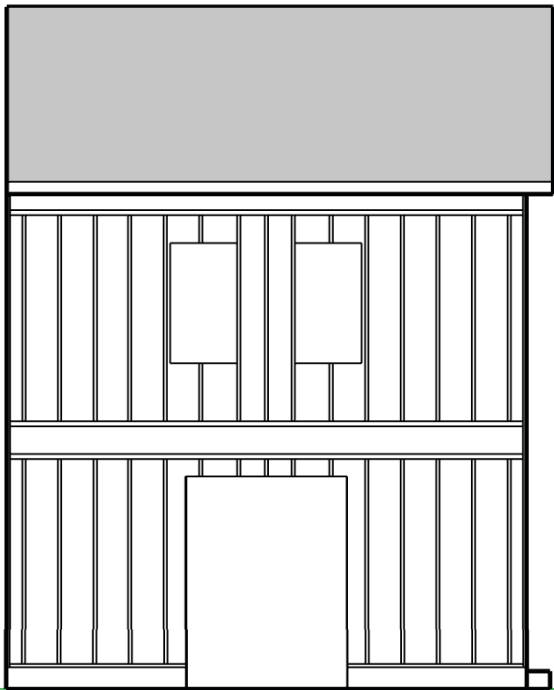
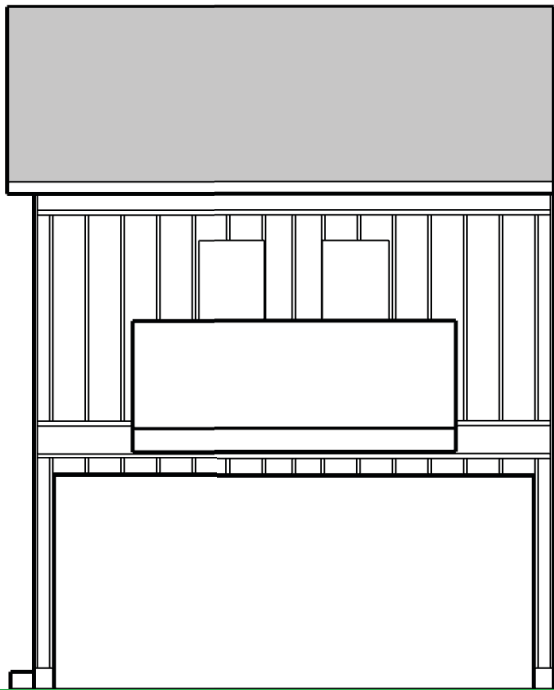
Drawing:
FLOOR PLAN

Scale:
AS SHOWN

C-2

Door
Window





Project: NEW GARAGE/ ADU FOR 753
WALKER RD

Date:
FEBRUARY 2022

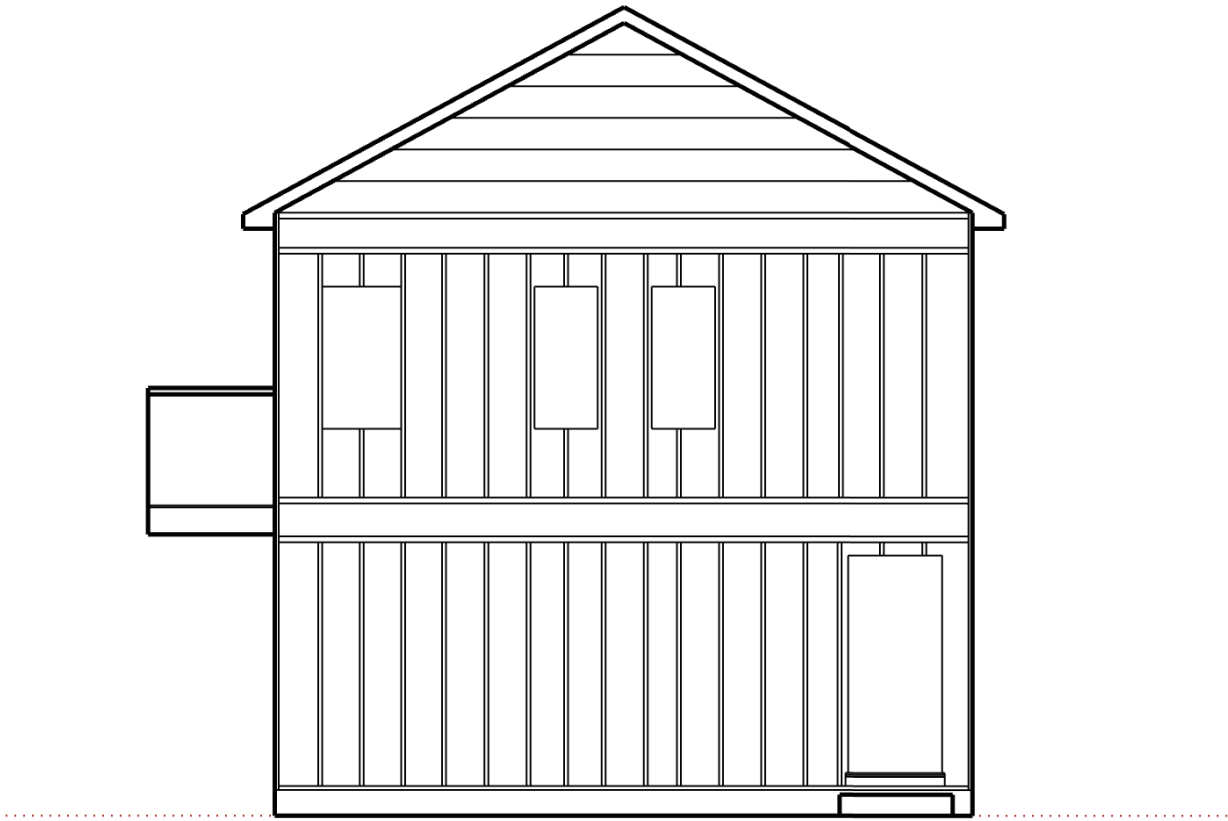
Revisions:
January 12 2023

Drawing:
ELEVATION

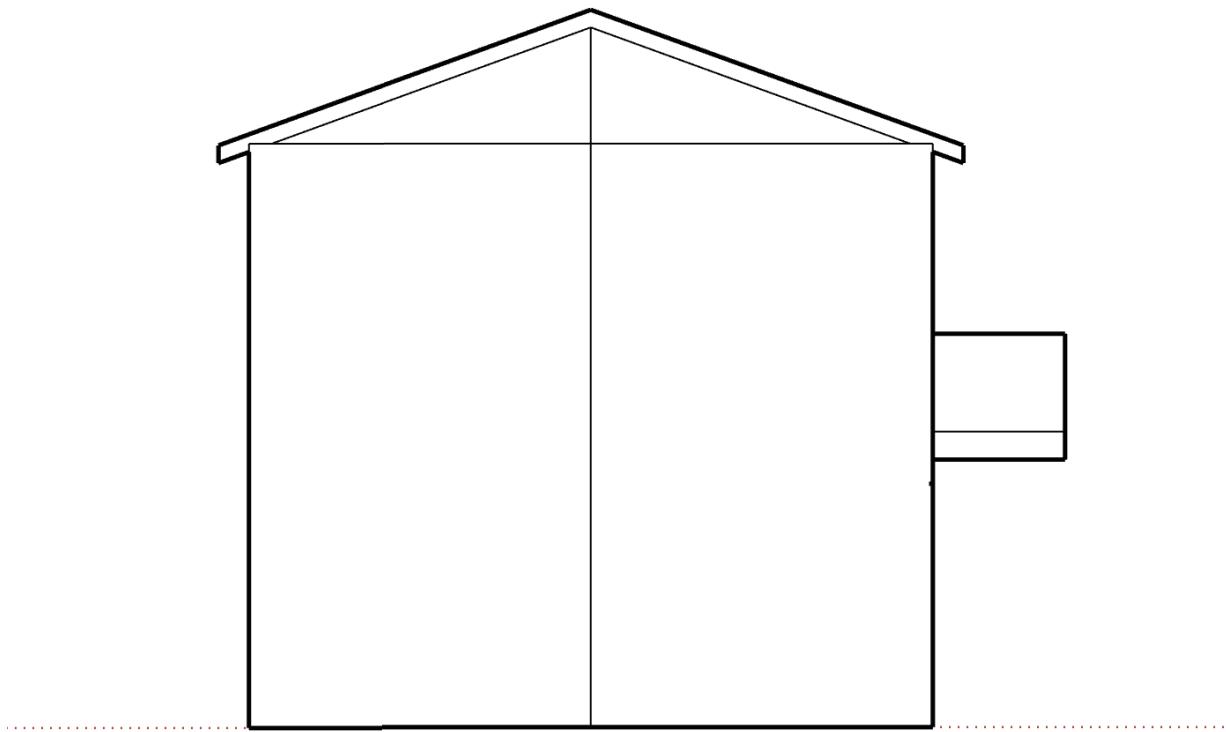
Scale:
AS SHOWN

C-3

On the South Side of the Building Facing North

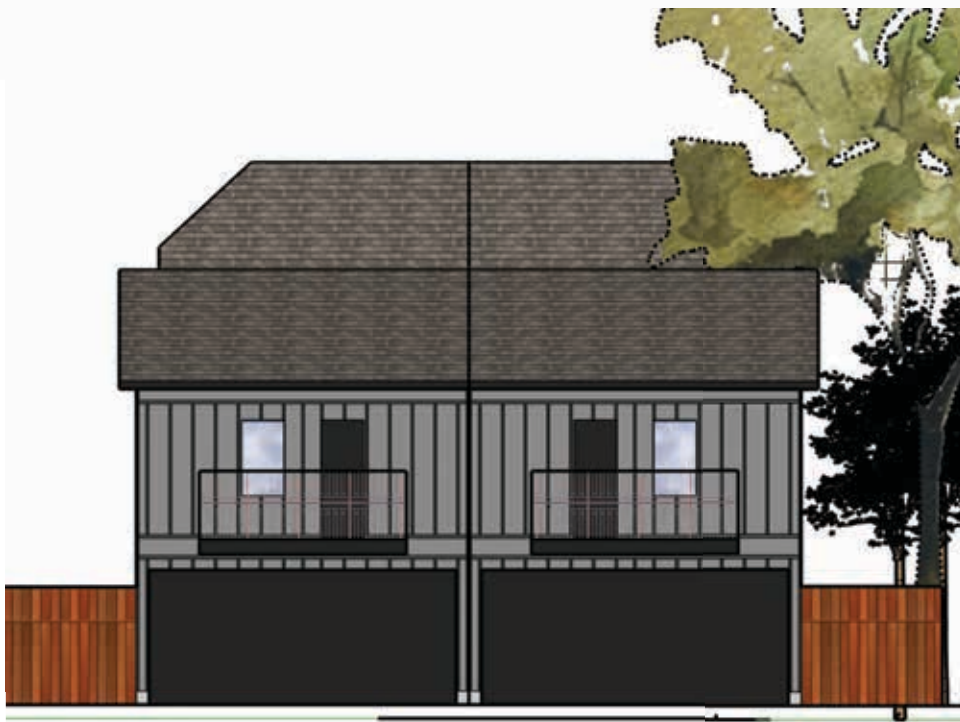
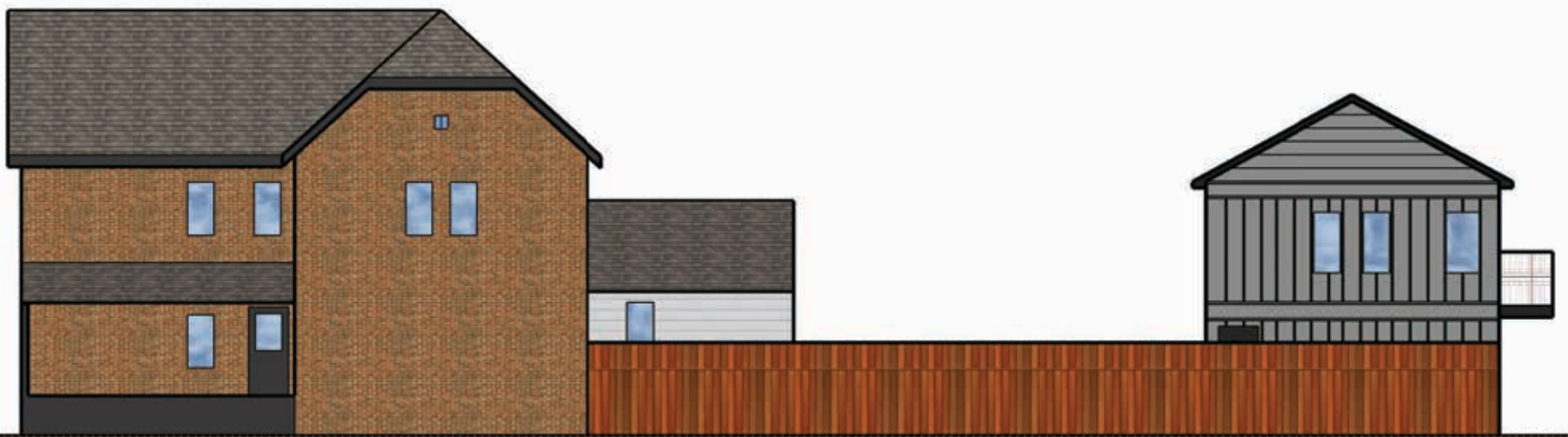
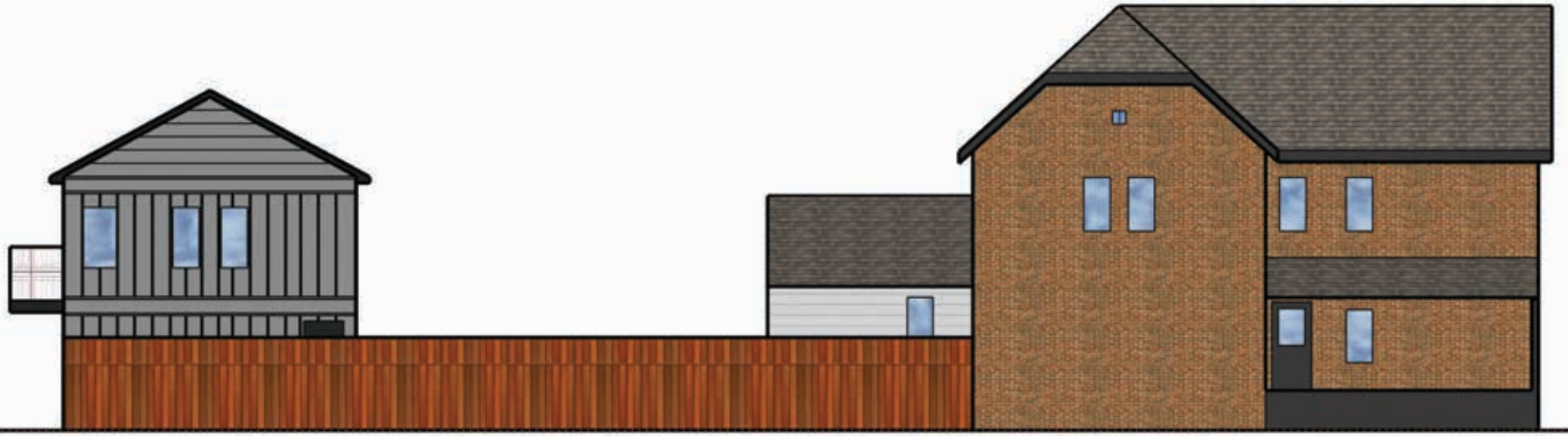


On the North Side of the Building Facing South



| | |
|---|-------------------------------|
| Project: NEW GARAGE/ ADU FOR 753 WALKER RD | |
| Date: FEBRUARY 2022 | Revisions: January 12 2023 |
| Drawing: ELEVATION | Scale: AS SHOWN |

C-4



- S
- <https://www.homedepot.ca/product/gaf-slateline-antique-slate-value-collection-lifetime-shingles-33-sq-ft-per-bundle-/1001016859>
 - Board and Batten Slate Siding
<https://www.homedepot.ca/product/abtco-timbercrest-board-batten-b-b-slate-17-box-/1000785043>
 - Windows
<https://www.lowes.com/pd/JELD-WEN-V-2500-Vinyl-New-Construction-Black-Double-Hung-Window-Rough-Opening-28-in-x-54-in-Actual-27-5-in-x-53-5-in-/1002662192>
 - Stairs
 - Steel (or other metal) painted black to match windows

Project: NEW GARAGE/ ADU FOR 749 and 753 WALKER RD

Date:
FEBRUARY 2022

Revisions:
January 12, 2023

Drawing:
SITE PLAN

Scale:
AS SHOWN

D-1



Neighbourhood Compatibility Renderings – Perspective from Walker Road



View looking slightly north-west between property line of 763 and 753 Walker Roads



View looking slightly south-west between property line of 749 and 739 Walker Roads

APPENDIX 'C' – Additional Photos of 749 and 753 Walker Road



View of 749 and 753 Walker Road at the north side property line of 749 from the rear alley looking east toward Walker Road.



Left: View of the centre property line dividing 749 and 753 Walker Road, where the proposed building would be located. Photograph taken from the rear alley looking east toward Walker Road.

Right: View of the rear yard of 749 Walker Road where the proposed building would be located. Photograph taken from the side yard pathway looking west toward the rear alley.



Photo of accessory structure to be removed at 753 Walker and close-by tree that would be impacted by the new construction.



Views of 753 and 749 Walker Road from the front yard sidewalk looking down the side yard westerly toward the rear alley.



Subject: Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 471**

- I. That CR57/2020, CR37/2021, CR151/2021, CR310/2021, CR285/2020 **BE AMENDED** to extend the project completion deadline to one (1) year from Council approval of Report S6/2023;
- II. That Item VIII of CR310/2021 **BE AMENDED** to extend the deadline for the applicant to sign the grant agreement to one year from Council approval of Report S6/2023;
- III. That Items I and II of CR37/2021 **BE DELETED** and the following **BE SUBSTITUTED** therefor:
 - I. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the New Residential Development Grant Program **BE APPROVED** for \$32,500 towards eligible cost of creating thirteen (13) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - II. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of thirteen (13) new residential units and one (1) office unit in an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- IV. Grant funds in the amount of \$15,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed at 477 Pelissier Street.

Report Number: S 6/2023

Clerk's File: SPL2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.1 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3

Reference:

Date to Council: February 6, 2023

Author: Laura Strahl

Planner III - Special Projects

519-255-6543 Ex 6396

lstrahl@citywindsor.ca

Planning & Building Services

Planning & Building Services

Report Date: January 12, 2023

Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. That CR57/2020, CR37/2021, CR151/2021, CR310/2021, CR285/2020 **BE AMENDED** to extend the project completion deadline to one (1) year from Council approval of Report S6/2023;
- II. That Item VIII of CR310/2021 **BE AMENDED** to extend the deadline for the applicant to sign the grant agreement to one year from Council approval of Report S6/2023;
- III. That Items I and II of CR37/2021 **BE DELETED** and the following **BE SUBSTITUTED** therefor:
 - I. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the New Residential Development Grant Program **BE APPROVED** for \$32,500 towards eligible cost of creating thirteen (13) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - II. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of thirteen (13) new residential units and one (1) office unit in

an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;

- IV. Grant funds in the amount of \$15,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed at 477 Pelissier Street.

Executive Summary:

N/A

Background:

The Downtown Windsor Enhancement Strategy and Community Improvement Plan (Downtown CIP) was approved by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017.

The Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements.

City Council has approved 31 projects for grants under the Downtown Windsor Community Improvement Plan. In 2020 administration started to include deadlines in the recommendations to ensure that grant funds were not tied up in projects that did not move forward. However, over the last few years, there have been unanticipated delays due to labour shortages, material shortages and shut downs during the pandemic that have caused delays in projects. Additionally, some projects are completed, but administrative matters (such as the processing of agreements and submission of paid invoices) need to be completed. The purpose of this report is to recommend extensions to projects that have been delayed due to these circumstances.

Additionally, this report addresses an error in Report S173/2020 – Downtown CIP Grant Application made by 5021089 Ontario Inc (Ray Blanchard) for 477 Pelissier Street (CR37/2021).

Discussion:

Grant Extensions:

The following projects are underway, or are already complete, however they require Council approvals to extend the deadlines that are contained within the resolutions. The project proposals have not changed, only the deadlines need to be extended.

| Council Approval Date | Council Resolution | Address | Project Description |
|------------------------------|---------------------------|--------------------------|--|
| February 3, 2020 | CR57/2020 | 119 Chatham Street | Façade Improvements and interior renovations to accommodate Invest Windsor Essex |
| February 3, 2020 | CR57/2020 | 149 Chatham Street | Façade Improvements and interior renovations to accommodate Invest Windsor Essex |
| June 1, 2020 | CR285/2020 | 773 Assumption Street | Construct a new detached Additional Dwelling Unit (ADU). |
| January 18, 2021 | CR37/2021 | 477 Pelissier Street | Renovate existing building to create new residential units |
| March 29, 2021 | CR151/2021 | 511 Pelissier Street | Renovate existing building to create new residential units |
| July 5, 2021 | CR310/2021 | 490-495 Pelissier Street | Façade Improvements |

Report Error:

Report S173/2020 – Downtown CIP Grant Application made by 5021089 Ontario Inc (Ray Blanchard) for 477 Pelissier Street (CR37/2021) indicates that the subject application is converting an existing commercial building to 7 residential units and 1 commercial unit. However, the applicant applied for conversion to 13 residential units. The subject application qualified for the New Residential Development Grant Program and the Building/Property Improvement Tax Increment Grant Program.

Therefore, Items I and II in CR37/2021 need to be amended to stipulate 13 new residential units instead of 7. Additionally, Resolution I needs to stipulate that the project qualifies for a grant of \$32,500 (\$2,500 per new residential unit) instead of \$17,500. The estimated tax increment grant stipulated in the report was based off the correct number of residential units and was not affected by this error.

Risk Analysis:

There is low risk associated with the approval of this report. All of the applications have been previously approved by Council and the project proposals have not changed. The original intent of having a deadline within the Council Resolution was to ensure that funds were not tied up on projects that fail to move forward. All of the projects listed in the list above have shown progress or are already completed.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

Report S173/2020 – Downtown CIP Grant Application made by 5021089 Ontario Inc (Ray Blanchard) for 477 Pelissier Street indicated that the subject application was converting an existing commercial building to 7 residential units and 1 commercial unit. However, the applicant applied for 13 residential units instead of the 7 residential units. Therefore, the proposed redevelopment of the project qualifies for an additional grant of \$15,000 (\$2,500 per new residential unit) for a total of \$32,500 instead of \$17,500 as previously approved.

If approved, the additional funds of \$15,000 would come from the City Centre Community Development Planning Fund (Project #7011022) to the maximum amount of \$32,500 in total. As CIP grant applications are approved by Council, the approved grant amount will be transferred to the capital project when the work is completed and will be kept as committed funds in Reserve fund 226, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund 226 is \$957,519.19 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The Downtown CIP was subject to stakeholder and public consultation as part of the approval process, including public meetings, a statutory public meeting and circulation among internal City staff and the Province.

Planning staff have consulted with the owner prior to accepting the application. Staff from the Planning, Finance and Legal Departments were consulted in the preparation of this report.

Conclusion:

Administration recommends that Council approve the extensions for projects that have shown progress or already completed outside of the approved deadline. Additionally, administration recommends the correction to CR37/2021 regarding 477 Pelissier Street.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|-----------------|---|
| Laura Strahl | Planner III Special Projects |
| Josie Gualtieri | Financial Planning Admin. |
| Neil Robertson | Manager of Urban Design/Deputy City Planner |
| Thom Hunt | City Planner/Executive Director of Planning and Building Services |
| Wira Vendrasco | Deputy City Solicitor |
| Janice Guthrie | Deputy Treasurer Taxation and Financial Planning |
| Janice Guthrie | On behalf of Chief Financial Officer/City Treasurer |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|-------------|----------------|--------------|
| | | |

Appendices:

- 1 Appendix A - Council Resolutions

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, February 03, 2020**

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR57/2020 DHSC 129

- I. That the request made by 2637283 Ontario Inc. (Owner) for the proposed development at 119 Chatham Street to participate in:
 - a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
 - b. the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for a 50% matching grant to a maximum of \$30,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. That the request made by St. Clair Rhodes Development Corp. (Owner) for the proposed development at 149 Chatham Street to participate in:
 - a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
 - b. the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for a 50% matching grant to a maximum of \$20,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- III. That Administration **BE DIRECTED** to prepare the agreements between the City and St. Clair Rhodes Development Corp. and 2637283 Ontario Inc. (Owners) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.

- IV. That the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.
- V. That the grant under the Commercial/Mixed Use Building Facade Improvement Grant Program for 119 Chatham Street and 149 Chatham Street **BE PAID** to St. Clair Rhodes Development Corp. and 2637283 Ontario Inc. upon completion of the facade improvements as shown in Appendix B to Report S233/2019 within one (1) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).
- VI. That should the facade improvements not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 18/2020 & S 233/2019
Clerk's File: Z/12916 8.8

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
February 11, 2020

Department Distribution

| | |
|-------------------------|---|
| Laura Diotte, MCIP, RPP | Planner III - Special Projects |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner/Executive Director of Planning and Building Services |
| Wira Vendrasco | Deputy City Solicitor |
| Shelby Askin Hager | City Solicitor |
| Don Nantais | Financial Planning Admin. |
| Janice Guthrie | Deputy Treasurer Taxation and Financial Planning |
| Joe Mancina | Chief Financial Officer/City Treasurer |
| Onorio Colucci | Chief Administrative Officer |



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

External Distribution

| | |
|-----------------------------------|--|
| Jerry Kavanaugh | jkavanaugh@ada-architect.ca |
| Damian Kacprzak | dkacprzak@ada-architect.ca |
| St.Clair Rhodes Development Corp. | sheila@midsouth.ca |

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, January 18, 2021**

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR37/2021 DHSC 240

- I. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the New Residential Development Grant Program **BE APPROVED** for \$17,500 towards eligible cost of creating seven (7) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- II. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of seven (7) new residential units and one (1) office unit in an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- III. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program as a LEED Bronze Certified Project **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for an additional five (5) years in accordance with to the Downtown Windsor Enhancement Strategy and Community Improvement Plan, subject meeting the LEED Bronze or higher Certification pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner;
- IV. That Administration **BE DIRECTED** to prepare an agreement between the City and 5021089 Ontario Inc (Owner) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

- V. That the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements;
- VI. That the grant under the New Residential Development Grant Program for 477 Pelissier Street **BE PAID** to 5021089 Ontario Inc upon completion of the seven (7) new residential units as shown on Appendix B to Report S 173/2020 within one (1) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).
- VII. That should the proposed development not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications; and,
- VIII. That the City Planner **BE DELEGATED** authority to approve the Site Plan Control application for 477 Pelissier Street.
- Carried.

Report Number: SCM 13/2021 & S 173/2020
Clerk's File: ZS/13971 8.25

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
February 2, 2021

Department Distribution

| | |
|--------------------|---|
| Laura Diotte | Planner III - Special Projects |
| Josie Gualtieri | Financial Planning Administrator |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner / Executive Director of Planning and Building Services |
| Wira Vendrasco | Deputy City Solicitor |
| Shelby Askin Hager | City Solicitor |
| Janice Guthrie | Deputy Treasurer, Taxation and Financial Planning |
| Joe Mancina | Chief Financial Officer / City Treasurer |



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

| | |
|----------------|------------------------------|
| Onorio Colucci | Chief Administrative Officer |
|----------------|------------------------------|

External Distribution

| | | |
|---------------|--|---------------------------|
| Ray Blanchard | 957 St. Louis Ave Windsor, ON N8S 2K6 | Ray.m.blanchard@gmail.com |
|---------------|--|---------------------------|

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Phone: (519)255-6211

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, July 05, 2021**

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR310/2021 DHSC 297

- I. That the request made by 2527179 Ontario Inc. (Owner) for the proposed development at 490-495 Pelissier Street to participate in the Commercial/Mixed Use Building Façade Improvement Grant Program **BE APPROVED** to a maximum of \$30,000, with funding used towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan and subject to satisfaction of the City of Windsor Heritage Planner.
- II. That the grants under the Commercial/Mixed Use Building for 490 Pelissier **BE PAID** to 2527179 Ontario Inc. upon completion of the façade improvements as described in Report S 67/2021 within one (1) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official.
- III. That the grant funds to a maximum of \$30,000 under the Commercial/Mixed Use Building Façade Improvement Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022).
- IV. That should the project not be completed in one (1) year, City Council **AUTHORIZE** that the funds under the Commercial/Mixed Use Building Façade Improvement Grant Program be uncommitted and made available for other applications.

Carried.

Report Number: SCM 210/2021 & S 67/2021
Clerk's File: Z/12916 8.17

Anna Ciacelli

Deputy City Clerk
July 13, 2021

OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

Department Distribution

| | |
|--------------------|---|
| Laura Strahl | Executive Initiatives Coordinator (A) |
| Josie Gualtieri | Financial Planning Administrator |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner / Executive Director of Planning and Building Services |
| Wira Vendrasco | Deputy City Solicitor |
| Shelby Askin Hager | Commissioner, Legal & Legislative Services |
| Janice Guthrie | Deputy Treasurer, Taxation and Financial Planning |
| Joe Mancina | Commissioner, Corporate Services / Chief Financial Officer / City Treasurer |
| Kristina Tang | Heritage Planner |
| John Revell | Chief Building Official |
| Jason Reynar | Chief Administrative Officer |

External Distribution

| | |
|---------------|--------------------|
| Marko Pocedic | mpocedic@gmail.com |
|---------------|--------------------|

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, April 19, 2021**

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR151/2021 DHSC 264

- I. That the request made by Larry Wolfe Horwitz (Owner) for the proposed development at 511 Pelissier Street to participate in:
 - a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - b. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for an additional five (5) years as a LEED Bronze or higher Certified Project in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - c. the New Residential Development Grant Program **BE APPROVED** for \$50,000, with funding to be used towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. That Administration **BE DIRECTED** to prepare the agreements between the City and Larry Wolfe Horwitz (Owners) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- IV. That the CAO and City Clerk **BE AUTHORIZED** to sign the Tax Increment Grant Program Agreements.

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

- V. That the grants under the New Residential Development Grant for 511 Pelissier Street **BE PAID** to Larry Wolfe Horwitz upon completion of the new residential units as described in Report S 8/2021 within one (1) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official.
- VI. Grant funds in the amount of \$50,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund to the City Centre Community Development Planning Fund (Project #7011022).
- VII. That should the project not be completed in one (1) year, City Council **AUTHORIZE** that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.
- VIII. That the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 96/2021 & S 8/2021
Clerk's File: SPL/2021 8.19

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
November 16, 2021

Department Distribution

| | |
|--------------------|--|
| Laura Diotte | Planner III – Special Projects |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner / Executive Director of Planning & Building |
| Wira Vendrasco | Deputy City Solicitor |
| Shelby Askin Hager | City Solicitor |
| Josie Gualtieri | Financial Planning Administrator |
| Janice Guthrie | Deputy Treasurer, Taxation and Financial Planning |
| Joe Mancina | Chief Financial Officer / City Treasurer |



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

| | |
|--------------|------------------------------|
| Jason Reynar | Chief Administrative Officer |
|--------------|------------------------------|

External Distribution

| | |
|---------------------|--|
| Larry Wolfe Horwitz | 511 Pelissier Street horwitzwolf@aol.com |
| Aidin Horwitz | horwitzaidin@gmail.com |

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, June 1, 2020**

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

Decision Number: CR285/2020 DHSC 162

- I. That the request made by Clark Gallie (Owner) for the proposed development at 773 Assumption Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of an additional dwelling unit in an accessory structure for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. That Administration **BE DIRECTED** to prepare an agreement between the City and Clarke Gallie (Owner) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.
- IV. That should the proposed development not be completed in one (1) year from the Council approval date, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 166/2020 & S 62/2020
Clerk's File: SPL/13801 8.11

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
June 15, 2020

OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

Department Distribution

| | |
|--------------------|--|
| Laura Diotte | Planner III - Special Projects |
| Don Nantais | Financial Planning Admin. |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner / Executive Director of Planning and Building Services |
| Wira Vendrasco | Deputy City Solicitor |
| Shelby Askin Hager | City Solicitor |
| Janice Guthrie | Deputy Treasurer Taxation and Financial Planning |
| Joe Mancina | Chief Financial Officer / City Treasurer |
| Onorio Colucci | Chief Administrative Officer |

External Distribution

| | |
|---------------|--|
| Clarke Gallie | gallie.clarke@gmail.com |
| Nate Schaly | nateschaly@gmail.com |



Subject: Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 472**

- I. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 1801-1833 Wyandotte Street East (legally described as Part of Lots 1 & 2, Plan 479) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing underground infrastructure;
 - iii. EnWin Utilities Ltd. to accommodate the pole, anchors and existing overhead plant;
 - iv. MNSi for existing aerial infrastructure;
 - v. Rosati Development Corp. for access to repair and maintain the north face of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vi. Rosati Development Corp. for pedestrian access from the north exit door off of the northerly main floor commercial unit in the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vii. Rosati Development Corp. for use of the 5.49 metre section of the alley at its easterly terminus by the occupants of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479) for the storage of refuse containers; and

- viii. The Corporation of the City of Windsor for access to repair and maintain the existing circa 1920 300 millimetre vitrified clay combined sewer with manhole.
 - b. Driveway Permit be obtained to keep and maintain the driveway approach **OR** to remove the redundant approach off of Chilver Road to City Standards.
- III. That Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned CD2.2: \$20.00 per square foot without easements and \$10.00 per square foot with easements.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1821, *attached* hereto as Appendix "A".
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Report Number: S 143/2022
Clerk's File: SAA2023

Clerk's Note:

- 1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
- 2. Please refer to Item 11.2 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
- 3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884

Reference:

Date to Council: February 6, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: January 10, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 1801-1833 Wyandotte Street East (legally described as Part of Lots 1 & 2, Plan 479) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing underground infrastructure;
 - iii. EnWin Utilities Ltd. to accommodate the pole, anchors and existing overhead plant;
 - iv. MNSi for existing aerial infrastructure;
 - v. Rosati Development Corp. for access to repair and maintain the north face of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vi. Rosati Development Corp. for pedestrian access from the north exit door off of the northerly main floor commercial unit in the existing

building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);

- vii. Rosati Development Corp. for use of the 5.49 metre section of the alley at its easterly terminus by the occupants of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479) for the storage of refuse containers; and
- viii. The Corporation of the City of Windsor for access to repair and maintain the existing circa 1920 300 millimetre vitrified clay combined sewer with manhole.

- b. Driveway Permit be obtained to keep and maintain the driveway approach **OR** to remove the redundant approach off of Chilver Road to City Standards.

III. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned CD2.2: \$20.00 per square foot without easements and \$10.00 per square foot with easements.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1821, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A



Figure 1 - Location Map

Background:

The applicant, 2798315 Ontario Inc., owner of the property known municipally as 1801-1833 Wyandotte Street East (the subject property), applied to close the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street (the alley), and shown on Drawing No. CC-1821 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The alley is maintained, composed primarily of asphalt, save and except a small amount of gravel adjacent to a rear driveway at 624-634 Chilver Road, and includes a curb cut off of Chilver Road. The alley contains a circa 1920, 300 millimetre vitrified clay combined sewer with manhole, storm water catch basin with lead, underground natural gas line and a utility pole. The alley is bound by the subject property to the north and 624-634 Chilver Road to the south, both of which are owned by the applicant's parent company, Rosati.

The subject property contains a circa 1905 two-storey combined use building with a zero lot line spanning the entire length of the alley. The building includes two main floor commercial units with a combined total of three exit doors off of the alley. The building also has multiple encroachments into the alley in the form of eaves and gutters, electrical equipment (3 wall lights, a satellite dish and a wall mounted security camera), mechanical equipment (2 steel kitchen exhaust vents, 2 wall mounted A/C units, 5 PVC air intake vents and 5 PVC exhaust vents) and refuse containers (2 steel grease bins, 3 steel garbage dumpsters and 4 plastic recycling containers). The 2 steel garbage

dumpsters located at the east end of the alley are listed under an encroachment agreement entered into by the then owner of the subject property in 2014.

624-634 Chilver Road (to the south) contains a circa 1917 two-storey commercial building with a zero lot line spanning approximately 23.0 metres of the alley from Chilver Road. The building has an exit door off of the alley from its northerly main floor commercial unit and includes multiple encroachments into the alley in the form of eaves and gutters, 6 wall mounted gas meters with vertical exterior piping, and refuse containers (1 plastic recycling container and 7 plastic garbage containers). There are no Encroachment Agreements on record for the use of the alley.

The applicant wishes to close the alley for the purpose of potentially expanding the footprint of the combined use building and establishing an outdoor patio area (patio) for its commercial tenants. The applicant has provided a Site Plan, **attached** hereto as **Appendix “F”**, which illustrates a conceptual design for their building addition and patio. It should be noted that the services within the alley may hinder any expansion of the combined use building. The applicant has confirmed that they will not be consolidating 624-634 Chilver Road with the alley and subject property.

Discussion:

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix “E”**. The document details four classifications of alleys based on their usefulness, and provides corresponding criteria for determining suitability for closure.

Classification of Public Right-of-Ways

The initial step is to determine if the alley is indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

1. Does the subject alley serve commercial properties?

- a. The alley serves the subject property and 624-634 Chilver Road as a means of egress for the aforesaid exit doors and an area for the storage of refuse bins.
 - The closure of the alley will require an easement in favour of 624-634 Chilver Road for the purpose of permitting access from the aforesaid exit door.
 - It should be noted that if the alley is separated from the Chilver Road right-of-way by a physical barrier, such as a fence, a gate must be provided within and shall remain unlocked at all times for occupants exiting any one of the aforesaid exit doors or the patio.
 - The exit doors must be kept clear from obstructions and a clear path maintained to the said gate at all times.

- The applicant has indicated that they intend to store the refuse bins for both properties within a 5.49 metre section of the alley at its easterly terminus.
 - The Environmental Services Department has confirmed that City residential waste collection will continue to be collected on Chilver Road.
 - The applicant has noted that they intend to convert the second floor residential space in the combined use building to offices.
 - The applicant will be responsible to coordinate any necessary changes to accommodate private waste collection for their commercial tenants.
 - An easement will be required in favour of 624-634 Chilver Road to allow the storage of refuse bins in the said area.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
- a. The subject property fronts on Wyandotte Street East, a designated Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
 - b. Refer to response for Section 1 above.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
- a. There is a circa 1920, 300 millimetre vitrified clay combined sewer with a manhole located within the alley.
 - b. The Public Works - Engineering Department (Public Works) has confirmed that the alley can be closed subject to an easement being granted to the The Corporation of the City of Windsor for access to repair and maintain the existing combined sewer and manhole.
 - c. Public Works has indicated that the storm water catch basin and lead pipe will be owned and maintained by the new owner of the alley if it is closed.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
- a. The alley does not provide access to any rear parking areas or garages.
 - b. The applicant confirmed that the overhead door off of the alley from the combined use building is no longer used and has been enclosed from the interior.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
- a. The alley does not contain any Fire Department connections.

6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*

- a. The alley does not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the alley “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed to the owner of the subject property for the following reasons:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s and 624-634 Chilver Road’s use of the alley.
- The subject property and 624-634 Chilver Road are both owned by the applicant’s parent company, Rosati.
- The combined sewer with manhole will be accessible for maintenance and repairs via an easement.
- An easement will be granted to 624-634 Chilver Road for access to maintain and repair the north face of the existing commercial building with a zero lot line and for egress from the aforesaid exit door.
 - This is necessary in the situation that the subject property or 624-634 Chilver Road is sold to another party.
- Presents an opportunity to reinvigorate an unattractive space to that which is aesthetically pleasing, serves as gathering place and positively reinforces the existing streetscape.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the alley. Hence the recommendation is to close and convey the alley to the owner of the subject property.

Risk Analysis:

The recommended closure of the alley will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to the City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned CD2.2 is \$20.00 per square foot without easements and \$10.00 per square foot with easements.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached **hereto** as **Appendix “C”**.

Notice of this application was issued to property owners abutting the north/south alley on October 27, 2022 with no objections being received as of the writing of this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Conclusion:

The Planning Department recommends closure of the east/west alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, Enbridge Gas, EnWin Utilities Ltd., MNSi, Rosati Development Corp. and The Corporation of the City of Windsor as in Recommendation II of this report.

The closed alley is to be conveyed to the owner of the subject property as in Recommendation II of this report.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|-----------------|--|
| Michael Cooke | Manager of Planning Policy/Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Chris Carpenter | Coordinator of Real Estate Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administration Officer |

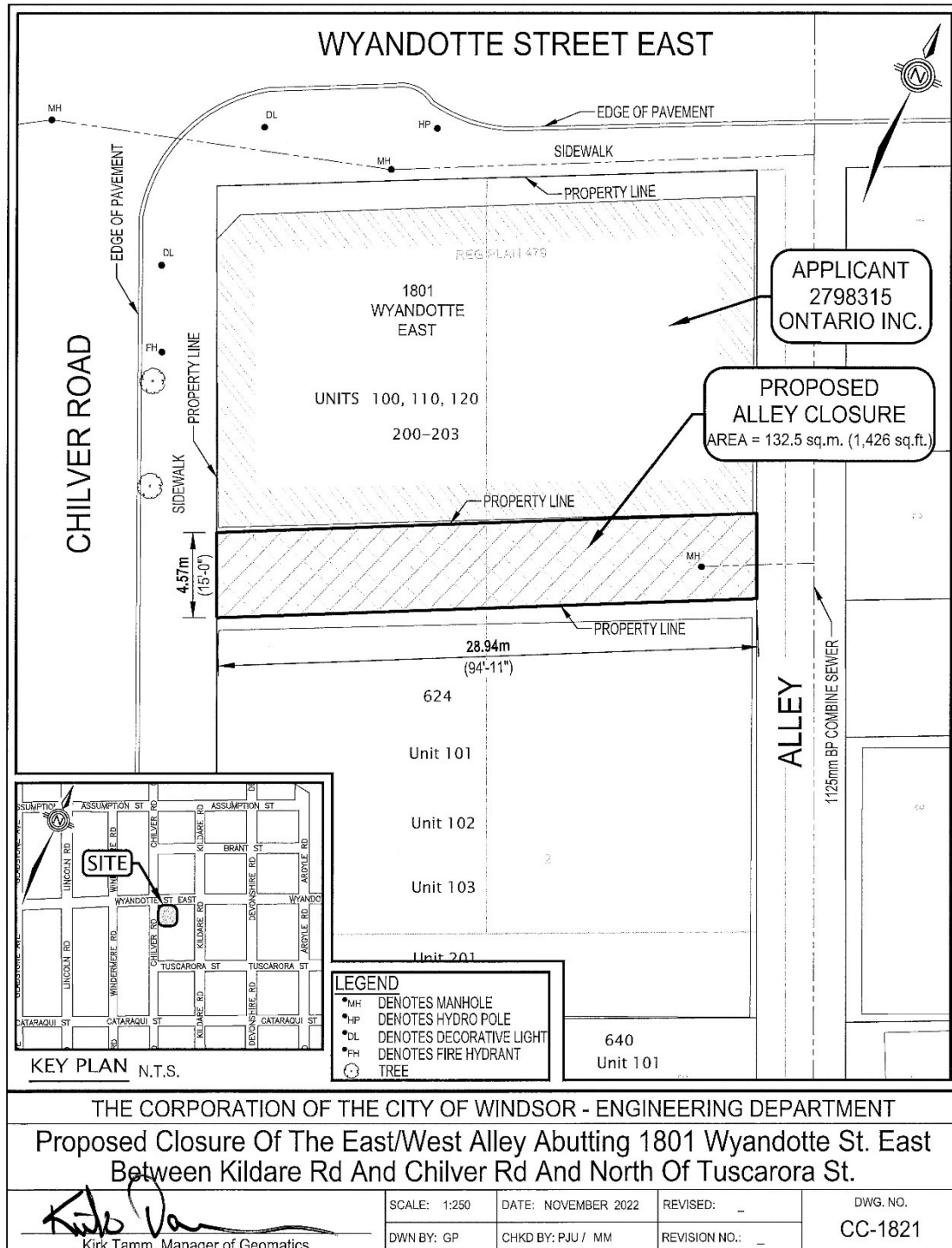
Notifications:

| Name | Address | Email |
|---|---------|--------------------------|
| Councillor Mark McKenzie | | MMcKenzie@citywindsor.ca |
| List of mailing labels for property owners abutting alley issued to Clerks office | | |

Appendices:

- 1 Appendix A - Drawing No. CC-1821
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - Site Plan for Proposed Alley Redevelopment

APPENDIX "A" **Drawing No. CC-1821**



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6884)

1:1,000

APPLICANT : 2798315 ONTARIO INC

 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: OCTOBER, 2022



APPENDIX “C”**Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

Bell Canada requests easement protection for existing aerial facilities. Requested easement width is 1.5m on either side of aerial structure for a total of 3m to span the length of the closure area.

[Charleyne Hall, Manager, Bell Canada External Liaison]

CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENBRIDGE GAS

After reviewing the provided drawing to close the E/W alley abutting 1801 Wyandotte St. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

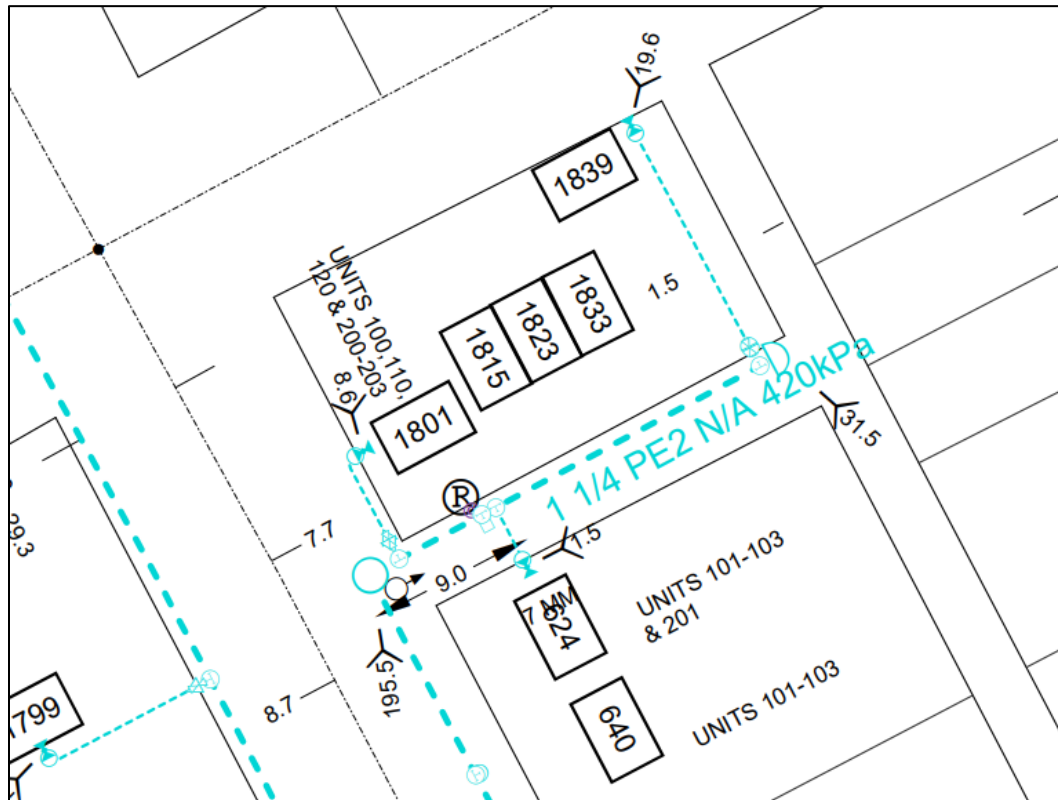
Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead

- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

[Jose Dellosa, Drafter Estimator]



ENVIRONMENTAL SERVICES

November 25, 2022

There are two different type of collection in this alley: City collection and Private collection. For the City collection we have set everything up to collect on Chilver, so from our perspective there is no longer any objection to the alley closing. However, I have no jurisdiction on the private collection. Those businesses will need to contact their contractor to advise of the location change (your blue area below). The North/South alley has a tight exit on to Wyandotte, but in my opinion it should not be an issue for the private sector collection.

September 12, 2022

In terms of waste collection, we do collect in the E/W alley. However, it may be possible to move collection to Chilver. We would have to look at it a bit more closely, and the abutting homeowners/businesses would need to be made aware of that requirement. There may be opposition to such a move on their part.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

If no open alley exists, we will require a minimum 10 ft wide easement (5 ft each side of the pole line) to accommodate the pole, anchors and existing overhead plant.

Also, please note communications may also require easements (i.e.: Bell, Cogeco)

[Jeremy Allossery, Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For lands abutting CD2.2, \$20.00 per sq/ft without easements and \$10.00 per sq/ft with easements.

[Denise Wright, Lease Administrator]

MNSi

MNSi requires an aerial easement through the subject lands.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

Parks D&D has no comments for this SAA/6884 LIAISON.

[Sherif Barsom, Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objections from a landscape architectural perspective

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject alley to be closed is approximately 30 m long, 4 m wide, and composed of asphalt. A 300 mm diameter vitrified clay combined sewer runs underneath the east portion of the alley. There is a combined sewer manhole within the proposed closure area. If the alley closure is approved, an easement will be required over the municipal sewer. The alley drains to a catch basin in the center of the alley. If the alley is closed, the catch basin and lead pipe will be owned and maintained by the new property owner. Drainage must be maintained by the future owner. There is a hydro pole within the alley, an easement will also be required for utilities. There is a driveway approach at the west end of the subject closure. A permit will be required by the property owners to keep and maintain the driveway approach or to remove the redundant approach off Chilver Road to City Standards. There are multiple garbage and recycling bins in the alley. If the alley is closed, the property owner(s) will need to work with WDS to determine how garbage can be collected at the curb. The subject alley is deemed indispensable by CR 146/2005; however, Public Works has no concerns if the alley is closed subject to the easements and the conditions noted above.

[Adam Pillon, Manager of Right-of-Way]

PUBLIC WORKS - OPERATIONS

September 12, 2022

In addition to what you have mentioned below regarding utilities, sewers, garbage pick up etc., there are quite a few properties that use the rear for parking including 621 Kildare. Are they looking to "close" the north/south portion of the alley or the east/west portion? Either way, it does not appear that it is feasible at this time.

September 13, 2022

If it is the East/West portion, a sewer easement would be required and drainage of the existing portion of the alley would need to be maintained or suitably altered.

[Roberta Harrison, Coordinator Maintenance]

PUBLIC WORKS - TRAFFIC

There is one overhead door at the rear of 1801 Wyandotte. However since this unit belongs to the requestor, there are no objections.

There are many garbage cans and larger metal garbage bins which may end up being displaced to the north/south alley, and cause access issues. Should consider a contingency for No Parking signs as delivery vans were observed using the east/west alley at time of visit.

The existing curb cut and apron would need to be removed and new barrier curb installed. If alley is closed, corner clearance should be reviewed.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work.

[Meghna Patel, Permit Coordinator]

TRANSPORTATION PLANNING

No objections for the proposed closure.

[Shannon Deehan, Transportation Planner]

TRANSIT WINDSOR

No comments provided

WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of alley within the Walkerville neighbourhood to permit use of the space for a building expansion or patio area. The alley in question is a paved laneway currently accessible to vehicular traffic but its closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area. The closure will still leave other options available to the police for such purposes. To ensure the space can be established and then more importantly maintained in a safe condition, appropriate lighting should be considered that allows ongoing visibility of the space during night time conditions. The end result from this closure will create an area of enhanced positive activity generation (a core principle of good CPTED - crime prevention through environmental design) that supports public safety.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (September 14, 2022)



Figure 1 - Alley looking west towards Chilver Road (1801-1833 Wyandotte Street East on right)



Figure 2 - Alley looking west towards Chilver Road (624-634 Chilver Road on left)



Figure 3 - Alley looking west towards Chilver Road (1801-1833 Wyandotte Street East on right)



Figure 4 - Catchbasin within alley (1801-1833 Wyandotte Street East on left)



Figure 5 - Alley looking north towards rear exit of Kona Sushi restaurant at 1801 Wyandotte Street East



Figure 6 - Looking east towards alley from Chilver Road (616 Chilver Road on left)



Figure 7 - Looking east towards alley from Chilver Road (1801-1833 Wyandotte Street East on left)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

Following are the criteria and suitability for closing alleys in each of the above classifications.

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.



**Subject: Brownfield Redevelopment Community Improvement Plan (CIP)
application submitted by The Walker Power Building Inc. for 325 Devonshire
Road (Ward 4)**

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 473**

- I. That the request made by The Walker Power Building Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for remediation and redevelopment at 325 Devonshire Road for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. That, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 325 Devonshire Road in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
- III. That the request made by The Walker Power Building Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the remediation and redevelopment at 325 Devonshire Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- IV. That the submission of the following material, satisfactory to the City Planner, **BE CONDITIONS** of approval:
 - a. Written acknowledgement from the Ministry of Environment, Conservation and Parks that a Record of Site Condition has been filed in the Environmental Site Registry; and
 - b. All final copies of Archaeological Assessments and letter from the Ministry of Citizenship and Multiculturalism that the Stage 4 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
- V. That, Administration **BE DIRECTED** to prepare an agreement between The Walker Power Building Inc. and/or persons or companies that have legally been assigned the right to receive grant payments and the City to implement the

Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

- VI. That the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,
- VII. That the approval to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs **EXPIRE** if the grant agreements are not signed by applicant within one year following Council approval. The City Planner may extend the deadline for one year upon request from the applicant.

Report Number: S 88/2019
Clerk's File: SPL2023

Clerk's Note:

- 1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
- 2. Please refer to Item 11.3 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
- 3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by The Walker Power Building Inc. for 325 Devonshire Road (Ward 4)

Reference:

Date to Council: February 6, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: January 12, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

RECOMMENDATION:

- I. THAT the request made by The Walker Power Building Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for remediation and redevelopment at 325 Devonshire Road for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 325 Devonshire Road in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
- III. THAT the request made by The Walker Power Building Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the remediation and redevelopment at 325 Devonshire Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

- IV. THAT the submission of the following material, satisfactory to the City Planner, **BE CONDITIONS** of approval:
- a. Written acknowledgement from the Ministry of Environment, Conservation and Parks that a Record of Site Condition has been filed in the Environmental Site Registry; and
 - b. All final copies of Archaeological Assessments and letter from the Ministry of Citizenship and Multiculturalism that the Stage 4 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
- V. THAT, Administration **BE DIRECTED** to prepare an agreement between The Walker Power Building Inc. and/or persons or companies that have legally been assigned the right to receive grant payments and the City to implement the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,
- VII. THAT the approval to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs **EXPIRE** if the grant agreements are not signed by applicant within one year following Council approval. The City Planner may extend the deadline for one year upon request from the applicant.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The four storey, 63,000 square foot building facing Riverside Drive between Devonshire Road and Chilver Road (see location map) was constructed between c.1911-1912 as part of the Hiram Walker Co. Power Department designed by Detroit architect J.E. Kinsey. It was surrounded to the north and south by railway tracks for most of the past 105 years. The property (inclusive of the building and railway turntable) was designated under the *Ontario Heritage Act* on August 4, 2020 and a Heritage Conservation Easement was entered into with the City. The building sat vacant for 17 years until it was purchased by the Walker Power Building Inc. in 2017. The Walker Power Building Inc. is owned by Patrick J. Ducharme, Piero Aleo, Vincent Aleo, and Stephen P. Ducharme.

Prior to the Walker Power Building Inc. a number of potential purchasers had investigated the redevelopment potential of the building, however several challenges have prevented prior reuse proposals from moving forward. The environmental condition of the property and potential unknown cost of remediation was one such challenge that had to be addressed before redevelopment could proceed. Securing land for site access and parking was another significant challenge as the original property was not much larger than the footprint of the building.

To facilitate redevelopment for office and commercial use The Walker Power Building Inc. has purchased 0.36 hectares (0.9 acres) of the abutting City-owned property to the north and west of the building (see location map). 0.23 hectares (0.67 acres) of the abutting City-owned lands to the west and north of the building has also be leased rather than sold because the land contains municipal sewers. The property sale and lease was authorized by Council in 2019.

The property is designated 'Business Park' in the City's Official Plan and was rezoned from Manufacturing District 1.1 (MD 1.1) to Manufacturing District (MD1.4) in 2019, which permits a range of light industrial, office, and commercial uses. The development was also subject to site plan control (SPC-029/17).

An application under the Environmental Site Assessment Grant Program was approved by Council on June 4, 2018. The approved grant reimburses 50% of cost of Phase 2 Environmental Site Assessment work (e.g. soil and groundwater sampling) up to a maximum of \$25,000. This grant was paid in 2021.

The Brownfield Tax Assistance and Rehabilitation Grant application was initially submitted in April, 2018 and updated in July 2019. While the eligible environmental and rehabilitation costs have already been incurred—the CIP allows eligible costs incurred after the application was submitted to be included in the grant programs. Administration understand that the owner is in the process of filing a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation, and Parks (MOECP), which is required to participate in the Brownfield Tax Assistance and Rehabilitation Grant Programs.

Neighbourhood Context

On July 25, 2022 Council established the boundaries of the Walkerville Theming and Districting Plan, which encompass 325 Devonshire Road. Council also endorsed a multi-phased plan to animate destination points, created a unique network of spaces, and establish public realm connections within the neighbourhood. The first project recommended by the Plan is the Hiram Walker Parkette, which was completed in July

2022 and is located directly across the street from the subject site. The Parkette includes a life size bronze statue of Hiram Walker with six whiskey barrels and serves as a gateway element at the intersection of Devonshire Road and Riverside Drive East.

The subject site is located within the Walkerville Business improvement Area and falls within the Walkerville Heritage Area identified on Schedule G (Civic Image) of the Official Plan.



Figure 1: Former Hiram Walker Co. power building (2014)

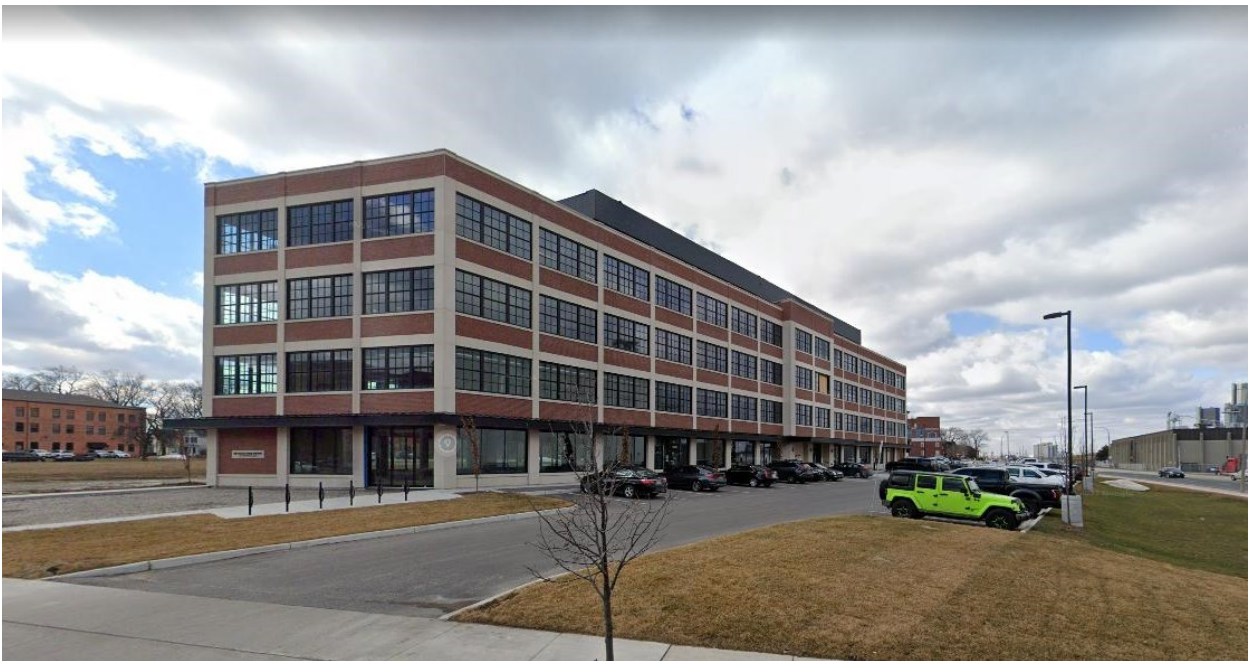


Figure 2: Walker Power Building (2021)

DISCUSSION:

Brownfield Redevelopment

The redevelopment, which is mostly complete anticipates a number of commercial uses on the ground floor. Floors two through five are being used for business office use. The footprint of the newly constructed fifth floor is stepped back from the existing building facades. Access to the site is provided from Devonshire Road and Chilver Road. No additional or new buildings are proposed.

The Phase 2 Environmental Site Assessment study indicated remedial work was required in order to file a Record of Site Condition (RSC). A RSC documents the soil and groundwater quality relative to the prescribed standards for certain classes of land use. A remedial work plan prepared by the owner's environmental consultant indicated 1,730 cubic metres of contaminated soil had to be removed and replaced it with clean fill. The remedial work has been completed and a RSC is in the process of being filed with the MOECP.

The total project budget was \$10,267,500, however only costs related to environmental remediation, building rehabilitation, and site servicing work are eligible under the CIP (i.e. \$7,903,000). To offset the eligible costs the owner has applied under the following programs.

Brownfield Property Tax Assistance Program

The Brownfields Property Tax Assistance Program may cancel any increase in municipal property taxes on a brownfield property for up to three years during rehabilitation and redevelopment. Through the municipality—property owners may also apply to the Province for a matching cancellation of any increase in education property taxes. Under the tax cancellation provision of the *Municipal Act* (i.e. section 365.1) the program may continue for up to three years while remediation and redevelopment are taking place.

The value of tax cancellation must be offset by eligible costs, which are the costs of any action taken to reduce the concentration of contaminants on, in, or under the property to permit a RSC to be filed (e.g. Phase II ESA, Risk Assessment, environmental remediation, placing of clean fill, installing environmental controls, monitoring, environmental insurance premiums, etc.). These costs are estimated to be \$365,500.

To enact the program, Council must pass a tax cancellation by-law and may make application to the Ministry of Municipal Affairs and Housing (i.e. on behalf of the owner) for cancellation of the education portion of the tax levy under the Provincial Brownfield Financial Tax Incentive Program (BFTIP). A tax cancellation agreement between the

City and the owner is also required, which would cause any tax cancellation be repaid should a RSC not be filed.

Brownfield Rehabilitation Grant Program

The Brownfield Rehabilitation Grant Program starts after the Brownfield Property Tax Assistance Program and Provincial BFTIP programs are complete. The purpose of the program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs not fully disbursed by the Brownfield Tax Assistance Program and BFTIP as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. building rehabilitation, development applications and building permit fees, and upgrading on-site /off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The annual grants are based on 70% of the difference between the municipal tax levy at the time of grant issuance and the date of approval to participate in the program. Annual grants are only paid out following the filing of a RSC, reassessment of the property, and the payment of the increased property taxes for the year in which the grant is to be provided.

The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase. Should Council wish to approve less than the maximum Brownfield Rehabilitation Grant value it would achieve this by limiting how many years the grant payments would continue (i.e. between 1 and 10 years). Or a maximum grant value may be imposed by Council.

Outstanding Requirements

General program requirements found in section 5.1 j) of the CIP state that:

All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards and guidelines, including applicable Official Plan and zoning requirements and approvals;

The following requirements are set out in the Site Plan Agreement (registered as instrument CE970669 on October 23, 2020):

S-9 The Owner shall comply with all conditions specified in the Archaeological Assessment Report issued October 1, 2019 to the satisfaction of the Corporation and the Ministry of Tourism, Culture and Sport

S-10 The Owner shall register the railway turntable on the subject lands as an archaeological site as per the Archaeological Assessment Report issued October 1, 2019.

Requirements S-9 and S-10 will be satisfied upon the entry of the Stage 4 Archaeological Assessment Report into the Ontario Public Register of Archaeological Reports.

Section 5.4.3 j) and 5.5.3 j) of the CIP require:

The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the City proof that the RSC has been acknowledged by the Ministry of Environment (MOE).

The owner has indicated that the RSC and Stage 4 Archaeological Assessment Report are both very close to being complete and submitted to the appropriate Provincial Ministries.

CIP Goals

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the former industrial property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The clean up and redevelopment of the site is supported by numerous policies within the 2020 Provincial Policy Statement, the City's Official Plan, and the City's Environmental Master Plan.

RISK ANALYSIS:

There is little risk associated with the approval of the CIP applications in principle. Staff resources are required for the upfront administration of the grant programs, finalization of the legal agreements, and making application to the Province under the BFTIP.

There is some risk in refusing the request for financial incentives or approving less than the maximum grant value. Because the environmental and redevelopment work is complete there is no risk of the property remaining contaminated and derelict. Refusing the request or approving less than the maximum grant value would impact the owner's financial return on the project.

Approval to participate in the Tax Assistance Program is a prerequisite for participation in the Provincial Brownfield Financial Tax Incentive Program during the first three years of the project. Refusing the request to participate in this program would preclude the leverage of this Provincial tax cancellation.

FINANCIAL MATTERS:

The post-development property value assessment (2022) is \$5,139,000 (the property was previously assessed at \$327,500 prior to redevelopment). The 2022 total annual tax levy is estimated is \$213,586.91, which is a significant increase from the total (pre-development) annual levy of \$15,890.

While the Brownfield Property Tax Assistance Program may cancel 100% of the total tax increment for up to three years—only environmental study and remediation costs are eligible under the program. This would limit the program to two years and a total value of \$365,500.

The Brownfield Rehabilitation Grant Program would commence in year three of the grant period and provide an annual grant equivalent to 70% of the increase in municipal taxes (i.e. \$110,785.37). Council may approve the grant program for up to a maximum of 10 years, which would total grant value of approximately \$1,107,853.70.

Approval of the rehabilitation grant for 10 years would offset 100% of the environmental study and remediation costs and would offset approximately 19% of the total eligible project costs (including building rehabilitation and site servicing). The following is a summary of the potential total grant value.

| | |
|---|-----------------------|
| Environmental Study Grants | \$25,000 |
| Tax Assistance Program/BFTIP (Years 1-2) | \$365,500 |
| Brownfield Rehabilitation Grants (standard construction Years 3-13) | \$1,107,853.70 |
| Total | \$1,498,353.70 |

| | | | |
|---|-------------------|---|----------------|
| { | Provincial BFTIP | } | \$78,864.10 |
| | All City Programs | | \$1,419,489.60 |

CONSULTATIONS:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the Brownfield CIP applications. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

CONCLUSION:

Administration recommend Council approve the request from the Walker Power Building Inc. to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs and direct Administration to make application to the Province under the BFTIP program on the owner's behalf. It is recommended that Council approve the Brownfield Rehabilitation Grant Program for up to 10 years conditional on the completion of the required RSC and Stage 4 Archeological Assessment Report.

It is also recommended that approvals expire if the owner does not sign the required agreements within one year of Council approval.

The clean-up and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of CIP, Official Plan, and Environmental Master Plan goals.

PLANNING ACT MATTERS:

N/A

APPROVALS:

| Name | Title |
|-----------------|---|
| Michael Cooke | Manager of Planning Policy/Deputy City Planner |
| Thom Hunt | City Planner |
| Wira Vendrasco | Deputy City Solicitor |
| Josie Gualtieri | Financial Planning Administrator |
| Janice Guthrie | Deputy Treasurer |
| Joe Mancina | Chief Financial Officer |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

NOTIFICATIONS:

| Name | Address | Email |
|------------------|----------------|--------------------------|
| J.P. Baillargeon | | jpbailargeon@dillon.ca |
| Piero Aleo | | paleo@aleoassociates.com |
| Taryn Azzopardi | | tazzopardi@dillon.ca |

APPENDICES:

1. Location Map





**Subject: Brownfield Redevelopment Community Improvement Plan (CIP)
application submitted by Lakefront Heights Inc. for southern part of 10835
Riverside Drive East (Ward 7)**

Moved by: Councillor Fred Francis
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 474**

- I. That the request made by Lakefront Heights Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible study, if required (e.g. delineation of contaminants or remedial work plan) for property located on the southern part of 10835 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment and up to an additional maximum of \$10,000 (total of \$25,000) based upon the completion a second eligible study (e.g. delineation of contaminants or Remedial Work Plan) completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Report Number: S 149/2022
File Number: SPL2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.4 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Lakefront Heights Inc. for southern part of 10835 Riverside Drive East (Ward 7)

Reference:

Date to Council: February 6, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: December 23, 2022
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Lakefront Heights Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible study, if required (e.g. delineation of contaminants or remedial work plan) for property located on the southern part of 10835 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment and up to an additional maximum of \$10,000 (total of \$25,000) based upon the completion a second eligible study (e.g. delineation of contaminants or Remedial Work Plan) completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and/or other eligible study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every

hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The subject site is located on the north side of Wyandotte Street East between Clover Street and Chateau Avenue in the East Riverside neighbourhood (see location map). The site is comprised of the southern part of 10835 Riverside Drive East, which was recently severed (B-052/21) and purchased from the Riverside Sportsmen Club. The subject site was formerly used as a sports firing range for clay pigeon shooting. The property is 1.6 hectares (or 4.1 acres) in size and is currently vacant. It is designated 'Residential' on Official Plan Schedule D: Land Use and is zoned Commercial District CD1.1, which only permits a Club. Planning staff anticipate a future application to amend the zoning to permit residential use.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The owner proposes to redevelop the property for residential use, which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase I Environmental Site Assessment (ESA) study to support the redevelopment of the property. The Phase I ESA study identified areas of potential environmental concern related to the former use as a firing range for clay pigeon shooting and the presence of fill material of unknown quality and origin. The Phase 1 ESA report recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). The Phase II ESA study is necessary to support the filing of a RSC.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion, the City would retain a copy of the final study report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the property remaining contaminated and vacant. Uncertainly related to the extent of contamination will continue to act as a barrier to redevelopment if not addressed.

The proposed Phase II ESA study will assist in mitigating the above noted risk by providing an estimated cost to remediation and establishing next steps in the remediation process.

Climate Change Risks

Climate Change Mitigation:

The proposed residential redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular,

the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

Climate Change Adaptation:

The proposed residential redevelopment may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$59,600. If approved, the maximum grant would total \$15,000. If an additional eligible study is required to delineate the extent of any contamination or devise a remedial work plan an additional \$10,000 may be available (i.e. total maximum grant value of \$25,000). Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$957,519.19 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from Lakefront Heights Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|-----------------|--|
| Josie Gualtieri | Financial Planning Administrator |
| Michael Cooke | Manager of Planning Policy / Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Janice Guthrie | Deputy Treasurer – Taxation, Treasury & Financial Projects |
| Janice Guthrie | On behalf of Commissioner, Corporate Services Chief Financial Officer / City Treasurer |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administration Officer |

Notifications:

| Name | Address | Email |
|------------------|---------|------------------------|
| Mathew Antaya | | mantaya@dillon.ca |
| J.P. Baillargeon | | jpbailargeon@dillon.ca |

Appendices:

- 1 Location Map



Subject: Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 475**

- I. That the requests made by 2798315 Ontario Inc. and 1068414 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible studies, if required (e.g. delineation of contaminants) for three separate projects located at the following properties, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan:
 - a. 1969 Wyandotte Street East;
 - b. 626 Argyle Road; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road.
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$61,525 based upon the completion and submission of a Phase II Environmental Site Assessment and other eligible studies, if required as follows, completed in a form acceptable to the City Planner and City Solicitor:
 - a. 1969 Wyandotte Street East – maximum of \$18,425;
 - b. 626 Argyle Road—maximum of \$18,100; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road—maximum of \$25,000.
- III. That the grant funds in the amount of \$61,525 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible studies not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Report Number: S 3/2023

Clerk's File: SPL2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.5 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)

Reference:

Date to Council: February 6, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 Ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: January 9, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the requests made by 2798315 Ontario Inc. and 1068414 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible studies, if required (e.g. delineation of contaminants) for three separate projects located at the following properties, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan:
 - a. 1969 Wyandotte Street East;
 - b. 626 Argyle Road; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road.
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$61,525 based upon the completion and submission of a Phase II Environmental Site Assessment and other eligible studies, if required as follows, completed in a form acceptable to the City Planner and City Solicitor:
 - a. 1969 Wyandotte Street East – maximum of \$18,425;
 - b. 626 Argyle Road—maximum of \$18,100; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road—maximum of \$25,000.

- III. THAT the grant funds in the amount of \$61,525 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and/or other eligible studies not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Subject Sites

Three separate applications have been submitted by the applicants comprised of five properties within the Walkerville area. Applicants may receive grants to offset up to 50% of the costs of two eligible studies per property/project. Accordingly the three project sites are comprised of the following properties, which are shown on Appendix 1: Location Map.

1. 1969 Wyandotte Street East

This site is located on the south of Wyandotte Street East between Kildare Road and Devonshire Road. The site currently contains a building and surface parking lot. The 2.5 storey red brick and stucco detached building was constructed in 1907 as the residence and medical office of Dr. Charles W. Hoare, a notable Walkerville physician who was active in numerous civic affairs and within the medical profession. He was the Treasurer of Walkerville 1890-1916 and then the Mayor of Walkerville 1917-1918; helped found the Walkerville Utilities Commission, First Chair of the Board of Health; President of Hotel Dieu staff; President of the Essex County Medical Association; and helped found the Metropolitan General Hospital.

At the time of its construction, Dr. Hoare's house was labelled as one of the finest residences in town and is illustrative of the grand dwellings developed in Walkerville in the early 20th Century. The building has been subject to numerous additions and alterations, namely to accommodate the funeral home service which had been in operation on the property from 1958 to 2021. Prior to 1974 the parking lot was used as a gasoline service station, auto paint and body repairs, and sale of janitorial supplies and equipment.

The site is approximately 0.4 hectares (1 acre) in size and is currently designated for

'Mixed Use' in the Official Plan. The site is zoned CD2.1, which permits a range of commercial uses. The property is listed on the Municipal Heritage Register. It is also located with the Walkerville Business Improvement Area (BIA)

The applicant envisions a new mixed use building on this site with commercial uses on the ground floor and residential dwellings above. This property is owned by 2798315 Ontario Inc. The principal owners of the numbered company are Tony Rosati and Nick Rosati.

2. 626 Argyle Road

This site is located on the south side of Wyandotte Street East between Argyle Road and Monmouth Road. The site currently contains a surface commercial parking lot and was previously used for residential purposes. The site is approximately 0.16 hectares (0.39 acres) in size and is currently designated for 'Mixed Use' in the Official Plan. The northern 1/3 of the site (closest to Wyandotte St E) is zoned Commercial District CD 2.1, which permits a range of commercial uses. The southern 2/3 of the site is zoned Residential District RD 3.1, which permits range of residential dwelling types.

The applicant has not provided redevelopment plans for this property. This property is owned by 2798315 Ontario Inc. The principal owners of the numbered company are Tony Rosati and Nick Rosati.

3. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road

This site is located north of Wyandotte Street East and includes three properties. The applicant is proposing a mixed use development that includes a mix of residential and commercial uses.

- a) 2090 Brant Street is located on the west side of Argyle Road between Assumption Street and Brant Street. The property contains a vacant building formerly used as the Royal Canadian Legion. The property is 0.09 hectares (0.23 acres) in size and is currently designated for 'Mixed Use' in the Official Plan. The property is zoned Commercial District CD3.3, which permits a range of commercial uses. It is also located within the Walkerville BIA. This property is owned by 2798315 Ontario Inc. The principal owners of the numbered company are Tony Rosati and Nick Rosati.
- b) 420 Devonshire Road is located on the east side of Devonshire Road in between Assumption Street and Brant Street. The property is currently occupied with a commercial office building that formerly operated as the Walkerville Post Office. The property is approximately 0.38 hectares (0.96 acres) in size and is currently designated for 'Mixed Use' in the Official Plan. The property is zoned Commercial District CD3.3, which permits a range of commercial uses. The

property is designated under Part 4 of the *Ontario Heritage Act*. This property is owned by 1068414 Ontario Inc. The principal owner of the numbered company is Mike Brkovich.

- c) 480-500 Argyle Road is located on the east side of Argyle and extends north to the VIA Rail corridor. The property contains two 12-storey warehouse buildings formerly used for aging whiskey barrels along with surface parking areas. The property is approximately 0.73 hectares (1.8 acres) in size and is currently designated for both 'Business Park' and 'Mixed Use' in the Official Plan. The property is currently zoned Manufacturing District MD 2.1, which permits a range of industrial uses. This property is owned by 1068414 Ontario Inc. The principal owner of the numbered company is Mike Brkovich.

Neighbourhood Context

On July 25, 2022 Council established the boundaries of the Walkerville Theming and Districting Plan, which encompasses all three sites. Council also endorsed a multi-phased plan to animate destination points, created a unique network of spaces, and establish public realm connections within the neighbourhood. The plan envisions Argyle Road as a pedestrian friendly flex street connecting Wyandotte Street to the Hiram Walker/Canadian Club Historic Offices. Council authorized initiating a RFP for design services for this section of Argyle Road at the July 25, 2022 meeting. The plan indicates that the district will be anchored by the redevelopment of a grouping of heritage structures integral to Walkerville's history as a major industrial distillery.



Figure 1: Conceptual image from the Walkerville Theming and Districting Plan

The subject sites are located within the Walkerville Heritage Area identified on Schedule G (Civic Image) of the Official Plan. They are also located within the area covered by the Main Streets CIP, which contains financial incentives for:

- building facade improvement (for commercial and mixed use building);
- building/property improvement grants (Tax Increment Grant Program); and
- creation of new residential units.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

All three proposed redevelopment projects include a residential component, which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed Phase I Environmental Site Assessment (ESA) studies to support the redevelopment of the properties. The Phase I ESA studies identify areas of potential environmental concern, and recommend that a Phase II ESA studies be completed to assess the existing soil and groundwater conditions at all of the properties and delineate the extent of any contamination (if required). The Phase II ESA studies are necessary to support the filing of RSCs.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion, the City would retain a copy of the final study reports.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;

- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the property remaining contaminated and vacant. Uncertainty related to the extent of contamination will continue to act as a barrier to redevelopment if not addressed. If the site remains vacant it will continue to have a negative effect on the surrounding area. The proposed Phase II ESA studies will assist in mitigating the above noted risk by providing an estimated cost to remediation and establishing next steps in the remediation process.

Climate Change Risks

Climate Change Mitigation:

The proposed mixed use redevelopment projects implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

Climate Change Adaptation:

The proposed redevelopments may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

The cost estimate (excluding HST) for completing the eligible studies for each project is as follows:

| Project Site | Phase 2 ESA | Max Grant (1st Study) | Delineation | Max Grant (2nd Study) | Total Max Grant |
|--|--------------------|---|--------------------|---|----------------------------|
| 1969 Wyandotte St E | \$44,275.00 | \$15,000.00 | \$6,850.00 | \$3,425.00 | \$18,425.00 |
| 626 Argyle Rd | \$28,645.00 | \$14,322.50 | \$7,555.00 | \$3,777.50 | \$18,100.00 |
| 2090 Brant St, 420 Devonshire Rd, and 480- 500 Argyle Rd | \$80,445.00 | \$15,000.00 | \$24,395.00 | \$10,000.00 | \$25,000.00 |
| Total | | \$44,322.50 | | \$17,202.50 | \$61,525.00 |

If approved, the maximum grant for all three projects would total \$61,525.00. Should the actual costs of the studies be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$957,519.19 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

2798315 Ontario Inc. has submitted the application on behalf of 1068414 Ontario Inc. for 420 Devonshire Road and 480-500 Argyle Road. Administration understands that eligible costs will be incurred by 2798315 Ontario Inc. and, if approved, grant payment would be issued to the same company.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from 2798315 Ontario Inc. and 1068414 Ontario Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A

Approvals:

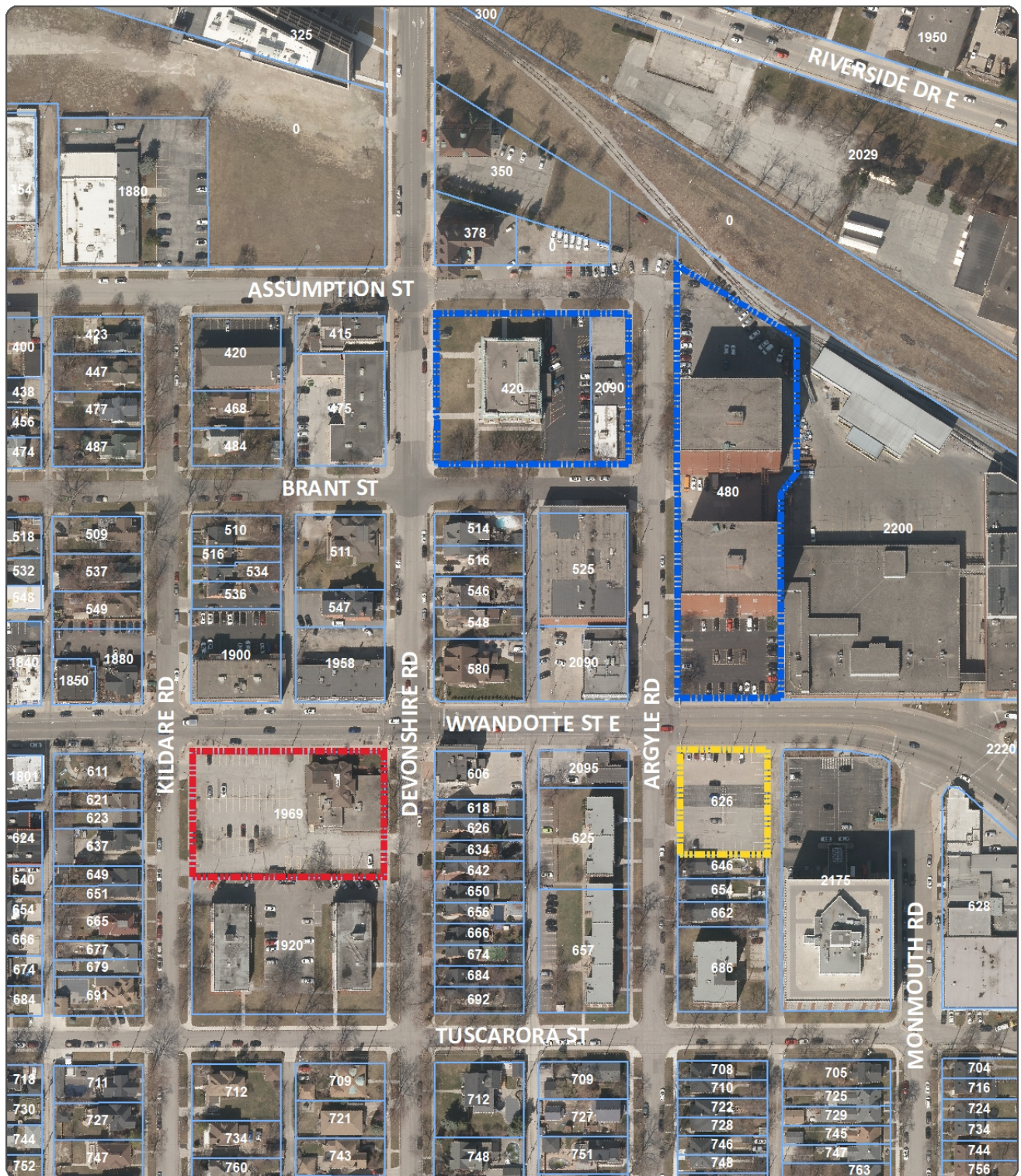
| Name | Title |
|-----------------|--|
| Josie Gualtieri | Financial Planning Administrator |
| Michael Cooke | Manager of Planning Policy / Deputy City Planner |
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Janice Guthrie | Deputy Treasurer – Taxation, Treasury & Financial Projects |
| Janice Guthrie | On behalf of Commissioner, Corporate Services Chief Financial Officer / City Treasurer |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administration Officer |

Notifications:

| Name | Address | Email |
|------------|---------|----------------------------|
| David Mady | | david.mady@rosatigroup.com |

Appendices:

1. Location Map



LOCATION MAP : SUBJECT PROPERTIES



SUBJECT SITE 1: 1969 WYANDOTTE STREET EAST



SUBJECT SITE 2: 626 ARGYLE ROAD



SUBJECT SITE 3: 2090 BRANT STREET, 420 DEVONSHIRE ROAD, 480-500 ARGYLE ROAD

Item No. 8.21



Committee Matters: SCM 53/2023

Subject: Amendment to Sign By-law 250-04 for 5515 Maplewood Drive, File No. SGN-005/22 - Ward #1

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 476**

That the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a Ground Sign on the municipal right-of way in front of 5515 Maplewood Drive, **BE DENIED**.

Report Number: C 220/2022

File Number: SBS2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.6 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

**Subject: Amendment to Sign By-law 250-04 for 5515 Maplewood Drive,
File No. SGN-005/22 - Ward #1**

Reference:

Date to Council: February 6, 2023
Author: Stefan Fediuk
Landscape Architect
Sr. Urban Designer (A)
519-255-6543 ext.6025
Planning & Building Services
Report Date: December 12, 2022
Clerk's File #: SBS2023

To: Mayor and Members of City Council

Recommendation:

THAT the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a Ground Sign on the municipal right-of way in front of 5515 Maplewood Drive, **BE DENIED.**

Executive Summary: N/A

Background:

AIM Recycling Windsor West Inc., currently located at 5515 Maplewood Drive, is situated at the SE corner of the municipal city block, bounded by Maplewood Drive on the west, and Ironwood Drive to the north. The applicant is looking to install a new Ground Sign on the municipal right-of-way, as locate as shown in Appendix "B", with a proposed sign, as depicted in Appendix "C." The proposed sign would include the partial use of ELECTRONIC CHANGE COPY SIGN.

This location, as depicted in Appendix "A," is subject to the City of Windsor Sign By-law 250-2004. The proposed sign is classified as PERMANENT GROUND SIGN and the use is classified as a User Group 3, Industrial/Support user as a metal recycling and salvage operation. The sign is regulated by Section 6.6: Regulations for PERMANENT GROUND SIGNS.

The proposed sign does not fall within any SPECIAL DISTRICT as outlined in Section 9.0 of the Sign of Sign Bylaw.

An application for a site-specific Amendment to the Sign Bylaw was received by the Building and Planning Department, for relief to City of Windsor Sign By-law, Section

10.0: PROHIBITIONS AND RESTRICTIONS, to erect the sign within the City owned public right-of-way.

Discussion:

The applicant is seeking a site-specific amendment to the Sign Bylaw Prohibitions found Section 10, to erect a private business sign in the municipal right-of-way immediately in front of the applicant's site between their fence line and the edge of road along Maplewood Drive (Appendix "B").

The proposed sign situated on the municipal right-of-way would be non-compliant with several clauses of Section 10.1 *SIGNS Prohibited throughout the City of Windsor* which states:

10.1.1 Unless otherwise specifically provided by this By-law, no PERSON shall ERECT, cause to ERECT, DISPLAY or cause to DISPLAY any of the following SIGNS:

(d) Any SIGN ERECTED or DISPLAYED without the express permission of the property owner on which the SIGN is located or any SIGN on lands, facilities or other PROPERTY owned by or controlled by the CITY, PUBLIC UTILITY or other PUBLIC AUTHORITY;

(g) An OFF SITE SIGN; with the exception of an APPROVED BILLBOARD SIGN, an APPROVED TEMPORARY COMMUNITY EVENT SIGN, and an APPROVED TEMPORARY REAL ESTATE OPEN HOUSE DIRECTIONAL GROUND SIGN;

and

(k) An UNLAWFUL SIGN

An Unlawful sign is defined in Sub-Section 11.1.1 of the Sign Bylaw as:

(g) ERECTED or DISPLAYED in whole or in part on or partly over lands owned by or under the jurisdiction of the CITY, without the prior authorization of the CITY.

As the sign is proposed to be erected entirely on the Maplewood Drive municipal right-of-way, it is required that Council provide direction to Administration whether to permit an Unlawful Sign to be Erected.

Through consultation with the applicant's agent, it was identified that there is sufficient land within the owner's property on landscaped areas immediately east of the fenceline to accommodate the proposed sign. The applicant has indicated that they do not desire to locate the sign within the property due to the reduced sight lines resulting from the vegetation within the southern parcels of land, which is also owned by the applicant. The ditches are primarily exhibiting overgrowth by tall reed grasses, which are on the noxious weed list, and if removed and regularly maintained the sightline issues identified would no longer exist.

Risk Analysis:

The proposed location is situated under overhead utilities, and over an enclosed drain which serves the area. The proposed footings are directly over a culvert which provides drainage along the municipal right-of-way for the properties along Maplewood. Damage to the drain during construction could result in drainage issues and potential flooding.

The applicant has not demonstrated any evidence of hardship as the operations are a destination and given the location within the industrial park are not likely to experience casual drive by traffic. Should Council allow for a the proposed sign to be installed on the municipal right of way, an Encroachment Agreement with the current owner (AIM Recycling West Windsor Inc.) and the City of Windsor Legal Department will be required to reduce the City's exposure. However, amending the Sign Bylaw to allow this situation will create a challenging precedent for the City.

Climate Change Risks

Climate Change Mitigation:

There are no issues related to climate change related to this Sign Amendment Application.

As mentioned in the risk section of this report, climate change is directly related to intense weather events such as storms and flash flooding. If the culvert is damaged or the drainage system along the Maplewood ditch is altered, the potential for flooding due such storms could be experienced on the properties along Maplewood and Ironwood. The best way to mitigate this potential is to install the sign away from the ditch as proposed.

Climate Change Adaptation:

N/A

Financial Matters:

There are no direct matters of financial consequence to the Corporation of the City of Windsor arising from the recommendations of this application for an amendment.

Consultations:

Several municipal departments were circulated for consultation and comments, including: Transportation Planning, Traffic Operations, Engineering, Planning and Building Services, Windsor Police Services, and the Legal Department, to address the variances, restrictions and prohibitions, related to this proposal. (see Appendix "D")

The general consensus is no objections to the proposed sign or the location on the right-of-way, with exception to the observation by the City's Engineering Department related to the risk of impacting the drainage of the area if the culvert is damaged.

Though the sign has been proposed to be installed under hydro lines, Enwin has expressed no concern due to the proposed height of only 10ft 3in, except during construction.

Conclusion:

While the owner is proposing a location on the municipal right-of-way, it poses several problems and potential unfavourable precedence to future private signs throughout the city. The Sign Bylaw is clear that locating a private sign in the right-of-way is prohibited to ensure that there are no conflicts with municipal services and to reduce the Corporation's liability.

Administration finds that there appears to be adequate room on the property to erect the sign without creating potential exposure to the Corporation and the need for administration of an Encroachment Agreement that will only last as long as the current owner occupies the current site. In addition, conflicts with underground and overhead utilities have been identified with the proposed location for this sign.

Therefore, it is Administration's opinion that Council should not approve the proposed amendments, as there is ample space available on the owner's property to facilitate the proposed sign.

Planning Act Matters: N/A

Approvals:

| Name | Title |
|----------------|---|
| Stefan Fediuk | Landscape Architect / Sr. Urban Designer (A) |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner / Executive Director of Planning & Development |
| Wira Vendrasco | Deputy City Solicitor Legal and Real Estate |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|------------------------------------|--|----------------------------|
| Leo Sgaravato | 5515 Maplewood Drive, Windsor, ON N9C 0B8 | info@aim-recycling.com |
| Patrick Jones – Reimer Graphics | 3649 Greenlane Road, Hamilton ON, L0R 1B1 | patrick@reimergraphics.com |

Appendices:

- 1 Appendix 'A' Location Map
- 2 Appendix 'B' Proposed site Plan
- 3 Appendix 'C' Proposed Ground Sign
- 4 APPENDIX 'D' Internal and External Consultations

APPENDIX “A”

SGN-005/22 Location Map – 5515 Maplewood Drive



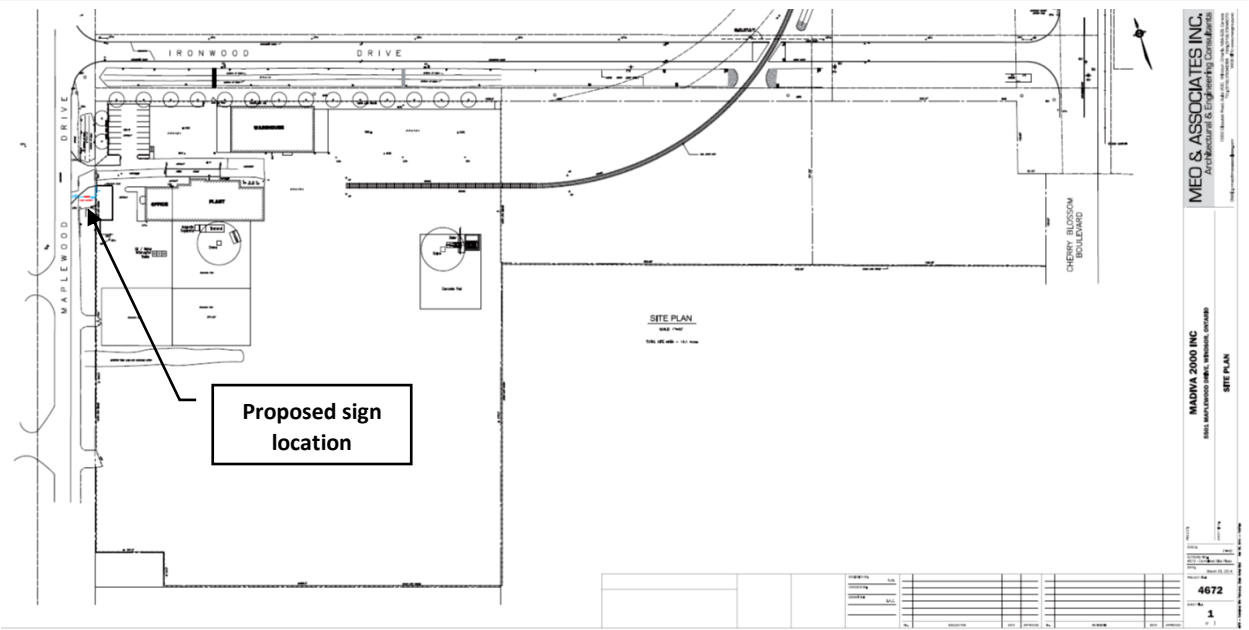
APPLICANT: REIMER GRAPHICS - GROUND SIGN



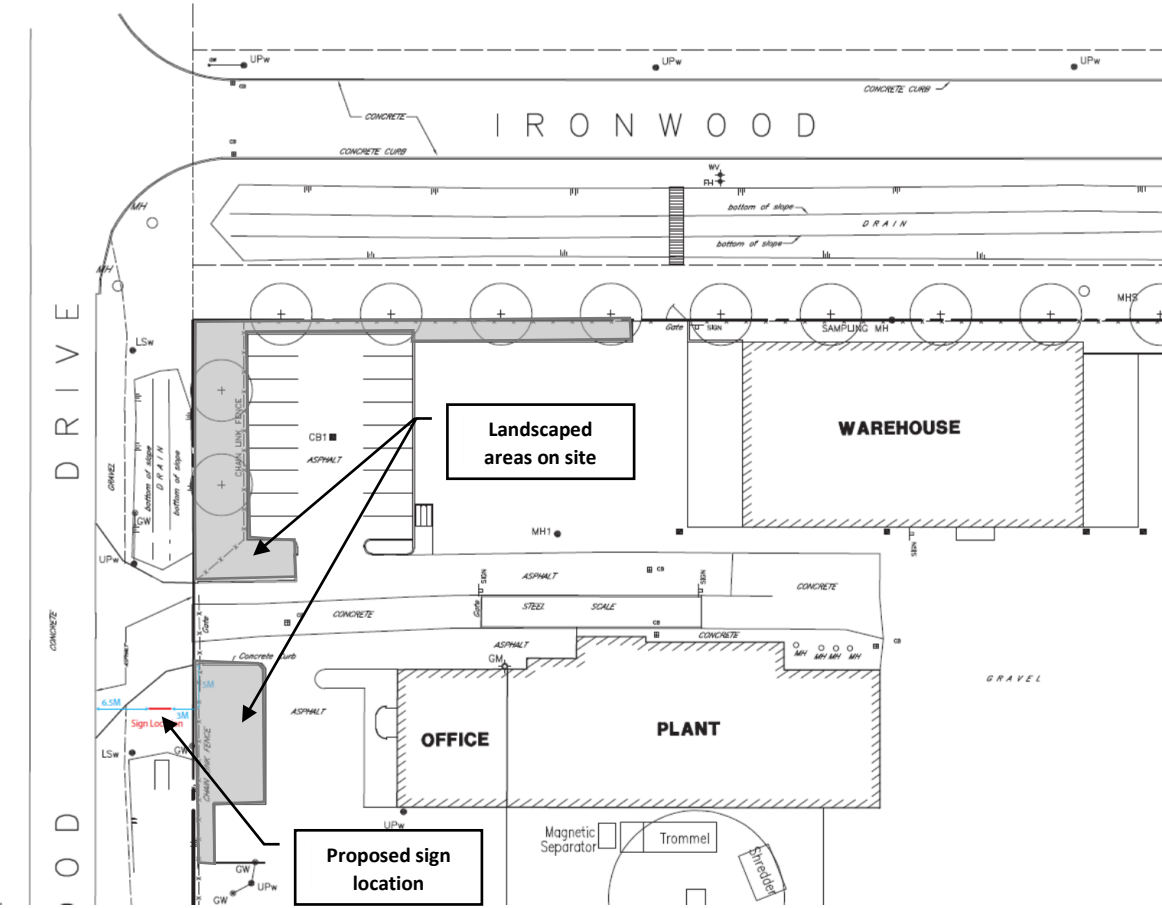
SUBJECT LANDS

APPENDIX "B"

SGN-005/22 Proposed Site Plan



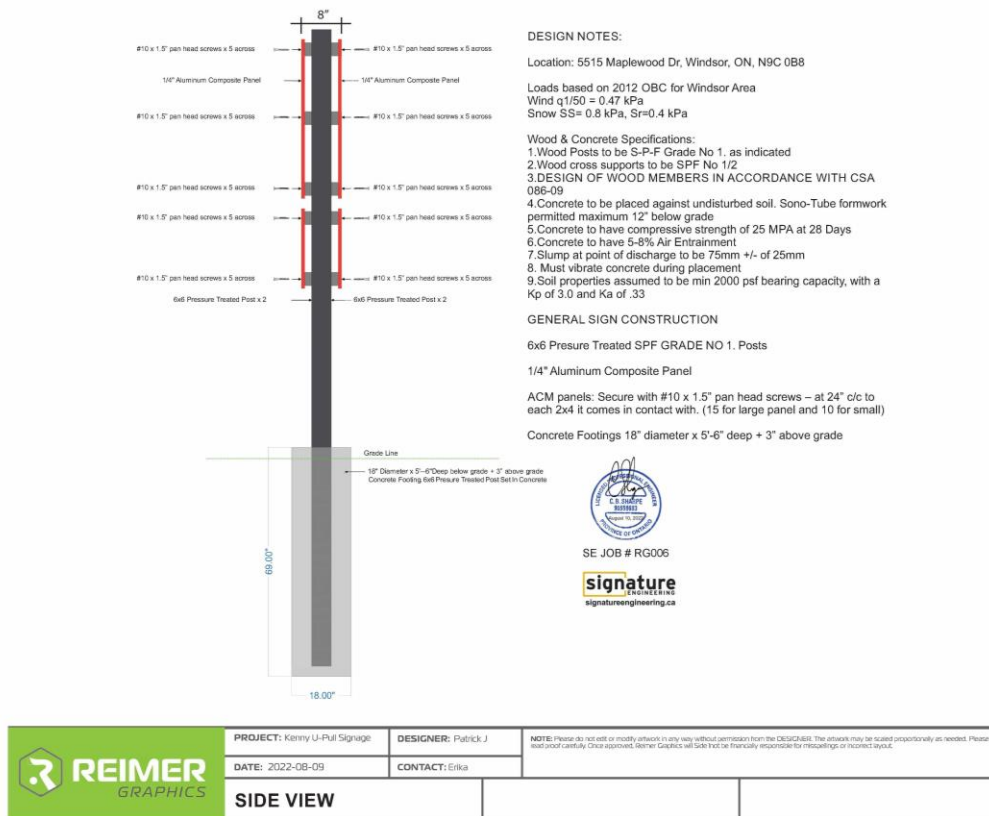
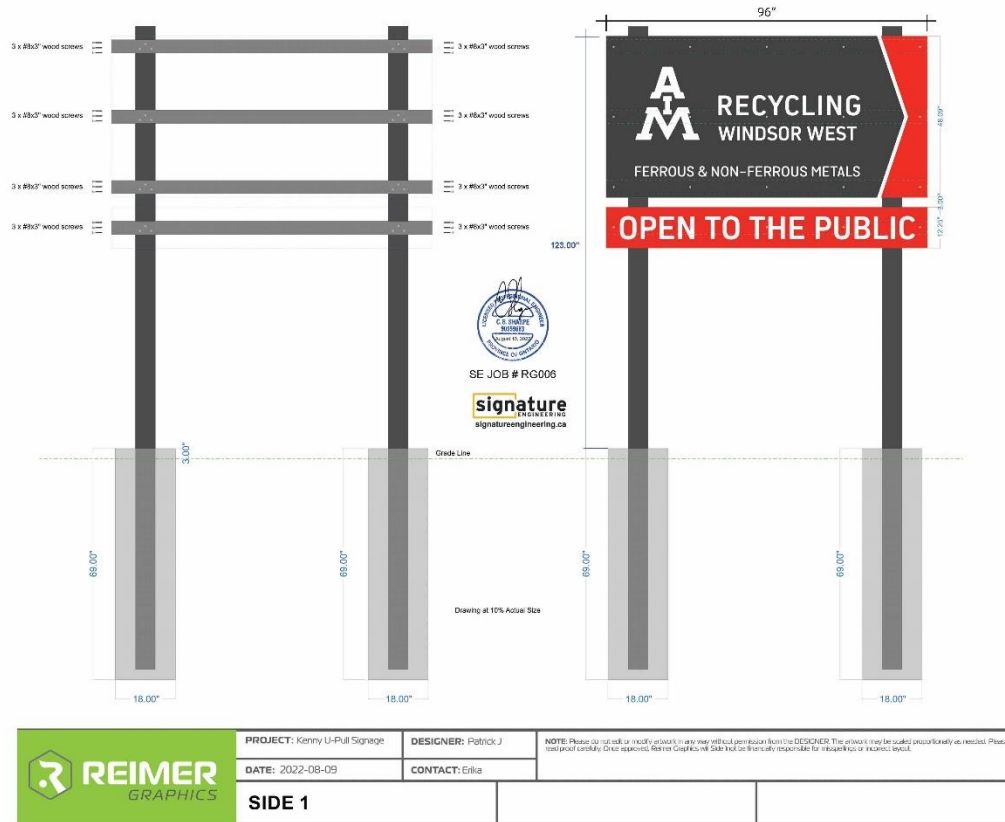
B- 1: Overall site layout



B- 2: Close-up of proposed sign location

APPENDIX "C"

SGN-005/22 Proposed Ground Sign



APPENDIX “D”

Comments received through Internal and External Communications

CITY OF WINDSOR COMMENTS:

BUILDING DEPARTMENT - PERMITS

During the future plans review process, the structural component will require revision before the sign can be issued. Upon cursory review of the structure, the wooden columns are required to be either:

- ‘SPF - Structural Select’ grade, or,
- increase the member sizing, or,
- increase the quantity of wooden columns to be used for the structure.

David Dean – Plan Examiner

ENGINEERING – RIGHT-OF-WAY DIVISION

Applicant not to punch their footings through the culvert.

Andrew Boroski, Technologist II

PUBLIC WORKS - OPERATIONS

No concerns from Environmental services.

Anne-Marie Albidone, Manager of Environmental Services

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with this application. The locational positioning of the sign within the Maplewood Drive right-of-way does not present any public safety concerns in the form of obstructed sight lines, driver visual distraction, or reduced visibility for passing drivers that could cause an accident. Furthermore, the sign’s design is such that it is not overly opaque, possessing a large opening within its centre core that will facilitate open sight lines to be maintained. For all of these reasons, I feel the approval and placement of this sign will not negatively impact public safety.

Barry Horrobin, Director of Planning & Physical Resources

TRANSIT WINDSOR

Transit Windsor has no objections.

Jason Scott

TRANSPORTATION PLANNING

Transportation Planning has no concerns.

Clare Amicarelli, Transportation Policy Analyst

EXTERNAL AGENCIES COMMENTS:

ENWIN UTILITIES LTD. – HYDRO ENGINEERING

Being only 123" high and at the proposed location, I don't see any issue in approving this sign.

No Objection to the location and height of the proposed sign as shown on the information provided.

Please note ENWIN has the following electrical conductors within the right of way:

- Existing 27.6kV primary overhead hydro distribution on Maplewood Drive
- Existing 600/347V secondary overhead hydro distribution on Maplewood Drive
- Existing 120V overhead streetlight duplex wires Maplewood Drive

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and also the Ontario Building Code for adequate clearance requirements.

Jerry Raniwsky, Senior Hydro Engineering Technologist

ENWIN UTILITIES LTD. – WATER ENGINEERING

Water Engineering has no objections.

Bruce Ogg, Water Project Review Officer

MINISTRY OF NATURAL RESOURCES AND FORESTRY

Aylmer District of the Ministry of Natural Resources and Forestry (MNRF) have reviewed the attached application and supporting documents. The MNRF has no jurisdiction and therefore has no comments on the matter. Please note that this does not absolve you from obtaining comments and authorizations, where required from other federal, provincial or municipal agencies.

Shakira Azan, Integrated Resource Management Technical Specialist



Subject: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 477**

- I. THAT City Council **DIRECT** the Planning Division to undertake a comprehensive review and update of the Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property; and,
- II. THAT City Council **APPROVE** a one-year moratorium on permits for the installation of New Billboards and retrofitting of existing Paper Copy Billboards to Electronic Change Copy Billboards to allow for the Planning Division to complete its review; and,
- III. That the Planning Division **PROVIDE** Council with recommendations for Amendments to the Sign By-law related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs, for a decision by Council prior to the expiry date of the moratorium: and,
- IV. That Administration **PROVIDE** a status update of the review being undertaken at the August 23rd, 2023 meeting of the Development & Heritage Standing Committee meeting.

Report Number: C 225/2022

File Number: SBS2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are **not** the same.
2. Please refer to Item 11.7 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide

Reference:

Date to Council: February 6, 2023
Author: Stefan Fediuk
Landscape Architect
Sr. Urban Designer (A)
519-255-6543 ext.6025
Planning & Building Services
Planning & Building Services
Report Date: 12/21/2022
Clerk's File #: SBS2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT City Council **DIRECT** the Planning Division to undertake a comprehensive review and update of the Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property; and,
- II. THAT City Council **APPROVE** a one-year moratorium on permits for the installation of New Billboards and retrofitting of existing Paper Copy Billboards to Electronic Change Copy Billboards to allow for the Planning Division to complete its review; and,
- III. That the Planning Division **PROVIDE** Council with recommendations for Amendments to the Sign By-law related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs, for a decision by Council prior to the expiry date of the moratorium.

Executive Summary:

N/A

Background:

At the March 6th, 2017 Council Meeting, Administration was directed to provide a report to update the Sign By-law 250-2004 to incorporate electronic changing copy LED signs related to a billboard application at 3100 Walker Rd as a Pilot Project for this emerging technology (CR158/2017).

After an in-depth comprehensive review of the Sign By-law related to electronic changing copy LED Signs including Billboard Signs was completed, By-law 84-2019 was passed by Council on June 17th, 2019 amending Sign By-law 250-2004 to include this advertising technology (Appendix 'A').

Since its passing, the City of Windsor has seen an influx of applications for permits for new LED Electronic Change Copy Billboards. Over the last year, the Building and Planning Departments have reviewed 33 applications for new Billboards of this type.

Based on the current regulations found in the Sign By-law, eight of those applications have been approved with only one not requiring a variance at Committee of Adjustment, or a Site-Specific Amendment to the Sign By-law. Currently, 11 more are under review by the Building and Planning Departments, and 14 were withdrawn, primarily due to the need for multiple variances or amendments or that they were proposed along sections of road where the Sign By-law does not allow them, or concentrated in extremely close proximity to one another (Appendix "D").

Discussion:

The City of Windsor Sign By-law was one of the earliest to address the emergence of LED Electronic Change Copy Billboards in Ontario, and triggered other Ontario municipalities to review and amend their Sign By-laws. Most of the ground work and review had been completed in the year prior to the Windsor Sign By-law Amendment (84-2019). Since then 13 Ontario municipalities have amended their Sign By-laws to address this matter.

Since the passing of By-law 84-2019 Administration has been monitoring the provisions of the Sign By-law and determined that there are a number of issues in the by-law that require review. These are as follows:

- 1) On July 11, 2022, Council passed Official Plan Amendment (OPA 159: CR264/2022) to implement policies to direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available (OP Sections 6.1.14 and 6.3.2.4), in response to the Province's Bills 108 and 109 and more recently Bill 23, to provide more homes to address the housing shortage in Ontario. The Commercial land designations in the Official Plan (OP Section 6.5) were amended to allow for more Mixed Use Centres, Corridors and Nodes, where both commercial and residential uses could be developed or redeveloped. Many of these Mixed Use Corridors, Nodes and Centres align with those areas where the current Sign Bylaw allows Electronic Change Copy Billboards to be erected (see Appendix 'F' for locations). This will create conflicts between this type of Billboard and residential uses. To better serve the billboard industry, and provide guidance as to where billboards are allowed, the Sign by-law requires further amendment.
- 2) Administration is of the view that a comprehensive review, of Ontario municipalities which have revised their Sign By-laws since 2016 when Electronic Change Copy Billboard Sign technology emerged, is necessary to ensure that a standard is established that makes our community competitive, while still

managing to comply with the civic image policies found in the City's Official Plan. A cursory review of the Sign By-laws of 24 municipalities in Ontario, has identified some discrepancies and omissions contained within the Windsor Sign By-law Amendment. Though the Amended Windsor Sign Bylaw is only 4 years old, some sections appear to be out of step with quickly changing technologies and safety best practices. Some sections in the Sign By-law which have been cited for potential amendment are setbacks from sensitive areas (i.e. residential, institutional, natural and heritage districts), as well as distances from other billboard signs and traffic controlled areas.

- 3) The issuance of temporary moratorium for Sign By-laws in municipalities within the GTA regarding the erection of large LED Changing Copy Billboards along the 400 series highways, has resulted in many Billboard Advertising Agencies looking at areas outside of the GTA. This could partly explain the influx of applications that is being experienced by the City. Until recently, this was not an issue in the Windsor region, but with the development of the Herb Grey Parkway as the final extension of King's Hwy 401 to the Gordie Howe Bridge, this issue will need to be considered and reviewed. In general, municipalities with 400 series and Provincial highways have implemented a 400m to 500m setback from the highway. The current setback in the Windsor Sign By-law is 20m (see Appendix 'B' for allowed locations).
- 4) S.10 of the Sign By-law is somewhat unclear about which clauses are Prohibitions and which are Restrictions. This issue creates a problem as to whether an applicant should apply for a variance to Committee of Adjustment or for a site-specific Sign By-law Amendment through Standing Committee and Council. Interpreting what constitutes a prohibition, has contributed to the processing backlog of several of applications since 2020 (See Appendix 'D' for locations), resulting in many applications requiring the lengthier process of Standing Committee and Council approvals. This delay often results in frustration by the applicant as they are unaware of which process they are required to follow.
- 5) The increasing number of applications for new Electronic Billboards, along with their proposed locations within the city, makes it evident that the current Sign By-law does not address the issue of sign clutter. Sub-section 6.2.14(i) of the Sign Bylaw restricts the distance between Billboards to 200m. Over the last year multiple billboard advertising companies have focussed on specific areas of the city, resulting in applications within that setback distance. (see Appendices 'C thru E' for current and proposed locations). This concentration of Electronic Change Copy Billboards creates a form of sign clutter that could be seen as hazardous from a distracted driving perspective.

As an example; in a recent application a billboard sign was proposed on a site which had an existing pylon sign and several facia signs already, on both the subject property and abutting properties. The Sign By-law (6.3.14 (iv)) only addresses the proximity to ground (pylon) signs on the subject and abutting properties. It is silent on the concentration of first party wall and facia signs as found in other sections of the Sign Bylaw. In this situation, the addition of a third

party Electronic Change Copy Billboard Sign would create visual clutter on that property and with the neighbouring property.

Risk Analysis:

Billboards have played a major part in the economy of the City of Windsor through businesses being able to advertise their services on billboards, which results in a healthy and prosperous community. Billboards have played a key role in the future of the governance of the city through political advertising. A moratorium will see a temporary loss in revenue related to billboard sign permits during the period it is in effect. (see Financial Section) Administration plans to expedite the process, and work with the billboard media advertising community to ensure that their voice is heard and that this important business is not negatively impacted during the moratorium, nor after amendments to the by-law.

Climate Change Risks

Climate Change Mitigation:

With climate change and increasing strain on natural resources, limiting carbon footprints is essential. Administration recognizes that LED technology has proven more energy efficient than traditional static lighting. Additionally, Electronic Change Copy signage reduces the amount of paper waste entering our landfill sites.

Climate Change Adaptation:

Light pollution is also a contributing factor to climate change and light levels for LED display signs are regulated by the Sign Bylaw. Automatic brightness controls even out the illumination levels related to the ambient light surrounding the signage. Currently, the Sign By-law does regulate the brightness of illuminated signs in Section 3.3 Illumination Regulations.

Where issues can arise is with the number of units and the proximity to each other. It is the Administrations intention to provide regulations within the Sign By-law to ensure that the amount of light pollution that is experienced by the community is minimized.

Financial Matters:

The required review and study will be carried out by staff in the Planning Department so there are no direct financial consequences to the Corporation arising from the recommendations for a moratorium on permits until the study has been completed.

The nominal loss in revenues identified in the Risk section of this report will be addressed through the review of Sign Bylaws of other municipalities. The current permit fee for a Billboard is \$4 per square metre of sign area with a minimum of fee of \$75. The maximum billboard sign face area allowed is 20 square metres (Subsection 6.3.7); for a maximum permit fee of \$80. There are currently 11 Billboard Signs in process representing approximately \$880 of lost revenue to the City. The average application requires Building Permit staff review submissions for compliance with the Building Code and a cursory compliance with the Sign By-law. If a non-compliance is identified, then the Planning Department provides a detailed review for non-compliances for the

applicant. The current permit fee does accurately reflect the amount of time required by municipal staff to review for these compliances.

The current fee structure for Sign Bylaw variance and amendments is:

| Process | Committee(s) | Fee |
|----------------------------------|---|------------|
| Sign Bylaw Minor Variance | Committee of Adjustment | \$2,395.00 |
| Sign Bylaw Amendment | Development & Heritage Standing Committee followed by Council Meeting | \$1,302.00 |

A Sign Bylaw Minor Variance has less complexities and based on minor non-compliances with the Sign Bylaw such as heights, sizes of face and internal property distance. Minor Variance are heard at Committee of Adjustment which has a fixed schedule of 30 days for processing and is the only hearing where the application is considered.

A Sign Bylaw Amendment has more complex issues such as proximities to residences, distances from controlled traffic intersections. These applications have potentially more serious health and safety risks or impacts on the community, requiring more interaction with the applicants, other civic departments, and external agencies, resulting in a lengthier process. In general, they are triggered when an application is non-compliant with a Prohibition, which cannot be reviewed through Committee of Adjustment (OP. Section 11.6.6). Therefore, the application is heard at Development & Heritage Standing Committee and subsequently Council for decision at least 3 weeks later. Due to schedules for review, the process takes a minimum 7-8 weeks.

In its review of other municipalities Sign Bylaws, Administration is prepared to review the fees for permits, variances and amendments related to Billboard signs to ensure that the amount of time that applications need to be processed is reflected in the fees.

Consultations:

Municipal departments will be circulated for consultation and comments, including: Transportation Planning, Traffic Operations, Engineering, Planning and Building Services, Windsor Police Services, and the Legal Department, to assist in the review and proposed amendments.

Billboard advertising companies have been made aware of the proposed recommendations. Administration will consult with and work with this industry on the study and review of any proposed amendments to the Sign By-law.

Conclusion:

It is Administration's opinion that the Sign By-law related to Electronic Change Copy Billboards needs a comprehensive review to better align it with the Official Plan Intensification Guidelines related to residential mixed use development, Sign By-laws of other Ontario municipalities and the other reasons stated in this report. While a one year

moratorium on billboard sign permits is recommended, Administration will endeavour to expedite the process to minimize the interruption to the ability for erection of Electronic Change Copy Billboard Signs in appropriate areas to address health and safety issues, and to reduce the disturbance to community.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|--------------------|---|
| Stefan Fediuk | Landscape Architect / Sr.Urban Designer (A) |
| Joe Baker | Manger of Permits, Deputy Chief Building Officer |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner / Executive Director of Planning & Development |
| Wira Vendrasco | Deputy City Solicitor Legal and Real Estate |
| Shelby Askin Hager | City Solicitor and Commissioner, Legal and Legislative Services |
| Jelena Payne | Commissioner of Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|---|--|-------------------------------------|
| Shannon Conheady Canada Signs | | shannon@theecommguy.com |
| Jocelyn Wigley Outfront Media Canada | 377 Homer Ave, Toronto ON, M8W 1Z6 | jocelyn.wigley@outfront.com |
| Nathan Jankowski Pattison Outdoor Advertising | | njankowski@pattisonoutdoor.com |
| Scott Stover Pattison Outdoor Advertising | | SStover@pattisonoutdoor.com |
| Harry Froussios Zelinka Priamo Ltd. | 318 Wellington Rd, London, ON N6C 4P4 | harry.f@zpplan.com |
| Roy Dzeko Target Outdoor | | roydzeko1@gmail.com |
| Leticia Avanse Steward Logistics | | leticia.avanse@stewardlogistics.com |
| Dom Claros Steward Logistics | | dom@stewardlogistics.com |
| Shawna Petzold Permit World Consulting Services Inc. | | spetzold@permitworld.ca |
| David Meikle Signal Out of Home | | david@signalboards.com |

Appendices:

- 1 Appendix 'A' - Sign Bylaw 250-2004 Section 6.3 Billboards
- 2 Appendix 'B' - Approved Streets
- 3 Appendix 'C' - Existing Paper-Poster Billboards

- 4 Appendix 'D' - Electronic Billboard Sign Applications
- 5 Appendix 'E' - Overlay of Existing and Proposed Billboards
- 6 Appendix 'F' - OPA 159 Windsor Intensification Guidelines Locations
- 7 Appendix 'G' - Overlay with OPA159

6.3 Regulations for BILLBOARD GROUND AND WALL SIGNS

| subsection | | (a) | (b) |
|------------|-------------------------------------|---|---|
| | SIGN TYPES Permitted | BILLBOARD GROUND AND WALL SIGNS on PRIVATE PROPERTY | |
| 6.3.1 | | BILLBOARD GROUND SIGN | BILLBOARD WALL SIGN |
| 6.3.2 | Districts | Exclusively on a LOT within a Commercial District or Manufacturing District (not including MD1.3) and has FRONTAGE along a STREET identified in Table 6.3.1 | |
| 6.3.3 | SIGN Classifications | ADVERTISING or INFORMATION SIGNS | |
| 6.3.4 | Maximum Number of SIGNS | One (1) BILLBOARD GROUND SIGN per LOT or One (1) BILLBOARD WALL SIGN per LOT. | |
| 6.3.5 | Number of SIGN FACES | SINGLE and/or DOUBLE SIGN FACES | SINGLE SIGN FACE |
| 6.3.6 | MAXIMUM HEIGHT OF SIGN | 9.0 m above GRADE | |
| 6.3.7 | MAXIMUM TOTAL SIGN FACE AREA | 20.0 m² per SIGN FACE | |
| 6.3.8 | MAXIMUM CHANGING COPY AREA | ROTATING and ELECTRONIC CHANGING COPY permitted. (added B/L 84-2019, June 17, 2019) | |
| 6.3.9 | SIGN FACE EXTENSIONS | A maximum of five percent (5%) of the permitted TOTAL SIGN FACE AREA may extend beyond the main panel of the SIGN FACE AREA. | |
| 6.3.10 | ANIMATION | Not Permitted | |
| 6.3.11 | ILLUMINATION | NON-ILLUMINATED, EXTERNAL or INTERNAL ILLUMINATION | |
| 6.3.12 | ROTATION | Not permitted | |
| 6.3.13 | SIGN PERMIT | A SIGN PERMIT is required for each BILLBOARD GROUND and WALL SIGN. | |
| 6.3.14 | SIGN Restrictions: | <p>No part of any BILLBOARD GROUND or WALL SIGN shall:</p> <ul style="list-style-type: none"> i. Be ERECTED within a 200.0 m radius of any BILLBOARD GROUND or WALL SIGN. ii. Be ERECTED within 6.0 m of the intersection of any PUBLIC ROAD ALLOWANCE; iii. Be ERECTED within 25.0 m of any Residential District; iv. Be ERECTED within 30.0 m of any GROUND SIGN ERECTED on the same LOT or on an abutting LOT. v. Be ERECTED within a prohibited location at a controlled intersection, pedestrian crossing or railway crossing as identified in Table 6.3.2 if the sign contains ELECTRONIC CHANGING COPY. (added B/L 84-2019, June 17, 2019) | |
| | | <p>No part of any BILLBOARD GROUND SIGN shall:</p> <ul style="list-style-type: none"> vi. Be ERECTED on a LOT with a STREET FRONTAGE of less than 12.0m; vii. Be ERECTED within 4.0 m of the PUBLIC ROAD ALLOWANCE; | <p>No part of any BILLBOARD WALL SIGN shall:</p> <ul style="list-style-type: none"> vi. Be ERECTED on the primary BUILDING FAÇADE of a BUILDING or STRUCTURE. |

| | | | |
|--------|---------------------------|--|----------------|
| | | <p>viii. Be ERECTED within 3.0 m of a SIDE LOT LINE;</p> <p>ix. Be ERECTED within 6.0 m of a REAR LOT LINE;</p> <p>x. Be ERECTED less than 2.4 m above GRADE.</p> | |
| | | xi. Be ERECTED within 150 meters of any Residential Zoning District if the SIGN utilizes ELECTRONIC CHANGING COPY and if the SIGN FACE will be directly visible from any point in the Residential Zoning District. (added B/L 84-2019, June 17, 2019) | |
| 6.3.15 | Special Provisions | Notwithstanding the provisions of Section 6.3.14 (a)(vii to ix inclusive), no part of any BILLBOARD GROUND SIGN shall be erected closer to any LOT LINE than the distance permitted for any BUILDING or STRUCTURE in the ZONING BY-LAW, if such distance is the greater. | Not Applicable |

Table 6.3.1
Permitted Locations for BILLBOARD GROUND and WALL SIGNS

| subsection | | (a) |
|-------------|----------------------------|--|
| Table 6.3.1 | Permitted Locations | <p>Unless specifically provided in this By-law, a BILLBOARD GROUND or WALL SIGN shall be permitted <u>only</u> on a LOT within a Manufacturing District or a Commercial District, provided that such LOT abuts one of the following STREETS and is not within a SPECIAL DISTRICT:</p> <ul style="list-style-type: none"> i. Central Avenue, south of Tecumseh Road; ii. Crawford Avenue, between Wyandotte Street West and Tecumseh Road West; iii. Division Road; iv. Dougall Avenue, south of Eugenie Street West and north of West Grand Boulevard; v. Eugenie Street, between Howard Avenue and Dougall Road vi. Howard Avenue, between Tecumseh Road East and Talbot Road; vii. Huron Church Road, between Tecumseh Road West and Cabana Road; viii. Jefferson Boulevard, south of Tecumseh Road; ix. Provincial Road; x. Tecumseh Road East and West; xi. Wyandotte Street East and West. |

Table 6.3.2
Prohibited location for erecting ELECTRONIC CHANGING COPY BILLBOARDS

| subsection | (a) | (b) | (c) | (d) |
|-------------|-------------------------------------|--------------------------------------|--------------------------------------|---|
| Table 6.3.2 | Posted Speed Limit (km/hour) | Distance before Stop Line (m) | Distance after Stop Line (m)* | Lateral Offset Prohibited Location on both sides of street (m)** |
| | 50 or less | 85 | 150 | 21 |
| | 60 | 105 | 170 | 24 |
| | 70 | 160 | 200 | 31 |
| | 80 or more | 185 | 215 | 35 |

*If a stop line is not present than the point for measurement will be prescribed by the City.

**Lateral Offset measured from edge of curb or as prescribed by the City. (added B/L 84-2019, June 17, 2019)





APPENDIX "C"

LOCATION OF EXISTING PAPER/POSTER BILLBOARDS

WM-007

LEGEND

- Rejected or withdrawn (14)
- Application in process (11)
- Application approved or installed (8)
- Approved Streets per SGN Bylaw 6.3.2
- 20m offset from Controlled Access Hwy SGN Bylaw 9.6

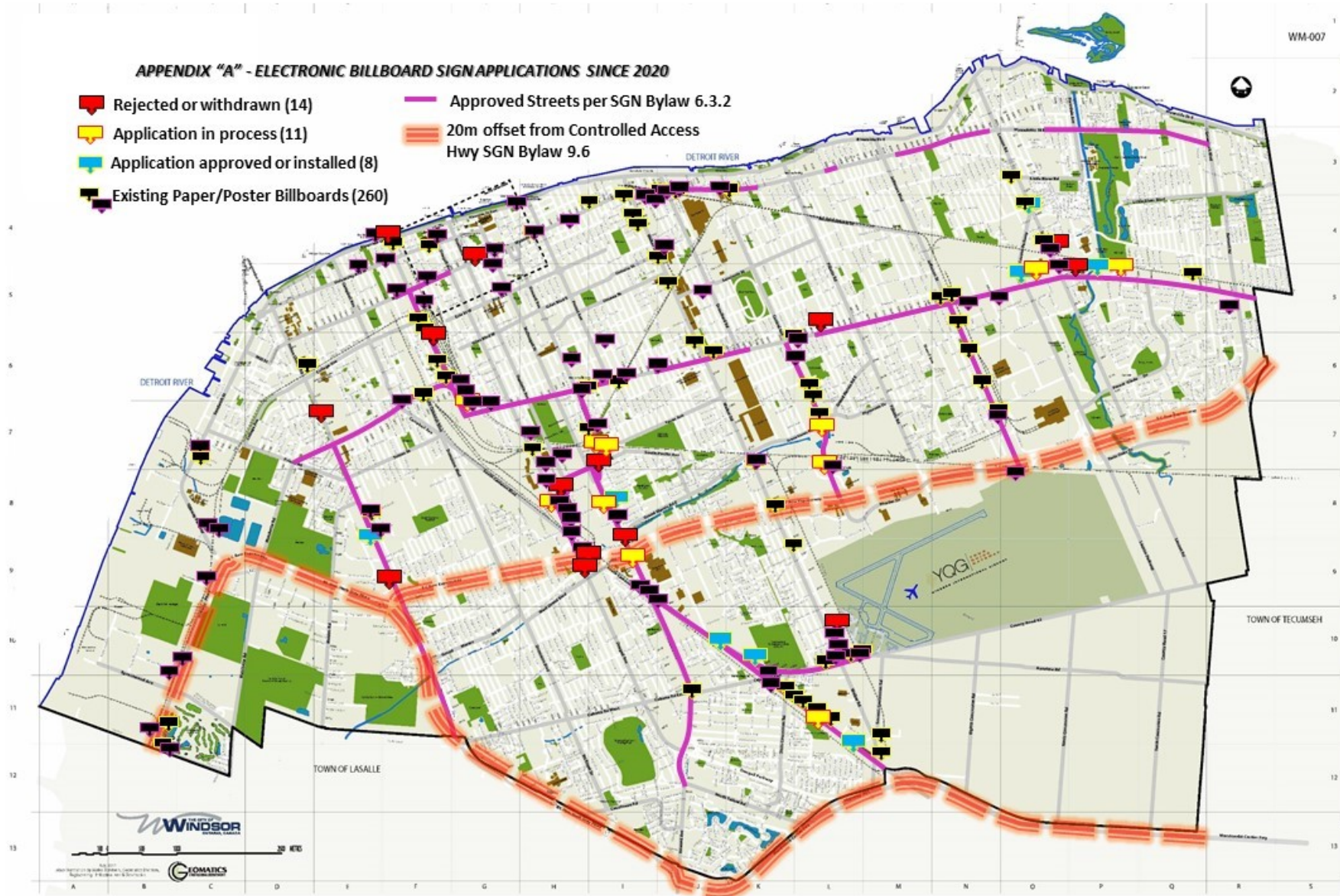


APPENDIX "D"

SGN-003/22 ELECTRONIC BILLBOARD SIGN APPLICATIONS SINCE 2020

APPENDIX "A" - ELECTRONIC BILLBOARD SIGN APPLICATIONS SINCE 2020

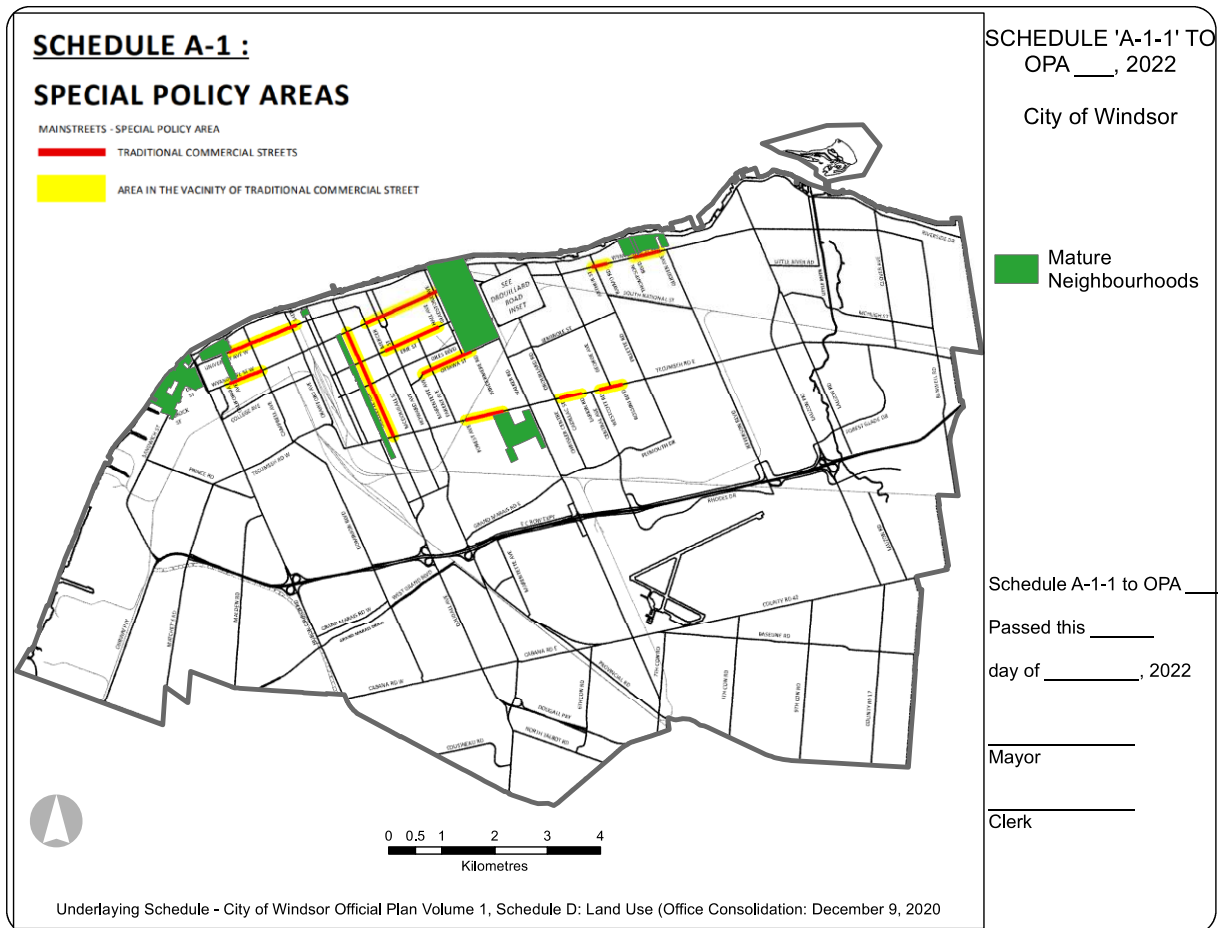
- Rejected or withdrawn (14)
- Application in process (11)
- Application approved or installed (8)
- Existing Paper/Poster Billboards (260)
- Approved Streets per SGN Bylaw 6.3.2
- 20m offset from Controlled Access Hwy SGN Bylaw 9.6



APPENDIX "E"
OVERLAY OF EXISTING AND PROPOSED BILLBOARD SIGNS

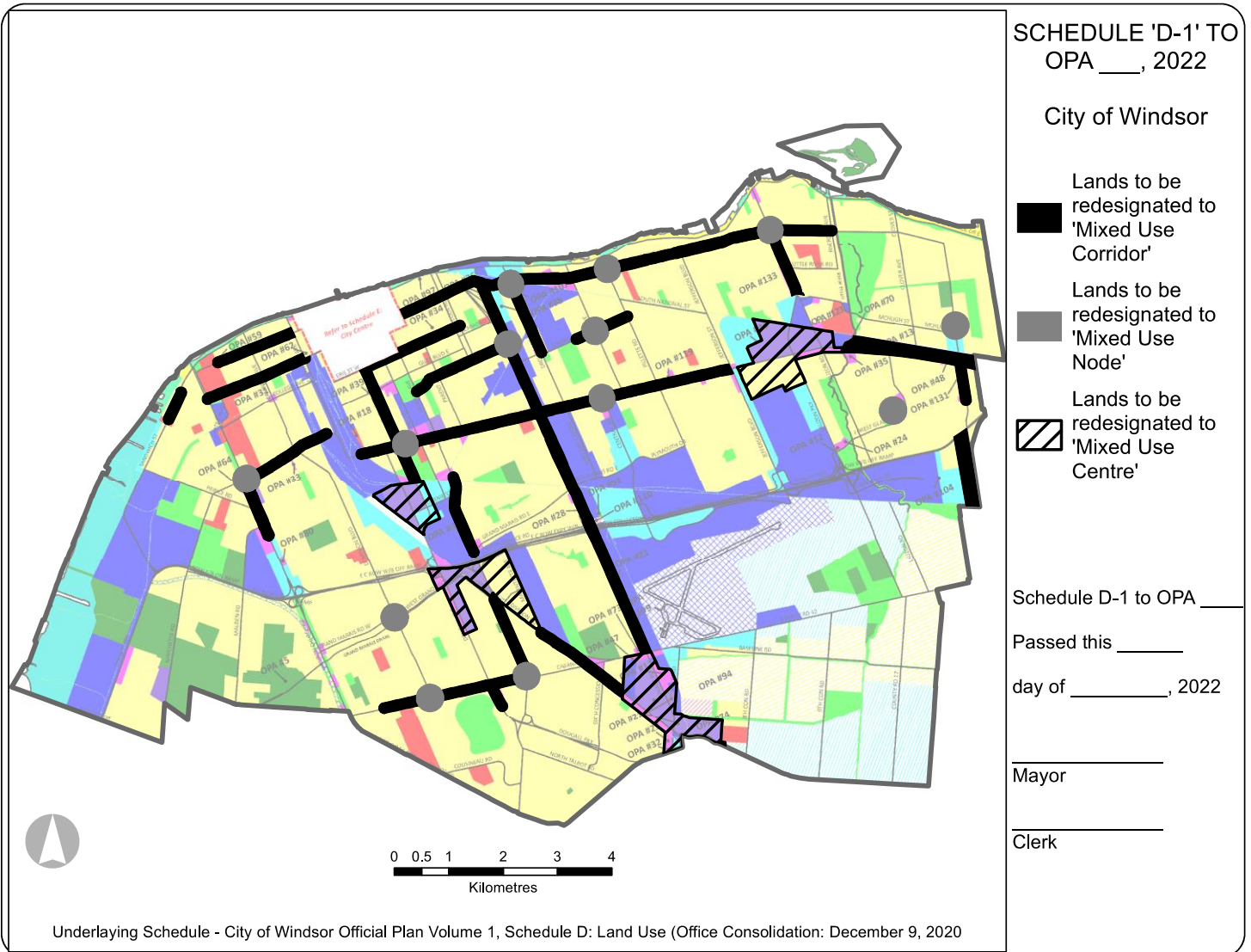
Appendix A to Official Plan Amendment No 159

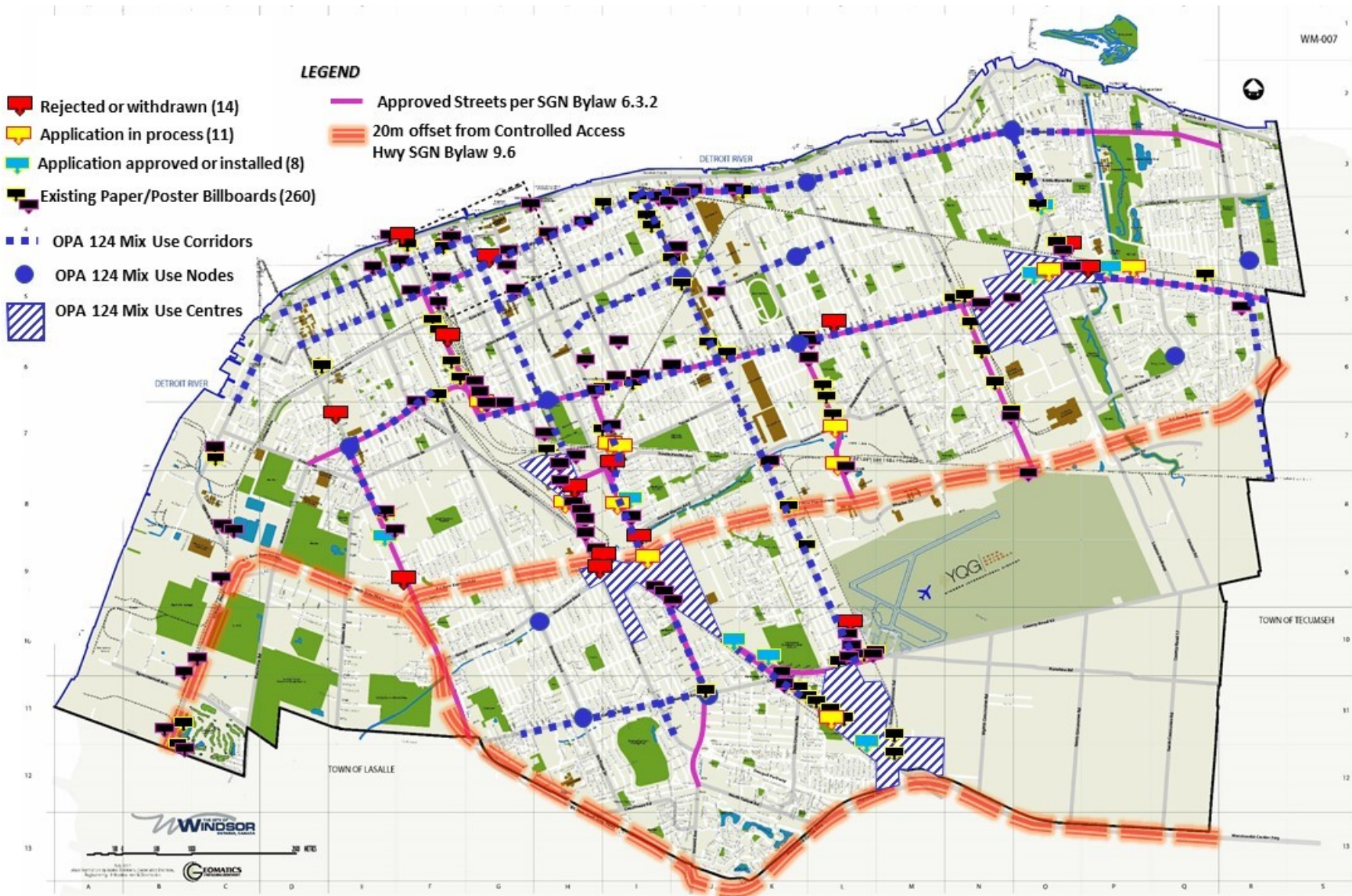
City of Windsor Official Plan, Volume 1



Appendix B to Official Plan Amendment No 159

City of Windsor Official Plan, Volume 1







**Subject: North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.-
Cost Sharing for Sanitary Sewer Oversizing - Ward 7**

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 478**

- I. That Council **APPROVE** a cost sharing payment to 1027458 Ontario Ltd. estimated at \$147,800.00, excluding HST (final payment to be based on actual construction costs), for sanitary sewer oversizing costs for Lublin Ave and the sewer extension and additional restoration required to provide future service for privately owned lands on Wyandotte Street East (Benefiting Properties) shown on Appendix 'A' (C-3705) as part of the North Neighbourhood Development, Phase 7, to be funded from Project ID #7035119 – New Infrastructure Development; and,
- II. That Administration **BE DIRECTED** to recover the costs noted in I. above from the Benefiting Properties prior to the issuance of building permits for those lands, plus an annual interest rate applied from the date the services constructed are accepted onto maintenance by the Corporation based on the Infrastructure Ontario Construction Loan rate at the time that payment is made and the project is deemed substantially performed and accepted onto maintenance (currently 4.75%), plus 1%; and,
- III. That the application of section 78 of Bylaw 93-2012 (the Purchasing Bylaw) **BE WAIVED** with respect to the cost sharing related to sanitary sewer oversizing for the North Neighbourhood Development, Phase 7, to allow a cost sharing agreement value greater than \$100,000.00 without the issuance of an RFT.

Report Number: C 5/2023
Clerk's File: SW2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.8 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>

Subject: North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7

Reference:

Date to Council: February 6, 2023
Author: Rob Perissinotti, P.Eng.
Development Engineer (A)
rperissinotti@citywindsor.ca
Desk: 519-255-6257 ext 6615
Cell: 519-999-6058
Engineering
Report Date: January 6, 2023
Clerk's File #: SW2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **APPROVE** a cost sharing payment to 1027458 Ontario Ltd. estimated at \$147,800.00, excluding HST (final payment to be based on actual construction costs), for sanitary sewer oversizing costs for Lublin Ave and the sewer extension and additional restoration required to provide future service for privately owned lands on Wyandotte Street East (Benefiting Properties) shown on Appendix 'A' (C-3705) as part of the North Neighbourhood Development, Phase 7, to be funded from Project ID #7035119 – New Infrastructure Development; and,
- II. THAT Administration **BE DIRECTED** to recover the costs noted in I. above from the Benefiting Properties prior to the issuance of building permits for those lands, plus an annual interest rate applied from the date the services constructed are accepted onto maintenance by the Corporation based on the Infrastructure Ontario Construction Loan rate at the time that payment is made and the project is deemed substantially performed and accepted onto maintenance (currently 4.75%), plus 1%; and,
- III. That the application of section 78 of Bylaw 93-2012 (the Purchasing Bylaw) **BE WAIVED** with respect to the cost sharing related to sanitary sewer oversizing for the North Neighbourhood Development, Phase 7, to allow a cost sharing agreement value greater than \$100,000.00 without the issuance of an RFT.

Background:

The North Neighbourhood Development Phase 7 in East Riverside was approved by Council Resolution M407-2012. This subdivision includes lands owned by 1027458 Ontario Ltd. (Developer) bounded by Wyandotte Street East to the north, Beverly Glen to the south, Clover Avenue to the west and the extension of Icewater Avenue to the east.

Currently, the Wyandotte Street East right-of-way does not contain a sanitary sewer east of Clover Street. As part of review of the development, Administration identified four (4) properties on Wyandotte Street East, shown on drawing C-3705 included as Appendix A (Benefiting Properties) which are currently not serviced by sanitary sewers.

The Engineering Department saw the North Neighbourhood Phase 7 development as an opportunity to extend a sanitary sewer stub to the north side of Wyandotte Street East at Lublin Avenue. From the proposed stub a sanitary sewer can then be extended to the east and west of Lublin Avenue within the Wyandotte Street East right-of-way to service the Benefiting Properties. In order to extend the stub and service the Benefiting Properties, the sewer along Lublin Avenue must be oversized to accept the additional sanitary flows. Together, the oversized pipe on Lublin Avenue, extension of the sanitary stub to the north side of Wyandotte St E and the additional restoration from the “Cost Shared Works” and the Developer agreed to provide a design and price for the same.

Council Resolution M407-2012 includes agreement to oversize the sanitary service along Lublin Avenue based on a cost sharing scheme satisfactory to the City Engineer. This report recommends the mutually satisfactory terms of the Cost Shared Works.

The Developer’s Consulting Engineer has completed detailed servicing plans for the North Neighbourhood development phase 7 and the Developer has selected Green Infrastructure Partners Inc. (formerly Coco Paving Inc.) to construct the subdivision infrastructure, including the Cost Shared Works. The standard Request for Tender (RFT) process was not used for this selection and the Developer has requested the City accept the Cost Shared Works amount despite section 78 of Purchasing By-law 93-2012 which states:

If a cost sharing agreement is in place for a Construction Project of which the City is not the owner, an RFT must be issued if the amount of the City’s share exceeds the greater of 10% of the cost-sharing agreement value or \$100,000.

Discussion:

The price provided for the Cost Shared Works is estimated at \$147,800 plus HST based on a letter from Dillon Consulting on behalf of the Developer dated October 20, 2022. These costs include:

- the difference in cost to oversize the sanitary sewers from 250mm diameter required to service the Lublin Avenue lots to 375mm and 450mm diameter pipe sizes required to include the Benefiting Property sanitary servicing needs (\$87,800)
- Additional manholes and lengths of sanitary sewer required to extend the sanitary sewer to service the Benefiting Properties beyond what is required to service the Lublin Avenue lots (\$46,800)
- Restoration work required outside the areas required for the North Neighbourhood Development phase 7 (\$13,200)

The entire phase 7 development area is roughly 23 hectares, which will be built out over 7 sub phases. Since the price for the Cost Shared Works being requested is a relatively small sum in comparison with the overall development, requiring the developer to publicly tender the Cost Shared Works would be less cost effective and may result in unnecessary delays.

The Engineering Department has reviewed the pricing submitted and compared the same against unit prices received through a competitive process on recent City sewer projects. It is Administration's opinion that the estimated value of the Cost Shared Works represents a fair and competitive cost. For this reason, Administration is requesting to waive Purchasing By-law 93-2012, specifically section 78, and to approve payment to the Developer, based on actual costs following construction, using the unit prices submitted.

Risk Analysis:

There is a risk that servicing costs from the four (4) Wyandotte Street East Benefiting Properties will never be recovered by the City should the property owner(s) choose not to develop. This risk is low due to the current economy and buoyant real estate prices. In addition, there is a one-foot reserve in front of these lots which prevents the owners from accessing the services. This one-foot reserve will not be removed until the cost of these services have been paid in full. Furthermore, annual interest based on the Infrastructure Ontario Construction Loan rate will be applied on each property based on the outstanding amount owed.

Financial Matters:

The City is responsible for compensating the Developer for the Cost Shared Works related to the four (4) Benefiting Properties. The table below outlines the estimated costs the City is to pay the Developer.

| Description | Estimate |
|---|------------------|
| Sanitary oversizing costs (Lublin Avenue) | \$87,800 |
| Extension of Sanitary Sewer and Manholes | \$46,800 |
| Additional Restoration | \$13,200 |
| Subtotal | \$147,800 |
| HST (13%) | \$19,214 |
| Total (including taxes) | \$167,014 |

The final payment will be based on actual costs following construction. Payment will be made to the Developer once the project is deemed substantially performed and accepted onto maintenance.

The New Infrastructure Development project (ID#7035119) has previously earmarked funds within its budget for this development. This project has sufficient available funding for this works.

The City will continue to carry a long term receivable for the \$167,014 until such time as the four (4) Benefitting Properties choose to develop their lands. The City will recover the costs from the four (4) Benefitting Properties at the time of issuance of building permits for each lot. As standard practice, Administration is recommending that annual interest be applied to the outstanding receivable based on the Infrastructure Ontario Construction Loan rate (currently 4.75%) + 1% while the amounts remain outstanding from the property owners. The indicative rate as at the time of writing this report is 5.75% which includes 1% for administrative resources required to administer this long-term receivable. The actual rate applied will be determined at the time that payment is made and the project is deemed substantially performed and accepted onto maintenance.

Consultations:

Linda Mancina – Financial Planning Administrator
Wira Vendrasco – Deputy City Solicitor, Legal & Real Estate
Alex Vucinic – Purchasing Manager
Natasha Gabbana – Senior Manager Asset Planning
Tony Ardovini – Deputy Treasurer

Conclusion:

Administration is recommending approval for a cost sharing payment to 1027458 Ontario Ltd. and waiving of section 78 of the Purchasing By-law 93-2012 related to the oversizing/servicing costs for the North Neighbourhood Development phase 7, and recovery from the Wyandotte Street East benefiting properties.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|-----------------------|---|
| Stacey McGuire | Manager of Development |
| France Isabelle-Tunks | Executive Director Engineering/ Deputy City Engineer |

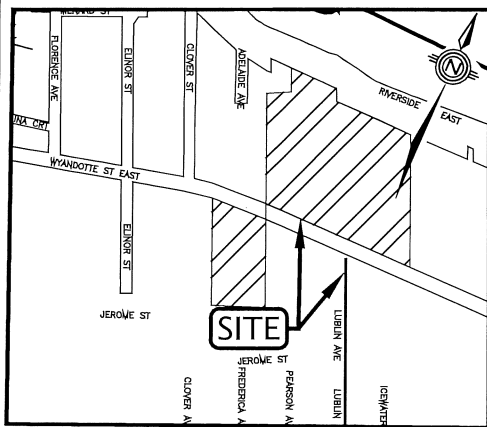
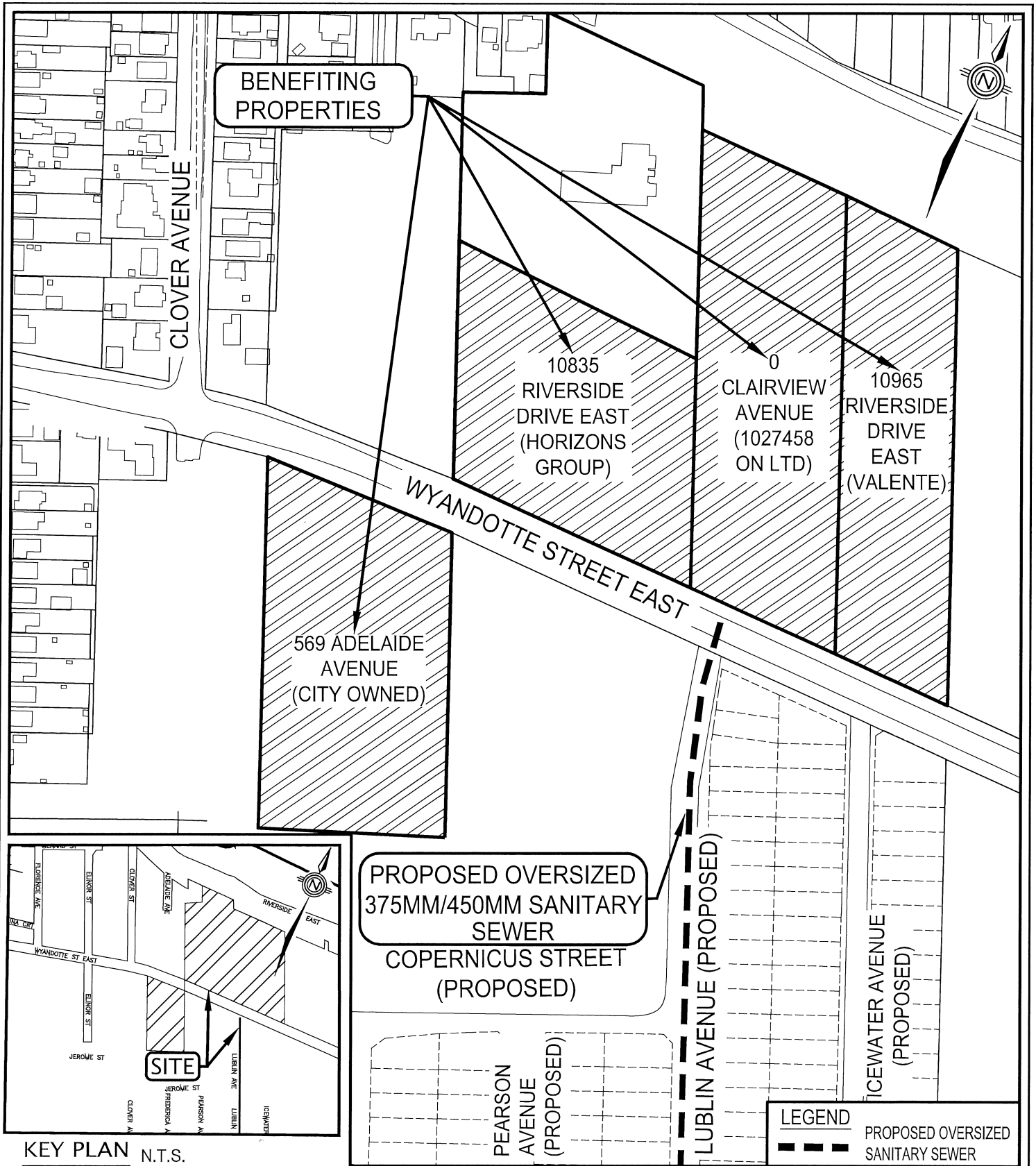
| Name | Title |
|--------------------|---|
| Chris Nepszy | Commissioner, Infrastructure Services, City Engineer |
| Shelby Askin Hager | Commissioner, Legal and Legislative Services/City Solicitor |
| Joe Mancina | Commissioner, Corporate Services CFO/City Treasurer |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Postal Code |
|-----------------|----------------------------------|--------------------|
| Jenny Coco | 949 Wilson Ave. Toronto, ON | M3K 1G2 |
| Gabriel Valente | 2985 Dougall Ave. Windsor, ON | N9E 1S1 |
| Horizon's Group | 4510 Rhodes Dr #520, Windsor, ON | N8W 5K5 |

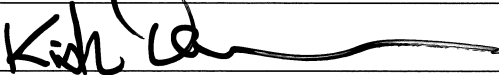
Appendices:

A: C-3705



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Oversized Sanitary Sewer Benefiting Four Properties
 On Wyandotte St East from Clover Avenue to Chateau Avenue

| | | | | |
|--|---------------|-------------------|-------------------|--------------------|
|  Kirk Tamm, Manager of Geomatics | SCALE: 1:2500 | DATE: JAN 2023 | REVISED: --- | DWG. NO. C-3705 |
| | DWN BY: UT | CHKD BY: PJU / RP | REVISION NO.: --- | |

Item No. 8.24



Committee Matters: SCM 58/2023

Subject: Minutes of the International Relations Committee meeting held November 23, 2022

Moved by: Councillor Fred Francis
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 479**

That the minutes of the International Relations Committee meeting held November 23, 2022 **BE ADOPTED** as presented.

Report Number: SCM 331/2022
Clerk's File: MB2023

Clerk's Note:

1. The recommendation of the Development and Heritage Standing Committee and Advisory Committee are the same.
2. Please refer to Item 12.1 from the Development and Heritage Standing Committee Meeting held on February 6, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:
<https://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230206/-1/9383>



Committee Matters: SCM 331/2022

**Subject: Minutes of the International Relations Committee of its meeting held
November 23, 2022**

International Relations Committee

Meeting held November 23, 2022

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Fabio Costante, Acting Chair
Councillor Gary Kaschak
Councillor Ed Sleiman
Jerry Barycki
Ronnie Haidar
William Ma
L.T. Zhao

Regrets received from:

Councillor Fred Francis
Daniel Ableser
Maria Belenkova

Also present are the following resource personnel:

Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

As Councillor Francis is absent, Councillor Costante agrees to preside as Acting Chair.

The Acting Chair calls the meeting to order at 3:39 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows.

2. Declaration of Conflict

J. Barycki discloses an interest on Item 6(d) as he is the President of the Polish-Canadian Business and Professional Association of Windsor.

3. Minutes

Moved by Councillor Kaschak, seconded by L.T. Zhao,
That the minutes of the International Relations Committee of its meeting held June 23, 2022 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Initiative to provide support to Local Businesses in our Sister Cities

Moved by Councillor Sleiman, seconded by W. Ma,
That the letter written by Councillor Francis on behalf of the International Relations Committee and the Windsor-Essex Regional Chamber of Commerce, attached as "Appendix A", to be sent to all of our twin cities, regarding an initiative that would provide support to local businesses in our sister cities looking to expand their markets **BE APPROVED**.
Carried.

4.2 Shonan Fujisawa, Japan Citizens Marathon Event -

S. Gebauer remarks that in the past, Fujisawa requested that the City of Windsor invite runners to attend the marathon event including meals and accommodations. The city reached out to the Human Kinetics Departments at the University of Windsor, and St. Clair College at that time and no interest was expressed. She advises if the IRC provides direction, she will once again send this information to the university and college. She adds that Fujisawa is requesting that the City of Windsor provide some prizes and adds that in the past, two gifts (from the Mayor's Office) were sent.

R. Haidar will provide contact information for the Dean of the Human Kinetics Department at the University of Windsor, who could share the information with students.

Moved by J. Barycki, seconded by Councillor Kaschak,
That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$250. for costs associated with the mailing of the prizes to Shonan Fujisawa, Japan for the Marathon Event to be held on January 22, 2023 and further, that the Council Assistant **BE REQUESTED** to reach out to the Human Kinetic Departments at the University of Windsor and St. Clair College to determine if there is interest in this event.
Carried.

4.3 City of Fujisawa, Japan – 35th Anniversary Message Videos

S. Gebauer reports that the Mayor's Office recorded a video yesterday, that includes some of the footage from the Opening of the Children's Art Exhibit. The video will be sent to Fujisawa, Japan for December 2, 2022 which is the 35th Anniversary of our twinning.

Moved by Councillor Sleiman, seconded by J. Barycki,

That the update provided by the Council Assistant regarding the message videos to be sent to the City of Fujisawa, Japan on December 2, 2022 in celebration of the 35th Anniversary of the twinning with the City of Windsor **BE RECEIVED**.

Carried.

4.4 City of Fujisawa, Japan – Invitation to invite a delegation from Windsor Between January to February 2023

The Acting Chair asks if this matter should be deferred and discussed at a meeting of the newly appointed members of the International Relations Committee

S. Gebauer concurs that this matter should be deferred to the new committee and suggests that the request from Fujisawa be forwarded to the Mayor's Office for consideration.

Moved by Councillor Kaschak, seconded by J. Barycki,

That the request from the City of Fujisawa, Japan to invite a delegation from the City of Windsor to visit Fujisawa between January to February 2023, **BE DEFERRED** to the Mayor's Office for consideration.

Carried.

4.5 International Mother Language Plaza (Martyr's Monument)

S. Gebauer reports that in doing some research into past practices relating to the provision of funding for non-sister cities requests, only one precedent (the purchase of tickets to the South Asian dinner) was found. In reaching out to surrounding cities regarding if they have sister cities and what the practice is, most do not have an international or twin city committee. The City of Hamilton's mandate is similar to the City of Windsor and their practice is to promote their own twin cities.

S. Gebauer recalls at the June 23, 2022 meeting of the IRC, Dr Fazle Baki was present and requested a contribution towards the International Mother Language Plaza.

In response to a question asked by Councillor Sleiman regarding the contribution requested by Dr. Fazle Baki from the IRC, S. Gebauer responds that they are currently fundraising to raise \$130,000 for the project.

J. Barycki suggests deferral of this matter to the new term of the IRC Committee.

The Acting Chair advises that the IRC has to be mindful of how certain groups are supported, i.e. if one group is supported, it sets a precedent to support other groups. He suggests that this may be a topic to deliberate for the next committee.

Moved by Councillor Kaschak, seconded by Councillor Sleiman,
That the International Mother Language Plaza (Martyr's Monument) request for funding **BE DEFERRED** to the next meeting of the newly appointed International Relations Committee.

Carried.

5. Communications

S. Gebauer refers to Item 5.14 – “E-mail from Changchun regarding an initiative to establish twin schools of Changchun”, and advises Changchun is endeavoring to establish a relationship between schools. She adds that in many of these countries, the schools are run by the municipal governments and asks if a member of the IRC has connections to any of the schools. She suggests communicating with the school boards to determine if a pen pal type of communication could be considered with our twin city.

The Acting Chair suggests that perhaps a meeting with the City and School Boards Liaison Committee or alternatively that the IRC provide direction for Administration to send a letter to the four local school boards.

S. Gebauer responds that she will send out a letter on behalf of IRC to the school boards. The Acting Chair offers to assist with the Catholic School Board.

Moved by Councillor Kaschak, seconded by L.T. Zhao,
That the following communications **BE RECEIVED**:

- 5.1 Letter from the Mayor of Lublin, Poland to the Premier of Ontario dated September 9, 2022 regarding a proposal to establish relations between the Lubelskie Voivodship (Region) and the Province of Ontario.
- 5.2 Invitation to the 25th Annual Polish-Canadian Society Business Dinner to be held on November 18, 2022 at Caboto Hall, 2175 Parent Avenue.
- 5.3 Letter from Mayor Drew Dilkens to Krzysztof Zuk, Mayor of Lublin inviting

a delegation of two people from Lublin, Poland to visit the City of Windsor from November 17, 2022 to November 20, 2022. Letter from Krzysztof Zuk to Mayor Dilkens noting that Krzysztof Stanowski will attend and will represent Krzysztof Zuk.

- 5.4** Photos of “Productive Meetings in Lublin” dated August 16, 2022.
- 5.5** E-mail from the Foreign Affairs Office, Changchun, China regarding the 30th Anniversary of twinning with Changchun and the City of Windsor.
- 5.6** Letter of thanks from the City of Mannheim, Germany regarding the closing of the International Summer Camp with Mannheim’s Twin Cities in preparation for the National Garden Show BUGA 23.
- 5.7** Letter from Mannheim, Germany thanking Mayor Dilkens for the support of their film project celebrating their 20th anniversary.
- 5.8** E-mail from Hiromi Okumura, Fujisawa, Japan regarding the cancellation of Fujisawa’s official delegation to the City of Windsor in October 2022 due to COVID-19.
- 5.9** E-mail from Gunsan, Korea sending regrets regarding their visit to the City of Windsor on September 19, 2022 due to several urgent city issues.
- 5.10** Letter from Krzysztof Zuk, Mayor of Lublin congratulating Mayor Dilkens on his election as Mayor for a third term.
- 5.11** Letter from Tsuneo Suzuki, Mayor of the City of Fujisawa congratulating Mayor Dilkens on his election as Mayor for a third term.
- 5.12** E-mail from Hiromi Okumura, City of Fujisawa regarding an invitation for runners to attend the Marathon along with a request for prizes from the City of Windsor.
- 5.13** E-mail from Mannheim, Germany and letter to Mayor Drew Dilkens congratulating the Mayor on his re-election.
- 5.14** E-mail from Changchun, China regarding an initiative to establish twin schools of Changchun.
- 5.15** E-mail from the Mayor of Gunsan, South Korea sending congratulatory Letters to Mayor Drew Dilkens and Councillor Fred Francis.

6. Confirm & Ratify E-mail Polls

- (a)** That the following motion sent via E-mail Poll on June 27, 2022 **BE CONFIRMED AND RATIFIED:**

Moved by Councillor Sleiman, seconded by W. Ma,

That a letter of invitation from Mayor Drew Dilkens be sent to President Zuk, Mayor of the City of Lublin, Poland for a delegation of two (2) to visit the City of Windsor from November 17, 2022 to November 20, 2022 for three nights.

Carried.

- (b)** That the following motion sent via E-mail Poll on July 20, 2022 **BE CONFIRMED AND RATIFIED:**

Moved by Councillor Kaschak, seconded by Councillor Sleiman,

That approval be given to an expenditure in the upset amount of \$100 for costs associated with a small reception to be held for the Misono Jogakuin School students from Fujisawa, Japan to be held on Tuesday, July 26, 2022 from 1:30 p.m. to 3:30 p.m. at Windsor City Hall.

Carried.

- (c)** That the following motion sent via E-mail Poll on August 26, 2022 **BE CONFIRMED AND RATIFIED:**

Moved by W. Ma, seconded by Councillor Kaschak,

That a request by the City of Gunsan, South Korea, for a visit to the City of Windsor from September 19, 2022 to September 20, 2022 by a delegation of seven (7), including Mayor Im-June Kang be approved and that approval be given to an expenditure in the upset amount of \$7,000 for costs related to this visit.

Carried.

- (d)** J. Barycki discloses an interest and abstains from voting on Item 6(d). There is no longer a sufficient number of members to constitute a quorum.

Moved by Councillor Sleiman, seconded by R. Haidar,

That the following motions sent via E-mail Poll on October 18, 2022 regarding “that approval be given to an expenditure in the upset amount of \$4,000 for costs associated with the delegation from Lublin, Poland to visit the City of Windsor from November 17, 2022 to November 20, 2022” and “that approval be given to an expenditure in the upset amount of \$400 for the purchase of four (4) tickets (1 ticket for Mayor Dilkens) for the 25th Annual Polish-Canadian Business Society Dinner to be held on November 18, 2022 at the Caboto Hall, 2175 Parent Avenue. **BE DEFERRED** to the next meeting of the International Relations Committee

Carried.

5. Date of the Next Meeting

The next meeting date and time to be determined.

6. Adjournment

There being no further business, the meeting is adjourned at 4:08 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR

Greetings from Windsor!

On behalf of the International Relations Committee and Windsor–Essex Regional Chamber of Commerce we are writing to share information about an initiative that would provide support to local businesses in our sister cities looking to expand their markets.

The Windsor-Essex Regional Chamber of Commerce represents over 700 members from various industry sectors including: manufacturing, agriculture, transportation, finance and education among others. For over 143 years the Chamber has been the voice of business in Windsor-Essex promoting the needs of their members to all levels of government.

As you know, the Windsor-Essex region is comprised of agricultural resources and innovation as well as a wide variety of technological industries from car manufacturers to second and third tier suppliers as Windsor is Canada's automotive capital. We have two major educational institutions, the University of Windsor and St. Clair College. We also have a Marine Port and are well situated across the river from Detroit, Michigan with a new International Bridge currently being constructed to ease the flow of transported goods across this international boundary.

Our tourism industry is supported by 17 local wineries, Point Pelee National Park and a waterfront expanse which surrounds the region on three sides. The City of Windsor offers world-class gaming at Caesars Windsor, as well as world-class entertainment, fascinating historical and artistic landmarks, culturally diverse cuisine, and unparalleled waterfront parks and gardens.

The purpose of this letter is to share an interest in exploring opportunities to conduct business in our mutual regions and to propose an arrangement that allows our Chamber of Commerce to extend its membership benefits to members of our sister cities at no cost. Benefits could include an invitation to businesses wanting to expand their business in our region to come and visit Windsor-Essex, access to the WindsorEssex Economic Development Corporation and local businesses, assistance with Government programs and more.

We look forward to hearing from you regarding this exciting initiative that further strengthens the economic, social and cultural bonds between our two great cities.

Kind Regards,

Fred Francis, Chair
International Relations Committee
City of Windsor



Subject: Impacts of Bill 108 and 109, More Homes for Everyone Act, 2022 – Subsequent Changes to the Development Application Process, City Wide

Reference:

Date to Council: February 27, 2023
Author: Rania Toufeili
Executive Initiatives Coordinator, Office of the CAO
519-255-6100 ext. 6479
rtoufeili@citywindsor.ca

Co-Author: Neil Robertson
Manager of Urban Design, Deputy City Planner

Economic Development & Innovation

Report Date: 2023-02-09
Clerk's File #: SB2023

To: Mayor and Members of City Council

Recommendation:

THAT report C 18/2023 regarding the Development Application Process Review – *Bill 108* and *Bill 109* **BE RECEIVED FOR INFORMATION**, and further;

THAT City Council **SUPPORT** the changes to the development process for Planning Act Applications and Building Code Applications as outlined in this report in response to *Bill 108* and *Bill 109*; and further,

THAT City Council **DIRECT** the Executive Director of Planning and the Commissioner of Economic Development and Innovation to pursue restructuring the Planning department to meet legislated obligations and growing development demands, improve cross-departmental collaboration, attract and retain qualified staff, and offer exceptional services that are flexible and responsive to business needs; and further,

THAT City Council **DIRECT** the Chief Administrative Officer, as authorized through CAO By-law 218-2022, to hire any new positions in the Planning Department and approve any further actions required to operationalize the details of the restructuring as outlined in report C 18/2023, and further,

THAT City Council **DIRECT** Administration to monitor operations subsequent to the changes implemented as a result of *Bill 109*, and provide reports on any cross-departmental impacts with recommendations to address those impacts; and further,

THAT City Council **DIRECT** Administration to provide ongoing feedback to the Province through their respective associations in the best interests of the City of Windsor as the impacts of *Bill 109* arise.

Executive Summary:

Bill 109, More Homes for Everyone Act, received Royal Assent on April 14, 2022. The purpose of this legislation was to address the housing supply shortage across Ontario. Administration brought forward two reports (S57/2022 and S91/2022) which advised Council about the implications of *Bill 109* relating to the delegation of Site Plan Approval and the concerns about the legislation prior to its implementation. Now that the legislation is in force, the City is looking to make a number of process changes to help mitigate any human resource and financial impacts resulting from *Bill 109*.

Bill 109 mandates scaled refunds of application fees to developers if the municipality does not meet the development approval timelines set out by the Province. Depending on when the application is approved, refunds could range from 50% to a 100% refund. The approval timelines were previously shortened in 2019 through *Bill 108, More Homes More Choices Act*.

There has been a significant increase in the number of development applications submitted to the City. The Planning department is modernizing their development application review process to mitigate the potential risk of refunds, and address the unprecedented volume of applications that have to be processed within the legislated timelines. The practice of allowing the application streams to overlap is more common in smaller municipalities that may process fewer applications per year. The City had previously followed this practice to serve customers and align with its competitors in neighbouring county municipalities. As the City is now seeing a record number of applications and risks financial penalties, Windsor must align with how other large municipalities are processing applications as proposed in this report.

Without sufficient staff resources in Planning, it will be a challenge to process the record level of applications within the legislated time frames. Should City Council not approve the proposed development process changes, significant risks associated with the refund of application fees will negatively impact revenues and ultimately impact the tax levy.

There are some risks associated with the approval of the proposed development process changes, as applicants and developers will be required to ensure all documentation and approvals are in order prior to submitting a complete application. Administration is committed to working with the development community to ensure the process changes are understood and expectations are managed.

The process changes proposed will establish a clear development process for applicants that aligns with that of other comparable municipalities and help mitigate the risk of lost revenue due to refunds.

Background:

On April 14th 2022, the Province enacted *Bill 109* creating the *More Homes for Everyone Act*. This Bill came into force on January 1st 2023. The Province has introduced this legislation with the intention of building 1.5 million homes in the next ten years to address the housing supply shortage across Ontario.

Two previous reports have been brought forward from Administration to Council concerning *Bill 109*:

- **S 57/2022 - *Bill 109, More Homes for Everyone Act, 2022 – Changes to the Planning Act Affecting Site Plan Control Approval, City Wide*:** This report (in Appendix A) was brought forward on June 6th 2022. It discusses the implications of *Bill 109* and recommended that the City Planner be delegated as the Site Plan Control approval authority in accordance with the provisions of *Bill 109*. (Appendix A)
- **S 91/2022 - *Bill 109, More Homes for Everyone Act, 2022, City Wide*:** This report was brought forward on August 2nd 2022. It provided comments on *Bill 109* and recommended that Council submit a letter referencing the City of Windsor's significant concerns about the passed legislation, and requested changes to *Bill 109, More Homes for Everyone Act, 2022* prior to its implementation date set for January 1, 2023. (Appendix B)

Prior to the passing of *Bill 109*, the Provincial government also changed the *Planning Act* through *Bill 108, More Homes, More Choice Act, 2019*. One of the most impactful changes that resulted from *Bill 108* were the changes to development approval timelines. Timelines for approval have been shortened significantly as shown in Table 1.

Table 1 – Changes to Development Approval Process (Bill 108)

| | Bill 139 (before 2019) | Bill 108 (newer) |
|--|-------------------------------|-------------------------|
| Official Plan Amendment (OPA)/OPA + Zoning By-law Amendment | 210 days (7 months) | 120 days (4 months) |
| Zoning By-law Amendment | 150 days (5 months) | 90 days (3 months) |
| Site Plan Approval | 60 days (2 months) | 30 days (1 month) |
| Draft Plan of Subdivision | 180 days (6 months) | 120 days (4months) |

As discussed in previous Council reports, *Bill 109* amends six statutes, including the *Planning Act* and the *Development Charges Act*. The most significant amendments expected to have a major impact on the Corporation are those to the *Planning Act*. *Bill 109* can be found at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109>.

The new legislation introduces scaled financial penalties to municipalities if they do not comply with the legislated timelines. Refunds must be issued to development applicants based on when the municipality renders a decision on an application. The only exclusion from refunds is for Draft Plans of Subdivision.

Table 2 – Refunds to Applicants based on Development Application Approval Timeline (Bill 109)

| Timeline for Fee Refund | OPA/OPA + ZBLA | ZBLA | Site Plan Approval |
|--------------------------------|------------------------------|------------------------------|-----------------------------|
| No Refund | 120 days (4 months) | 90 days (3 months) | 60 days (2 months) |
| 50% Refund | 120-180 days (4-6 months) | 90-150 days (3-5 months) | 60-90 days (2-3 months) |
| 75% Refund | 180-240 days (6-8 months) | 150-210 days (5-7 months) | 90-120 days (3-4 months) |
| Full Refund (100%) | 240+ days (8+ months) | 210+ days (7+ months) | 120+ days (4+ months) |

These measures (effective January 1, 2023) could have major financial impacts to City revenues if operational changes are not made. If the fee revenues are required to be refunded because deadlines are missed, staffing and operational related costs will have to be absorbed by the municipal property tax levy.

Discussion:

Bill 109 included two key deadlines for municipalities: 1) July 1, 2022 to delegate Site Plan Approval to staff; and, 2) January 1, 2023 is when the refund of fee provisions took effect. However, a letter dated December 22, 2022 was received from Minister Steve Clark committing to bringing forward legislation to delay the effective date of the fee refund changes from January 1, 2023 to July 1, 2023 (see Appendix C).

In the event that any fee refunds become due to applicants before these legislative changes are made, Minister Clark suggests that municipalities consider not issuing refunds in the interim given his express commitment to introduce legislation that, if passed, would retroactively cancel the requirement.

However, it is still important to provide Council with an understanding of the potential impacts once the fee refund component of *Bill 109* comes into force, including the proposed changes to the administrative development approval process aimed at minimizing the impact of this legislation.

The full implementation of *Bill 109* is expected to cause a significant strain on the operations of various departments across the Corporation. The Planning Department, and the Building Department, are likely going to see the most significant impacts. It is also expected that the proposed process changes will add to the administrative burden in other departments such as Public Works that provide comments and reviews for development applications. This report is primarily focused and limited to the impacts on the Planning Department.

New legislative changes contained in Bills 108, 109 and 23, are coming in quick succession at a time when the volume of development applications are at unprecedented levels. Notwithstanding the implications of the new legislation, the staffing levels in the Planning department are currently insufficient to address the record high levels of applications. Staff are already challenged to process applications in a timely manner. With the application and the growth rates projected to rise as a result of

the provincial initiative for Windsor to build 13,000 homes over the next 10 years, additional resources to ensure a timely response to customers are required.

The following is a brief summary of the significant development pressures over the past few years:

- 423 planning applications in 2022, a 76% increase over 2016 (as shown in **Figure 1**);
- 4,000+ housing units approved since 2016, with almost 80% occurring in the last four years;
- A reported budget surplus of \$1,382,307 over the past two years, mostly as a result of increased application revenues and staff gapping; and,
- Department responding to +/- 2,000 zoning inquires annually.



Figure 1: Number of Planning Applications Annually

The Building Department's statistics also reveal a significant amount of growth and building activity over the past four years. With the new EV Battery Plant, and Provincial direction to Windsor to build 13,000 homes over the next decade, the workload is expected to double again in the coming years. There has been a significant increase of new residential and ICI (Institutional, Commercial and Industrial) permits annually, with a record number of applications recently.

Some of the notable growth changes in Building Department include:

- Permits issued for over 650 dwelling units in 2022.
- Permits relating to new dwelling units has doubled annually since 2019.
- The construction value issued for all permits (residential, industrial and commercial) in 2022 was \$360,000,000. In comparison, the annual average over the period of 2010 to 2018 was \$198,000,000.
- In the past four years, the combined construction value of all permits issued was \$1.55 billion, matching the previous seven years combined.

As a result of the combined effect of a major increase in developments within Windsor and the introduction of new legislation, Administration is revisiting their development application review processes. This is being done with a view towards continuous improvement and to help mitigate negative impacts, namely refunding application fees.

Windsor has been experiencing significant growth and a shift in process is required to help better align Windsor with larger municipalities based on development growth. It is important to note that the City has also contracted the Perry Group Inc. to undertake a detailed review of the planning and development review processes to assist with finding efficiencies in each of the individual processes (e.g. OPA, Rezoning, Site Plan) that lead up to the Building Permit. These reviews are being funded by the Provincial Streamline Development Approval Fund (SDAF). The Perry Group Inc. final report will include detailed recommendations for the staffing structure and will be presented to City Council when complete. As the review is still in progress, specific staff positions are not referenced in this report, however, some of the preliminary findings and direction have informed the discussion and recommendations made here where they have a bearing on the impact of *Bill 109* and the proposed solutions to mitigate the impacts.

Potential Impacts Corporate-Wide

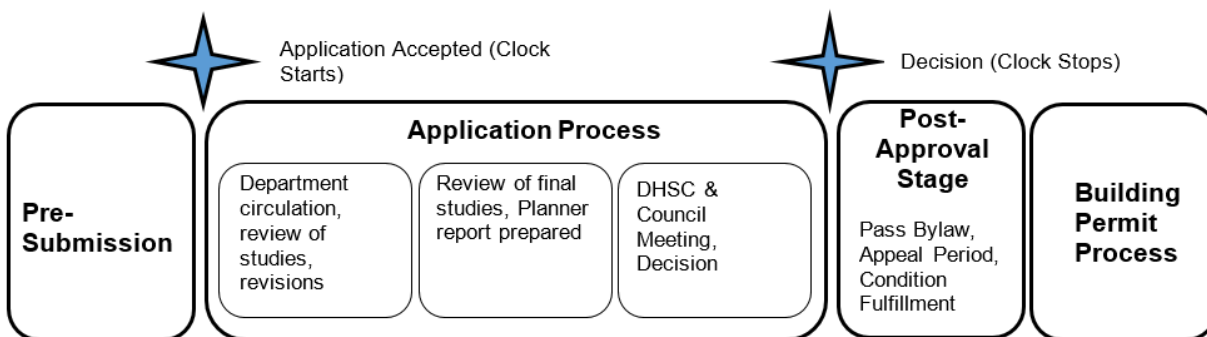
This report is primarily related to proposed process changes and resource challenges within the Planning department, as the impacts to this area resulting from *Bill 109* are the most predictable at this time. However, as timelines and processes are changed to comply and mitigate impacts from new legislation, other departments involved in the development application process may also see adverse impacts. Administration will monitor the impacts to their respective departments and report back to Council with information. The significant increase in applications and increased pressure from new financial penalties may present additional recommendations once new changes come into full effect.

The Current Development Process

A development application process is not the same as a building permit application process. The development application process is reviewed under the *Planning Act* and the Building Permit process is reviewed under the *Building Code Act*. The development application process is administered by the Planning department, who is responsible for the review, processing analysis and recommendations to Council or Committee of Adjustment for planning applications. In the site plan control context, the City Planner is the approval authority.

The traditional approach of dealing with development applications in Windsor has generally worked well, especially when compared to other large municipalities in Ontario. The existing approach focused on working collaboratively with the developer through an application, and responding to information deficiencies and/or changing development plans throughout the development process. The process focused on getting the right information to make informed decisions. The Planning Department, and other departments that support development, have always been cognizant about timelines; however, timelines were not necessarily the most important consideration.

The existing process focused on achieving positive development outcomes, addressing municipal and community concerns identified through public consultation, and ensuring compatibility with the surrounding neighbourhood. Planning has always tried to be responsive and flexible in order to ensure that development approvals are granted in a timely manner; in fact, the City has never had an appeal for a non-decision or no decision within the statutory timeframe. This approach means often allowing the developer to proceed with their application knowing that some of the supporting documentation will be updated or revised during the review process, or reacting to plan changes and neighbourhood concerns as they come up during the review process. **Figure 2** below summarizes the current development review and approval process.



City Council Meeting - February 27, 2023
Page 612 of 692

Bill 109 requires refunds be provided a sliding scale once the deadlines have passed, without any recognition or exception to the reasons for delay. Applicants play a major role in the timing and quality of submissions and resubmissions. The municipality has no control over the resources an applicant will choose to employ to complete their application, nor does the City have a way to effect the speed at which the applicant addresses requests for information. As such, the time that elapses when an application is delayed while waiting for information from a developer needs to be minimized once the application is accepted. The legislation does not allow an applicant to agree with the City to “pause” the process. The clock continues to run and upon the expiry of the legislated time frame the refund is due. There is no discretion on the part of the municipality or the applicant to waive the legislated time frames. This situation presents a significant risk to the municipality.

To avoid refunds when *Bill 109* is in force, a fundamental process shift towards meeting the timelines established by the Province will be necessary. The clock will start ticking once the application is deemed complete, after which there will be very little opportunity to adjust the application through the review and approval process. Applicants will be required to do much more work “up-front” to ensure that all the information is provided, at a satisfactory level of quality, before an application is deemed complete and subsequently accepted. This process change is also expected to produce more viable applications which proceed to completion, as much of the investment in design and studies will be done earlier in the process to create a complete application for administration’s review. Any changes that may be requested by the applicant or suggested by various staff could cause a delay that will be difficult to accommodate while meeting mandated deadlines.

To address the increase in developments across the city, and reduce the risks associated with *Bill 108* and *109*, it is imperative that a refined development application process be implemented.

Proposed Process Changes for Development Reviews

Refunding fees that cover the costs associated with the processing, review and notification requirements for planning applications will shift the cost from the developer, who is benefitting directly from the approval, to the municipality and eventually to the taxpayer. Significant changes to the current process are necessary in order to avoid refunding fees. The following are proposed changes to the Planning Act processes in response to the legislative changes made by *Bill 108* and *Bill 109*. The sole objective is to mitigate the risk of refunding application fees.

New Two Stage Pre-Consultation

Windsor’s current Pre-Consultation process (called a Pre-Submission) results in a letter to the applicant that outlines the required studies, documents, and information required as part of a complete application. This list is derived from the application of Official Plan policies and circulation of the development concept to municipal departments. No opinion about the supportability of the development is offered to the applicant at this point. The applicant is then able to submit their application, along with all of the required studies and documents identified in the letter, and the application fee. The submission triggers the legislated timelines. The Pre-Submission process cost is currently \$313,

reflecting the nominal amount of work required of staff at this point. Under the current process, the review and revision requests for the plans and studies all happen after the application has been received and the clock started. Continuing to do it this way will put the City at significant risk of having to refund application fees.

In response to *Bill 109*, many municipalities in Ontario are exploring the option of moving towards a more comprehensive, multi-step Pre-Consultation process to ensure that all the information needed for a decision included when the application is submitted. The Planning Department is recommending a new Pre-Consultation process, made up of two steps or stages: Pre-Consultation: Stage 1; and, Pre-Consultation: Stage 2.

The Pre-Consultation: Stage 1 will be similar to the Pre-Submission process described above. The development concept will be circulated to departments to determine what studies will be needed to address various municipal requirements and/or mitigate potential impacts. The City will provide a letter identifying the required studies and highlight any of the significant challenges that may impact the supportability of a development. As the proposed Pre-Consultation: Stage 1 is very similar to the existing Pre-Submission process, the fee will remain \$313.

The Pre-Consultation: Stage 2 will require applicants to submit all of the documentation, drawings and support studies identified in Stage 1. This information will be circulated to all of the relevant departments for review and comments about the development proposal. Revisions to the studies or plans may be requested to clarify information or to address any proposal changes during this stage. Developers may also be required to host a public open house (described later) as part of this stage. The public consultation report coming out of the open house will become part of the complete application, along with the final versions of the studies and plans.

This is a significant change to the existing process because this work previously occurred after the application was accepted. Given the iterative nature of this step in the process, and that the municipality has no control over how long the developer takes to respond to the information or revision requests, this work will be required to be done in Pre-Consultation: Stage 2. Once all of the reports and plans have been finalized, the applicant will be able to submit their application package for approval.

Complete Applications

There have been a number of references to a “complete” application. A complete application flows from the Pre-Consultation process and is specific to each development proposal. A complete application includes the application form, application fee, finalized support studies and plans, and the public consultation report. It is essential that the Planning Department, and others, have all of the information that they need to make a recommendation that the application “has regard to” matters of provincial interest, conforms to the official plan, adheres to municipal standards, and “represents good planning”. The acceptance of a complete application will start the legislated time line. In order to avoid refunding application fees the City will need to be vigilant and consistent about returning incomplete applications. Applications will be returned under the following circumstances:

- The application is significantly different than what was presented at the meetings;

- The application is missing information;
- The application does not include all of the supporting documentation requested in the Pre-Consultation meeting follow-up letter;
- The application does not identify all of the required planning changes and/or relief needed to support the proposed development; or,
- The supporting documents do not adequately address the key issues they are required to address.
- Other noted deficiencies.

Administration will support applicants in the pursuit of complete applications, including providing sound instructions to the applicant during the Pre-Consultation phase. In order to achieve this, Planning will need to assign experienced Planners who are empowered to make decisions at the Pre-Consultation stage of development approval process. This may impact staff resources, which are addressed later in this report.

Fee Structure Changes

The Planning Act authorizes municipalities to require the payment of fees for the processing of planning applications. Such fees are to be commensurate with the amount of time, effort and cost incurred by the municipality to process such applications.

The move to a two-stage Pre-Consultation process does not change the amount of work that occurs on a file; rather it changes at what stage in the process the work happens. Simply, it moves part of the review process that used to happen after an application was accepted to the Pre-Consultation Stage 2. For this reason, Planning is recommending taking the corresponding portion of the existing application fee and moving it to the Pre-Consultation: Stage 2. Analysis of the existing fees and the corresponding fee-based work for the various *Planning Act* approvals (e.g. OPA, Rezoning, and Site Plan Control) indicate that moving 50% of the current application fee to Pre-Consultation: Stage 2 is appropriate. This change in the fee structure will not result in an increase in fees, but will change the timing of when different portions of the fees are paid. **Table 2** below demonstrates how the “Application Fee” from the current process will be redistributed to the “Pre-Consultation: Stage 2” and “Application Fee” of the proposed review process.

Table 2: The Proposed Redistribution of Planning Application Fees

| Application Type | Current Process Fee Structure | | | Proposed Process Fee Structure | | | |
|---------------------------------|-------------------------------|-----------------|-------------|--------------------------------|--------------------------|-----------------|-------------|
| | Pre-Submission | Application Fee | Total | Pre-Consultation Stage 1 | Pre-Consultation Stage 2 | Application Fee | Total |
| Official Plan Amendment - Major | \$313.60 | \$8,462.35 | \$8,775.95 | \$313.60 | \$4,231.18 | \$4,231.18 | \$8,775.95 |
| Official Plan Amendment - Minor | \$313.60 | \$2,508.40 | \$2,822.00 | \$313.60 | \$1,254.20 | \$1,254.20 | \$2,822.00 |
| Zoning By-law Amendment - Major | \$313.60 | \$6,187.40 | \$6,501.00 | \$313.60 | \$3,093.70 | \$3,093.70 | \$6,501.00 |
| Zoning By-law Amendment - Minor | \$313.60 | \$4,597.00 | \$4,910.60 | \$313.60 | \$2,298.50 | \$2,298.50 | \$4,910.60 |
| Site Plan Control - Minor | \$313.60 | \$6,287.09 | \$6,600.69 | \$313.60 | \$3,143.50 | \$3,143.59 | \$6,600.69 |
| Site Plan Control - Standard | \$313.60 | \$9,053.09 | \$9,366.69 | \$313.60 | \$4,526.50 | \$4,526.59 | \$9,366.69 |
| Site Plan Control - Major | \$313.60 | \$11,762.99 | \$12,076.59 | \$313.60 | \$5,881.50 | \$5,881.49 | \$12,076.59 |

This change more accurately assigns costs to where the staff review time and effort will occur in the overall development approval process, as well as it minimizes the amount of the application fee that would have to be refunded if timeframes are not met.

Concurrent Applications

While the City has regularly accepted concurrent applications in the spirit of cooperation and providing good customer service, this practice will need to be discontinued. For example, if a rezoning or an official plan amendment is appealed that could substantially delay the processing of a site plan control application that depends on such a rezoning or official plan amendment.

This linear approach may actually slow the development approval process overall, but it increases the likelihood of meeting the legislated timelines for each of the individual planning approvals.

Although not typical, quite frequently applicants were able to submit their building permit plans to the Building department simultaneously with development approvals to the Planning department. This approach presented some of the following internal challenges:

- ***Inefficient use of staff resources and time:*** When developers are able to start the building permit process before their planning application is approved, Building and Planning spend a significant amount of time responding to the applicant, commenting on the status of both applications and explaining why construction cannot start.

- ***Does not manage expectations for developers:*** When building permits are almost finalized or ready to be issued, the developer may still require planning approvals prior to construction. The current process leads to confusion and frustration, as a ready building permits creates an expectation that construction should be able to start.
- ***Confusion if applications change:*** Changes to the application that are made based on Planning's requirements may not be reflected in plans submitted to the Building Department, creating confusion for the applicant and staff in both departments about the correct version of the application and where it is in the review process.
- ***Unnecessary communication between departments:*** While robust communication between Building and Planning is ongoing, the simultaneous review processes and resulting changes create unnecessary additional back and forth amongst departments. With the increased number of development applications, this process is no longer efficient.

Furthermore, *Bill 109* elevates the risk of this approach even more by potentially jeopardizing the legislated timelines. Under the new process, developers will be required to obtain all Planning Approvals prior to submitting their Building Permit applications. This change is consistent with processes of larger comparable municipalities, and is required to manage the level of development that Windsor is currently experiencing and projected to experience in the future.

Agency Pre-Consultation/Clearances

The new process puts the responsibility on the applicant to show that they have consulted with external agencies and Provincial ministries prior to the application being accepted as complete. The applicants will be required to demonstrate that the applicable agencies have either indicated no concerns with the proposal, that there is a separate permit process required from that agency, or how they will address identified agency concerns. The applicant will also need to demonstrate to the City that the proposal has not changed substantially since the Pre-Consultation. Should agency feedback result in substantial changes, several additional rounds of Pre-Consultation: Stage 2 may be required. As an example, some developments require consultation with the Ministry of the Environment, Conservation and Parks about potential species at risk. As the City has no control over how long a developer takes to do the necessary studies, or the Ministry to grant its approval, Planning will not accept an application without proof of the necessary provincial clearances. Furthermore, the clearance may require revisions to other previously submitted studies.

Public Open House/Public Consultation

Public input has always been a critical component of the Planning approval process. The requirement for a Public Open House will be determined and conveyed to the applicant as part of the Pre-Consultation: Stage 1. Public engagement will be the responsibility of the applicant, as the City has no control over scheduling the meeting, nor will the City necessarily be advised of its outcome. The Public Open House will have

to be addressed as part of Pre-Consultation: Stage 2 because of its potential to delay the approval process.

This practice will be beneficial for all parties involved. The neighbours and property owners surrounding a proposed development will be informed and will have the opportunity to voice their concerns directly to the developer. The developer receives valuable feedback about the neighbourhood concerns and has the opportunity to amend their plans to address the concerns. The City also benefits from understanding the neighbourhood concerns in advance of the Development and Heritage Standing Committee (DHSC). This feedback may affect the recommendations and/or mitigation solutions, and may reduce the number of occasions where decisions are deferred in order to solicit public input.

Documentation from the meeting should include a record of the public consultation including attendees and presentation materials. In most cases, the informal public open houses will be attended by a staff member in order to confirm the nature of the feedback received and answer any process related questions. The applicant will be asked to provide a record of the consultation, including a summary of comments/issues raised at the meeting and a strategy for how they are going to address any issues raised as part of the complete application.

Changes to Applications following Submission

All information for the application must be provided before it can be accepted, resulting in a more extensive Pre-Consultation as noted above, where all requirements and studies will be identified. Once an application is submitted, staff will need to adhere to the provincially mandated timelines to avoid financial penalties.

Under the current process, applicants have been allowed to make minor changes to their developments during the review process without much delay to the overall timeline. Sometimes these changes, depending on when they are received, result in a deferral at the DSHC meeting in order to evaluate the impact of the changes. With the new refund penalties that are mandated by *Bill 109*, it will be extremely challenging to deal with changes that will increase the time to review. Planning may have to recommend denial of the application if changes are made after its acceptance and the timelines cannot be met.

Recommendations for Deferrals at Council or Standing Committees

A decision within the prescribed timelines, even if it is to deny the application, may be necessary to prevent application fee refunds. It is essential to note that *a deferral is not a decision*, and that given the timing of the DHSC and council meetings, a deferral would most likely result in exceeding the timelines. Therefore, there may be instances when Planning may recommend denial of an application, when a recommendation for deferral pre *Bill 108* and *Bill 109* may have been an appropriate option. This includes deferrals requested by the developer. The only real option available to municipalities to avoid financial penalties is to make a decision based on the original application even if that decision may be appealed to the Ontario Land Tribunal (OLT). This may result in more appeals to the OLT and strain staff capacity. This may also result in greater delays and cost to the applicant.

The Planning Department may supplement a denial recommendation to Council with a recommendation to allow a new application to be made without charging the application fee depending in the circumstances of the denial request. If Council decides to accept the recommendation for denial in order to avoid a refund situation, Council may decide to allow the applicant to reapply without paying the application fee again. The Planning Department may also be able to help expedite the application process and bring it forward quickly for approval since most of the information supporting the development will have been reviewed before.

Depending on the nature of the changes to an application that is denied it may have to go back to the Pre-Consultation stage in order to conduct a more thorough review, get a new list of information needs/studies, and to allow the developer time to address any new concerns from the changed plans.

The process changes necessary to mitigate the potential *Bill 108* and *Bill 109* impacts will reduce the ability of staff to negotiate and seek common ground to find consensus and make decisions on applications, including refusals, resulting in delay to approval of applications and costs at the OLT.

Summary of Proposed Changes to the Development Approval Process

The following is a summary of the proposed changes to the Development Approval process in response to *Bill 109*:

- Adopt a new two stage Pre-Consultation process that shifts a substantial portion of review to the Pre-Consultation: Stage 2;
- Reallocate existing fees to reflect the new two stage Pre-Consultation process and more accurately assign costs to where the staff review time and effort will occur in the overall development approval process;
- Accept only complete applications, and return applications that do not have all of the required information;
- Discontinue processing *Planning Act* and Building Permit applications concurrently;
- Require consultation with applicable agencies and Provincial ministries prior to accepting an application; all clearances or permits will be part of a complete application;
- Require a developer led public open house for most *Planning Act* applications at the Pre-Consultation: Stage 2, with a report of findings forming part of the complete application;
- Eliminate or minimize the use of deferrals at DHSC and Council as a way to buy time to review new information coming forward after an application is submitted; and,
- Recommend denial of an application in instances where substantive changes are made to a development proposal after the application is submitted.

The proposed newly modified development review process is shown in **Figure 3**.

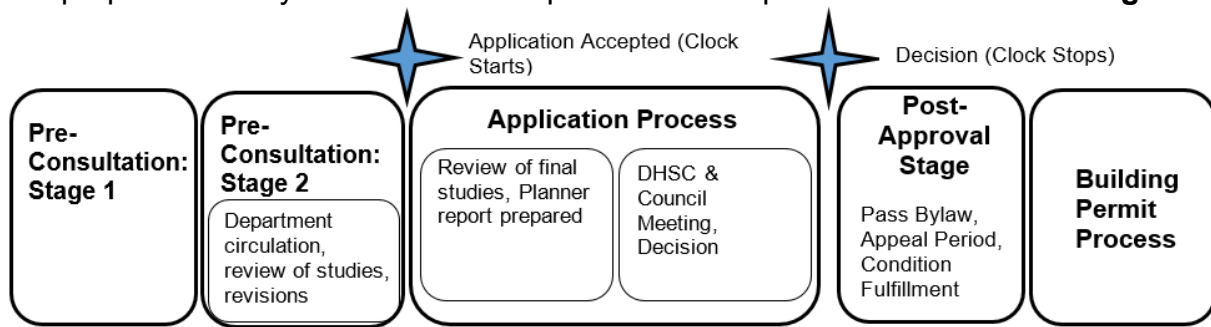
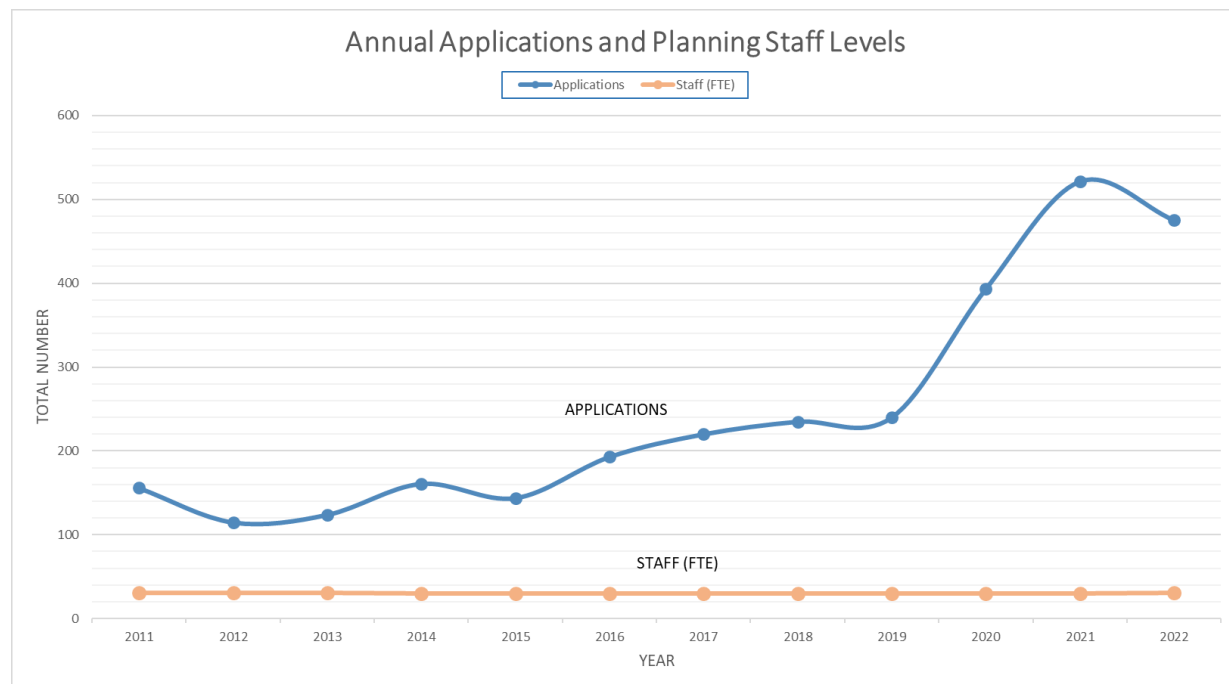


Figure 3: The Proposed Development Review Process

These changes are recommended to meet the legislated requirements. Administration is requesting authorization to provide feedback to the Province through its respective associations on the implications or repercussions of *Bill 109* as they are realized.

Staffing Impacts

There is a very robust and competitive marketplace for Planning professionals in private sector. The heightened housing market economy has resulted in increased salaries for planners in the private sector and greater opportunities for work from home and remote work. As a result, it is becoming very difficult to attract and retain qualified Planners in the public sector compared to private sector offering higher wages and more work flexibility. Municipal staff shortages and retirements will add to the challenges and pressure faced by the current complement of staff to address the rise in volume of development applications, while also complying with the newly legislated timelines.



Bill 108 and *Bill 109* will compound public sector Planning staff shortages, since the legislated time frame reductions and refund changes require a greater number of Planners to be recruited into the public sector to ensure compliance. Typically, the first contact an applicant has is with a person in a junior position. However, it is now critical that experienced planners with the authority to make decisions are involved early in the process in order to provide applicants with clear direction and advice on requirement for a complete application.

While *Bill 109* has intensified the need for new staff, the Planning department was already investigating changes to the existing staff complement, as additional resources are required to administer and track CIP incentives, address customer service inquiries from the business community, and proactively coordinate the planning approvals necessary to create an inventory of shovel ready land.

The Planning department is seeking authority to pursue a departmental restructuring to meet legislated obligations, address the significant volume of applications received, improve cross-departmental collaboration, attract and retain qualified staff, and offer exceptional customer service. Administration proposes up to an additional 6 FTE positions to respond to the increase in Planning Act/development applications, to implement Windsor Works and other local economic development activities (e.g. CIP Administration), and address the significant infrastructure investments resulting from of NextStar Energy Inc. and the Acute Care Hospital. These positions are anticipated to be Planner II/III type and/or customer service positions and will be fully funded through the Planning department's development application revenue. Specific details will be determined considering the overall staffing recommendations of the Perry Group Inc. and will be the subject of a future budget item or report to City Council.

The department will work with Human Resources to determine the title, job requirements and qualifications for any new positions. Each may require a new position code and review through the respective job evaluation process to ensure the rating accurately reflects the duties and responsibilities.

Risk Analysis:

Risks with Maintaining the Status Quo in Development Reviews

There are a number of risks associated with maintaining the status quo with respect to how applications are processed.

Refund of Application Fees

The current process impedes the Corporation's ability to control the legislated timelines for the review of applications, posing a significant risk that the City will be in an application fee refund situation.

Effects on the Tax Levy

The funds generated by development application fees contribute to the City's operating budget for processing planning applications. Should City Council not approve the proposed development process changes, significant risks associated with the refund of application fees will negatively impact revenues and potentially impact the tax levy.

Reputational Risk

The Province has amended the legislation for the purpose of increasing the number of housing units in the Province by 1.5 million units within 10 years. Windsor's share of this is 13, 000 homes. Maintaining the status quo will not enable Windsor to meet this target. At this time, it is unknown what the repercussions of failure to meet this target will be.

Human Resource Risks

As noted earlier in the report, several factors are contributing to the need to add to the Planning staff complement. The increase in the number of applications, competition from private sector employers, and retirements leading to the loss of institutional knowledge and expertise, make it imperative that sufficient experienced staff are in place to ensure efficient and effective operations. There is now a compounded risk if the status quo is maintained, as refunds are required for missed legislated timelines. The introduction of *Bill 108* and *Bill 109* means that the significant increase in development and Planning workload will require an increase in staff to process applications efficiently.

Risks with Changing the Development Process

There are also some associated risks with modifying the current development process.

Increased Processing Time for Applications

The required two stage Pre-Consultation process and adoption of the linear approach to review Planning and Building development applications may actually increase the timeframe before an application is deemed complete and enters the queue for review. This could ultimately cause development delays.

New Process Changes for the Development Community

Members of the development community may be frustrated with the new process changes. This presents a moderate reputational risk, as developers will be required to work more independently through the application process. Over time, the new development process change will also benefit the development community as there will eventually be less confusion surrounding the requirements of an application, and there will be one clear mapping of the application process. This will assist to manage the expectations of applicants and improve efficiency for Planning and Building.

Reputational Risk

Although the proposed changes are the result of legislation passed by the Province, there is a risk to the City's reputation as the approval authority. The new legislation creates the expectation that the review process will be expedited and it may take some time for the community to adapt to the change. The new process puts the onus on the applicant to ensure all documents and approvals are in order before submitting an application. The countdown begins when applications are deemed complete and enter the queue for review.

Human Resource Risks

As noted earlier in the report, several factors are contributing to the need to address the Planning staff complement. Sufficient staff are required to implement the new process model, namely to be available for the mandatory Pre-Consultation stages and review the applications for Council decision prior to the deadlines to provide superior customer service and reduce the risk of refunds.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

Although *Bill 109* came into effect January 1, 2023, the refund component is not anticipated to take full effect until July 2023. When effective, the general tax levy may have to absorb development application fee refunds if the City does not meet the prescribed provincial timelines to make a decision, regardless of the cause of the delay. Given that the number of applications has increased significantly in the past ten years without a corresponding increase in staff, the likelihood of being in a refund position due to missed timelines is high.

Planning is requesting the addition of 6 FTE's to their staff complement through the 2023 budget process (Budget Issue #2023-0291) to meet the obligations of *Bill 109*, the increase in planning applications, and the projected volume as a result of increased economic activity. Although the additional positions have not been determined, it is anticipated that two positions will be dedicated specifically to processing Planning applications to remain compliant with *Bill 109*.

The maximum cost for the 6 additional FTE's is approximately \$860,000, however there is a zero impact on the 2023 operating budget as the expense will be offset by development application revenues. Budget issue 2023-0291 may need revisions based on Perry Group Inc. recommendations and will be the subject of a future report to City Council.

Given the significant potential increase in development and as a result of the new legislation, these positions are critical to help with the efficient processing of applications and reduce the potential risk associated with the refund of fees.

Consultations:

Thom Hunt, City Planner/Executive Director of Planning & Development
Neil Robertson, Manager of Urban Design, Deputy City Planner
Michael Cooke, Manager of Planning Policy, Deputy City Planner
John Revell, Chief Building Official

Sandra Bradt, Executive Initiatives Coordinator, Economic Development and Innovations
Wira Vendrasco, Deputy City Solicitor
Tony Ardovini, Deputy City Treasurer
Josie Gualtieri, Financial Planning Administration
Stacey McGuire, Manager of Development

Conclusion:

While Administration supports the government's intent to eliminate red tape and expedite the construction of much needed housing across Ontario, meeting the requirements of *Bill 108* and *Bill 109* will be challenging for municipalities.

Administration seeks City Council's approval for Planning department restructuring and the process changes proposed in this report to meet the legislated requirements, reduce the risk to the City's reputation and finances, provide exceptional customer service, and foster additional investment in the community.

Administration recognizes that there will be resistance to change, but ultimately the proposed process change will also clarify City expectations and requirements, improve communications between staff and the applicants, and enable a timelier response to inquiries regarding application status.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|--------------------|--|
| Rania Toufeili | Executive Initiative Coordinator, Office of the CAO |
| Neil Robertson | Manager of Urban Design, Deputy City Planner |
| John Revell | Chief Building Official |
| Thom Hunt | City Planner/ Executive Director of Planning & Development |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Shelby Askin-Hager | Commissioner, Legal and Legislative Services |
| Chris Nepszy | Commissioner, Infrastructure Services |
| Joe Mancina | Commissioner, Corporate Services, Chief Financial Officer |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

N/A

Appendices:

- 1 Appendix A - Report S 57/2022: Bill 109, More Homes for Everyone Act, 2022 – Changes to the Planning Act Affecting Site Plan Control Approval, City Wide
- 2 Appendix B - Report S 91/2022: Bill 109, More Homes for Everyone Act, 2022, City Wide
- 3 Appendix C - Letter from Minister on Effective Dates for Bill 109

Subject: Bill 109, More Homes for Everyone Act, 2022 – Changes to the Planning Act Affecting Site Plan Control Approval, City Wide

Reference:

Date to Council: June 6, 2022
Author: Neil Robertson
Manager Urban Design/Deputy City Planner
519-255-6543, ext. 6461
nrobertson@citywindsor.ca
Planning & Building Services
Report Date: May 6, 2022
Clerk's File #: Z2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **REPEAL** Bylaw Number 11275: A by-law to delegate authority to the City Planner or designate, to approve plans and drawings and to impose conditions of the approval.
- II. THAT Council **AMEND** Bylaw 139-2013 to delegate site plan control approval authority to the City Planner, allow the City Planner to determine the completeness of site plan control applications before accepting an application, terminate redundant site plan control agreements and remove all references to the Manager of Development Applications in accordance with the requirements of Bill 109, More Homes for Everyone Act, 2022.

Executive Summary:

N/A

Background:

Site Plan Control

Section 41 of the *Planning Act* permits municipalities to establish a site plan control area (or areas) within the municipality. In 2004, the "Site Plan Control Area" designation was expanded to the entire limits of the city of Windsor by Bylaw 1-2004. Most classes (e.g. commercial, multi-res, etc) of development in Windsor are subject to Site Plan Control.

Site Plan Control refers to the process by which the City reviews and approves development in accordance with the physical planning, built form and operational objectives identified within the Official Plan. This is to ensure that development will, among other things:

- Be compatible with adjacent or nearby properties;
- Have safe and easy access for pedestrians and vehicles;
- Have adequate landscaping, parking and servicing;
- Meet specific standards of quality and appearance; and,
- Be built and maintained in the manner by which the proposal was approved.

The Site Plan Review process takes into account input from various departments and agencies towards the preparation of a Site Plan Approval Agreement. The Site Plan Approval Agreement is a binding contract between the City of Windsor and the applicant/owner. The agreement consists of conditions of development, is registered on title of the property and is a prerequisite to the building permit application process.

Bill 109, More Homes for Everyone Act, 2022

Bill 109, More Homes for Everyone Act, 2022 received Royal Assent on April 14, 2022. This Act amends a number of other statutes, including the *Planning Act*, with respect to housing, development and various other matters.

Discussion:

Bill 109, More Homes for Everyone Act, 2022 makes a number of changes to section 41 of the *Planning Act* that impact Site Plan Control. These amendments set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications. New subsection (4.0.1) of the *Planning Act* requires municipalities to appoint an authorized staff person to approval all site plans. Finally, new subsection (11.1) provides for rules respecting when municipalities are required to refund fees when legislated timelines are not met. This report will discuss all of these changes and what they mean for the delivery of the Site Plan Control service in Windsor.

Delegating SPC Authority

The City of Windsor has had delegated approval authority for Site Plan Control since 1998 for all site plans with the following specific exceptions:

- Any development on City-owned lands;
- Any development within the Downtown Business Improvement Area;
- Any development on the north side of Riverside Drive; and,
- Any development on lands identified in a resolution of Council requiring site plan approval by Council.

However, new subsection (4.0.1) of the *Planning Act* requires municipalities to appoint an authorized staff person to approval all site plans. This means that municipal councils

in Ontario no longer have the authority to directly approve site plans. Specifically, Bill 109 states:

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).

The reference to Subsection (4) above is the approval of plans and drawings. **This change is non-discretionary and is required to be implemented by July 1, 2022.**

Windsor's original delegated approval authority came from Bylaw Number 11275. In order to implement this change, Recommendation 1 is to repeal Bylaw 11275 that includes the exceptions listed above that are no longer permitted. Recommendation 2 is to amend Bylaw 139-2013 to add Site Plan Control to the other approvals that are already delegated to the City Planner.

Pre-Consultation

Bill 109, More Homes for Everyone Act, 2022 also provides for the opportunity to require pre-consultation prior to submission of a formal site plan control application. In order to implement mandatory pre-consultation, municipalities need a bylaw that requires consultation before submitting an application. Windsor has Bylaw 199-2007 that requires pre-consultation prior to submitting any Planning Act application.

Windsor's pre-consultation process results in a letter provided to the applicant that outlines the required studies, documents, and information needed to be submitted as part of a complete application. Since this bylaw has been in place since 2007, there is no further action required to implement mandatory pre-consultation.

Complete Application

The new changes also allow for the City to refuse applications until all of the material identified during the pre-consultation process has been submitted. This process is like the complete application process that already applies to official plan amendment applications and zoning bylaw amendment applications. This ensures that site plan staff have all of the information that they need to address and mitigate the potential impacts of the proposed development. Until there is a complete application the clock doesn't start on the prescribed time period for approving the drawings or plans (see Timeline Changes below).

The *Planning Act* requires policies in the Official Plan to allow to define what is required for a complete application and to refuse acceptance of the application until such time that all of the required materials have been submitted. Windsor's Official Plan already includes the following policy regarding a complete application:

When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application shall not be considered complete for processing purposes until the required study or studies is prepared and submitted to the satisfaction of the Municipality. Notification of a complete

application shall be given to the applicant and all other parties by the Municipality in accordance with the Planning Act. 10.2.1.12

The complete application provisions flow directly from the Pre-Consultation process that is made mandatory by Bylaw 199-2007.

The City has 30 days to provide notice to the applicant that the plans and drawings, and the information and material required from the pre-consultation have been provided, or to inform the applicant that addition material is required prior to accepting the application as complete.

Timeline Changes

Prior to April 14, 2022, the *Planning Act* provided the municipality 30 days from when the application was submitted to approve the plans or drawings. *Bill 109, More Homes for Everyone Act, 2022* is changing the time period from 30 days from when the application is submitted to 60 days from when the application is deemed to be complete.

The Planning Department has been issuing the draft approval within the 30 day deadline consistently (+95% of the time) over the last number of years. Even though the time period has increased to 60 days, the Planning Department intends to continue meeting the 30 day deadline to maintain a high standard of service to the development community.

Refunding Fees

Finally, *Bill 109, More Homes for Everyone Act, 2022* makes a change to the *Planning Act* that will require municipalities to refund a portion or all of the SPC fees paid if the 60 day deadline is passed without approving the plans or drawings. The refund amount is based on the following sliding scale:

1. No refund if the municipality approves the plans or drawings within the 60 days;
2. A 50% refund if approval comes between 61 and 89 days;
3. A 75% refund if approval comes between 90 and 119 days; and,
4. A 100% refund if the approval comes after 120 days of the application being deemed complete.

This change takes effect January 1, 2023, and will also apply to amendments to the official plan and zoning bylaw.

Terminating Agreements

This is not a change coming from *Bill 109, More Homes for Everyone Act, 2022*; it is a housekeeping matter that is related to the other changes that are recommended by this report.

Currently, site plan approval agreements are registered on title as soon as the agreements are executed. They also include a defined period of time – usually two years – for the construction of the project to start. There are occasions when the site plan agreement is registered on title but the project does not proceed. There may also

be situations when a new site plan approval supersedes an older one. In these instances, the agreement will remain on title, which can sometimes complicate future real estate transactions. Occasionally, the City will receive a request to authorize the removal of an old site plan agreement from title because of one of these two situations.

The authority to terminate site plan agreements and approve their removal from title currently resides with the City Planner in Bylaw 11275. Since Recommendation 1 is to repeal Bylaw 11275, this component of the bylaw will be moved over to Bylaw 139-2013 to allow the City Planner to continue with the authority to terminate such redundant site plan agreements and approving the removal of old site plan agreements from title.

Updating Bylaw 139-2013

Since this report is recommending changes to Bylaw 139-2013, it is an opportune time to address some other changes to the bylaw. The changes resulting from Recommendation 2 eliminates all references to the Manager of Development Applications position in the Bylaw. This position was eliminated as part of a departmental reorganization in 2018.

Implementation Summary

The following is a summary of the actions required to implement the changes resulting from *Bill 109, More Homes for Everyone Act, 2022* and to effect other housekeeping amendments to site plan related bylaws:

- **Delegating SPC Authority** – This change will be implemented by repealing Bylaw 11275 and amending Bylaw 139-2013 to add Site Plan Control to the approvals that are already delegated to the City Planner (see Appendix B - Subsection 8.1);
- **Pre-Consultation** – No action is required because Windsor has Bylaw 199-2007 in place to require pre-consultation;
- **Complete Application** – No action is required because Windsor has Bylaw 199-2007 in place to require pre-consultation and to allow the City to refuse applications that are not complete. Adding a reference to Section 41 of the Planning Act (site plan) to Subsection 1.1.a of Schedule A from Bylaw 139-2013;
- **Timeline Changes** – This is change to the Planning Act that does not require any action by Council;
- **Refunding Fees** – This is change to the Planning Act that does not require any action by Council;
- **Terminating Agreements** – This is a housekeeping amendment to Bylaw 139-2013 to add the termination of old site plan agreements that are already

delegated to the City Planner by Bylaw 11275, which is being repealed (see Appendix B - Subsection 10.1); and,

- **Updating Bylaw 139-2013** – This is a housekeeping amendment to Bylaw 139-2013 to eliminate all references to the Manager of Development Applications position in the Bylaw.

Risk Analysis:

There is the risk being out of compliance with Provincial legislation (i.e. the *Planning Act*) if all Site Plan Control approvals are not delegated to an officer, employee or agent of the municipality by July 1, 2022.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There are no financial implications associated with any of the changes resulting from this report.

Consultations:

Wira Vendrasco – Deputy City Solicitor - Legal & Real Estate

Alex Hartley – Senior Legal Counsel

Conclusion:

Bill 109, More Homes for Everyone Act, 2022 resulted in some changes to the *Planning Act* that require changes to existing municipal bylaws in order to comply with the legislative changes. There are also some discretionary changes to the *Planning Act* – many of which the City already does – that require amending some of the site plan related bylaws. Finally, there are some housekeeping amendments that are necessary to update the existing site plan related bylaws.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|----------------|---|
| Neil Robertson | Manager of Urban Design / Deputy City Planner |

| Name | Title |
|--------------------|--|
| Thom Hunt | City Planner / Executive Director, Planning & Development Services |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Shelby Askin Hager | Acting Chief Administration Officer |

Notifications:

| Name | Address | Email |
|-------------|----------------|--------------|
| | | |

Appendices:

- 1 Appendix A – Bylaw Number 11275 - Site Plan Approval Authority
- 2 Appendix B - Bylaw 199-2007
- 3 Appendix C – Schedule A from Bylaw 139-2013
- 4 Appendix D - Delegation to City Planner

Subject: Bill 109, More Homes for Everyone Act, 2022, City Wide

Reference:

Date to Council: August 2, 2022
Author: Thom Hunt, MCIP, RPP
City Planner/ Executive Director
thunt@citywindsor.ca
519-255-6543, ext. 6897

Planning & Building Services
Report Date: July 15, 2022
Clerk's File #: GH/6905

To: Mayor and Members of City Council

Recommendation:

That Council **RECEIVE** report S91/2022 as the basis for comments on *Bill 109*; and,

That Mayor and Council **SUBMIT** a letter referencing the City of Windsor's significant concerns about the passed legislation, and further request changes to *Bill 109, More Homes for Everyone Act, 2022* prior to its implementation date set for January 1, 2023.

Executive Summary:

N/A

Background:

On December 6, 2021, the province of Ontario created a Housing Affordability Task Force (HATF) consisting of nine members with the mandate of determining ways to address the housing affordability crises across the Province.

On January 19, 2022, the Minister of Municipal Affairs and Housing hosted a Provincial-Municipal Housing Summit for Ontario's Big City Mayors and Regional Chairs. The purpose of the Summit was to identify further opportunities for collaboration between all levels of government to address the housing affordability crisis and to develop performance indicators that government can use to accelerate and incent new housing supply.

On February 8, 2022, the Province received and released a report from the HATF, which included 58 recommendations intended to increase the supply of market housing.

On March 30, 2022, the Province took the first step in implementing recommendations of the HATF by releasing its More Homes for Everyone Plan, and the introduction of *Bill 109, More Homes for Everyone Act, 2022*.

On April 14, 2022, the Province passed Bill 109, making changes to the *Planning Act, Development Charges Act, 1997*; the *New Homes Construction Licensing Act, 2017*; and, the *Ontario New Homes Warranties Act* in an effort to, among other goals, incentivize the timely processing of certain applications to bring housing to market faster and increase transparency. Among the changes, The *Planning Act* sees the most considerable change.

Discussion:

As with the HATF report recommendations, the changes in *Bill 109* are largely based on a simplified supply/demand premise that a greater increase in housing units (regardless of type or location) will decrease housing costs overall and lead to more housing affordability. The premise that the cause of the housing affordability crises is a function of an increase in population and lack of market rate housing unit supply is not supported by Staff.

This supply/demand premise does not respond to the fact that the Canadian housing market has been significantly ‘financialized’ over the past decade and as a result, housing costs have risen at a far greater rate than household incomes in the same timeframe.

Staff support the general intention of streamlining development processes to assist in increasing the supply of housing, but *Bill 109* does not recognize that the Planning approvals process is a partnership involving the municipality, the applicant, the community, external agencies and Provincial Ministries.

The approval process is not linear, but rather is more iterative, reacting to community issues, agency comments, and changes in developer plans. Time is necessary to create flexibility in negotiating solutions to problems encountered and build community consensus.

Staff have serious concerns over the changes contained in Bill 109 and the consequences some of the amendments will cause.

Among the many changes to the *Planning Act* includes a punitive consequence in the form of fee refunds from municipalities to gradually refund site plan, zoning by-law and official plan amendment applications fees to an applicant if a decision is not made within the legislated timelines of receiving the complete application. The following describes the tiered refunding timeline.

- **Zoning By-law Amendment: Decision to be made within 90 days**

Decision made within 91 and 149 days = **50% Refund**

Decision made within 150 and 209 days = **75% Refund**

Decision made 210 days or later = **100% Refund**

- **Combined OPA/ZBA: Decision to be made within 120 days**

Decision made within 121 and 179 days = **50% Refund**

Decision made within 180 and 239 days = **75% Refund**

Decision made 240 days or later = **100% Refund**

- **Site Plan: Decision to be made within 60 days**

Decision made within 61 and 89 days = **50 % Refund**

Decision made within 90 and 119 days = **75% Refund**

Decision made 120 days or later = **100% Refund**

The implementation of these measures (effective January 1, 2023) will have major financial impacts to the City. Based on the 2021 activity and 2002 forecasted activity this will result in an approximate \$1 Million levy impact as the fee revenues would be required to be refunded and staffing and related costs would have to be absorbed by the tax levy. Alternatively, the City would need to increase (double its current complement) of staffing involved in the development approvals process across the organization. However, this has significant challenges due to recruitment difficulties.

It is important to note that although the HATF and Bill 109 is focused on housing, the legislated refunds not only apply to Housing developments, but also apply equally to applications for commercial and industrial developments as well.

For any Site Plan applicants, the changes will result in more upfront work on the part of applicants including coordination with external agencies for permits and/or other approvals before the intake of an application by the City.

In order to process a Zoning By-Law Amendment or an OPA jointly with a Zoning By-Law amendment, in accordance with the proposed changes, the number of staff involved in development approvals would need to approximately double in number. If the legislated timelines were still not met, this would lead to a loss in revenue that would need to be absorbed by the municipal levy.

It's important to note that the municipality has no control over the resources an applicant will choose to employ in working on applications at their end, nor does the City have a way to effect the speed at which the applicant responds to and acts on information requests. As such there is time that an application is being processed by the City and times when the application is back in the hands of the developer awaiting further information or a response.

Applicants play a major role in the timing of, and the quality of submissions and resubmissions. In addition, there are periods of time when an application is waiting on further information from the applicant, and as such, the City has no control over how much time is used. Per *Bill 109*, the clock keeps running regardless of where the application is, and even if the applicant were to agree to “pause” the time clock it has no effect on the refund status.

These changes may in turn be counter to the intent of the *Act* and result in a slowing down the development approvals process and decrease opportunities to establish more meaningful dialogue between developers and the community, and work collaboratively with applicants.

As a consequence, *Bill 109* will require developers to do more work upfront without much guidance from Planners and other City staff in the development approval process, and will require City Staff to be more rigorous and stringent when deeming an application complete.

These changes will reduce the ability of staff to negotiate and seek common ground to find consensus and may cause premature decisions on applications, including refusals, thus resulting in more litigation time and costs at the Ontario Land Tribunal (OLT).

Another consequence of this change is the negative impact it will have on retaining staff and attracting professional talent to public sector development planning jobs. There is increasing public scrutiny and pressure on public sector employees involved in the development approvals process (i.e. addressing neighbouring impacts and compatibility concerns) compared to private Planning consultants that work for developer interests.

In addition, there is a very robust and competitive development marketplace for private Planning professionals. This heightened housing market economy has resulted in increased private sector Planning salaries and greater remote work opportunities made possible by technology. As a result, it is becoming very difficult to retain and attract Planners to keep or take a public sector Planning job compared with private companies that now offer greater wages and more work flexibility.

Bill 109 may cause the public sector Planning staff shortages to become an even greater problem for municipalities, since the legislated time frame reductions and refund changes require a greater number of Planners to be recruited into the public sector of which there is already a professional shortage due to increased market demands.

Any staff shortages will result in greater pressure on the current complement of staff to handle more files as the intake of development applications rises and try to adhere to legislative timelines, and quite simply timelines may not be possible to achieve as workload increases.

Risk Analysis:

Some of the changes in Bill 109 are an unnecessary over reach with punitive costs to the municipality. Some of the amendments will lead to animosity between the community and the development industry due to the lack of consensus building that the current planning process affords.

There are significant financial risks with *Bill 109*. It is estimated that the general tax levy may have to absorb as much as \$1 million in refunded development application fees if the legislation remains unchanged.

In addition, there are significant staffing level increase needed to meet the prescribed timelines including an estimate doubling of the Planning staff needed in the Development approvals area and throughout the organization, including related staff in Legal, Clerks, Engineering, etc. that support the development approvals function.

Challenges already exist in attracting and retaining staff for Planning and Development positions in the City. The legislative changes in *Bill 109* will further challenge the City to retain and attract Planning and Development Approvals staff overall.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The general tax levy may have to absorb as much as an estimated \$1 million dollars in refunded development application fees should prescribed decision timelines not be met by the municipality. Alternatively, the related development approval staff complement would need to double to approximately 25 FTEs to potentially meet the timelines and not be in a refund position. However because the timelines and time taken for decisions is not solely in the control of the City, there will be some refunded applications regardless of staffing levels.

Consultations:

Neil Robertson, Deputy City Planner

Michael Cooke, Deputy City Planner

Conclusion:

The City of Windsor has implemented a number of actions to streamline planning approvals, plan for intensification and bring greater housing supply to the market quicker in an effort to address housing affordability in our jurisdiction.

Of note, the recent digital transformation to Cloudpermit and other digital changes have greatly improved the speed of approvals through the implementation of paperless application and review procedures. In addition, the Residential Density Housing study and its Amendments are key example of more recent efforts to streamline development timelines and seek greater housing supply.

More focus from the province is needed in providing funding programs, tools and mechanism for achieving greater housing affordability. The current provincial response

by way of *Bill 109* focuses narrowly on general housing supply increase as a solution to the housing affordability crises.

The legislated changes will not result in more housing affordability, but rather will result in less accountability for getting community consensus on development applications, increased litigation costs, premature decisions, and significant financial implication to the general tax levy by way of prescribed fee refunds, and increased difficulty in retaining and attracting municipal planning and development approvals staff.

The Province needs to reconsider the Bill 109 legislation and/or make significant changes to have any positive impact on housing developments in general.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|----------------|---|
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|-------------|----------------|--------------|
| | | |

Appendices:

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416 585-7000



234-2022-6136

December 22, 2022

Dear Head of Council:

Ontario's housing supply crisis is a problem which has been decades in the making. It will take both short-term strategies and long-term commitment from all levels of government, the private sector, and not-for-profits to drive change. Each entity will have to do their part to be part of the solution.

To help support this important priority, I am pleased to provide you with an update on recent legislative and regulatory changes our government has made to help get 1.5 million homes built over the next 10 years.

Bill 109, the *More Homes for Everyone Act, 2022*

Bill 109, the More Homes for Everyone Act, 2022, was introduced on March 30, 2022 and received Royal Assent on April 14, 2022.

As part of the government's More Homes for Everyone Plan, Schedule 5 of Bill 109 made changes to the Planning Act. Consequential changes were also made to the City of Toronto Act, 2006.

Most of the Planning Act changes are now in effect except for the zoning and site plan control fee refund provisions, which are due to come into force on January 1, 2023. However, I am committed to bringing forward legislation to delay the effective date of the fee refund changes from January 1, 2023 to July 1, 2023. These legislative changes would be introduced in the new year.

In the event that any fee refunds become due to applicants before these legislative changes are made, municipalities might consider not issuing refunds in the interim given my express commitment to introduce legislation that, if passed, would retroactively cancel the requirement.

You can find more information about Bill 109 on the Environmental Registry of Ontario ([019-5284](https://www.ero.on.ca/019-5284)), and the Ontario Legislative Assembly [website](https://www.legis.gov.on.ca/).

.../2

Bill 23, More Homes Built Faster, 2022

Bill 23, the More Homes Built Faster Act, 2022, was introduced on October 25, 2022, and received Royal Assent on November 28, 2022.

To support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022–2023, Schedule 9 of Bill 23 made changes to the Planning Act. Schedule 1 of Bill 23 also made similar changes to the City of Toronto Act, 2006 related to site plan provisions. Schedule 3 of Bill 23 made changes to the Development Charges Act.

The planning-related and municipal development-related charges changes came into force on November 28, 2022, except for provisions related to removal of planning responsibilities from certain upper-tier municipalities, certain provisions related to parkland dedication, and exemptions from municipal development-related charges for affordable and attainable housing, which will come into force on a day in the future to be named by proclamation. Provisions related to Conservation Authorities will take effect January 1, 2023.

Bill 23 also made changes to legislation led by other ministries. Please see Appendix A for an overview of the effective dates of the Bill 23 changes by schedule.

You can find more information about Bill 23 on the Environmental Registry of Ontario ([019-6163](https://www.ero.on.ca/019-6163)), and the Ontario Legislative Assembly [website](https://www.ontario.ca/government).

Bill 3, the Strong Mayors, Building Homes Act, 2022 and Bill 39, the Better Municipal Governance Act, 2022

Bill 3, the Strong Mayors, Building Homes Act, 2022, was introduced on August 10, 2022, and received Royal Assent on September 8, 2022. Bill 3 and associated regulations ([O. Reg. 529/22](https://www.ontario.ca/government) and [O. Reg. 530/22](https://www.ontario.ca/government)) came into force on November 23, 2022.

Bill 39, the Better Municipal Governance Act, 2022, was introduced on November 16, 2022, and received Royal Assent on December 8, 2022. Bill 39, amendments to associated regulations ([O. Reg. 581/22](https://www.ontario.ca/government) and [O. Reg. 583/22](https://www.ontario.ca/government)), and additional regulations to prescribe provincial priorities ([O. Reg. 580/22](https://www.ontario.ca/government) and [O. Reg. 582/22](https://www.ontario.ca/government)) came into force on December 20, 2022. Additional details can be found in Appendix B and on the Ontario Legislative Assembly's website ([Bill 3](https://www.ontario.ca/government) and [Bill 39](https://www.ontario.ca/government)).

Sincerely,



Steve Clark
Minister

c: Chief Administrative Officer

Appendix A

Effective Dates for Bill 23, the More Homes Built Faster Act, 2022

| Schedule | Effective Date |
|---|--|
| Schedule 1: City of Toronto Act, 2006 | <p>All of the changes in Schedule 1 (City of Toronto Act) came into force on the day the bill received Royal Assent.</p> <p>Note: The legislative changes to the City of Toronto Act include amendments that give the Minister of Municipal Affairs and Housing authority to make regulations imposing limits and conditions on how municipalities can regulate the demolition and conversion of residential rental properties of six units or more. No regulations have been made at this time.</p> |
| Schedule 2: Conservation Authorities Act | <p>Changes in Schedule 2 (Conservation Authorities Act) came into force the day the bill received Royal Assent, except for:</p> <ul style="list-style-type: none"> On January 1, sections related to streamlining disposition of lands for CAs comes into force which would allow CAs to sell or lease land without Minister's approval provided they follow rules around public consultation and notifications. Also on January 1, sections that enable the Minister's ability to issue direction to freeze fees and ability to scope CA commenting on development applications and land use planning policies through regulation, would come into force but only have effect when the Minister issues direction on fees or if a regulation prescribing Act under which CA commenting roles is restricted is made. Changes related to CA permitting (including removal of "conservation of land" and "pollution", adding "unstable soil and bedrock", regulation making powers to exempt development from a CA permit where it has been authorized under the Planning Act, etc.) take effect on a later date (upon proclamation) once a new regulation under Section 28 of the CA Act is in effect. MNRF continues to consult on that regulation through the Environmental Registry (#019-2927). |
| Schedule 3: Development Charges Act, 1997 | <p>All of the changes in Schedule 3 (Development Charges Act) came into force on the day the bill received Royal Assent, with the exception of provisions relating to development charge exemptions for affordable and attainable housing units, which would take effect upon proclamation.</p> |
| Schedule 4: Municipal Act, 2001 | <p>All of the changes in Schedule 4 (Municipal Act) came into force on the day the bill received Royal Assent.</p> <p>Note: The legislative changes to the Municipal Act give the Minister of Municipal Affairs and Housing authority to make regulations imposing limits and conditions on how municipalities can regulate the demolition and conversion of residential rental properties of six units or more. No regulations have been made at this time.</p> |
| Schedule 5: New Home Construction Licensing Act, 2017 | <p>Many of the amendments in Schedule 5 (New Home Construction Licensing Act) came into force on the day the bill received Royal Assent.</p> <p>The amendments regarding the maximum fine that a court may impose for a subsequent conviction, as well as most of the amendments related</p> |

| Schedule | Effective Date |
|--|---|
| Schedule 6: Ontario Heritage Act | <p>to administrative penalties, will come into force on February 1, 2023.</p> <p>Most of the amendments to the Ontario Heritage Act (OHA) made through the bill will be proclaimed into force on January 1, 2023. These include:</p> <ul style="list-style-type: none"> • The new authorities under Part III.1 of the Act that relate to the Standards and Guidelines for Conservation of Provincial Heritage Properties. • Most of the changes to procedures related to municipal registers, including the process and requirements around inclusion of non-designated properties on the municipal registers. However, the requirement for municipalities to make their municipal registers available on a publicly accessible website will not come into force until July 1, 2023 to provide municipalities with time to ensure compliance. • Limiting the ability to issue a Notice of Intention to Designate a property subject to a prescribed event to only those properties included on a municipal register. • The authority to prescribe criteria for determining cultural heritage value or interest for the purposes of including non-designated properties on the municipal register and designating a Heritage Conservation District (HCD). • The authority to set out processes to amend and repeal HCD bylaw in regulation. Note, the Ministry of Citizenship and Multiculturalism will consult on the development of these processes to be set out in regulation in 2023. <p>Regulatory amendments to O.Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest will also come into force on January 1, 2023. These changes establish that non-designated properties included on a register must meet one or more of the criteria outlined in the regulation, and that individual properties and HCDs must meet two or more of the criteria included in the regulation in order to be designated. The regulation also includes transitional provisions to address matters underway at the time of the changes coming into force.</p> <p>The outstanding amendments to the OHA made through Bill 108, the More Homes, More Choice Act, 2019, will also be proclaimed into force on January 1, 2023. The amendments speak specifically to the demolition or removal of an attribute that is not a building or structure within an HCD.</p> <p>Regulatory amendments to O.Reg. 358/21: General will come into force on January 1, 2023. These amendments include consequential housekeeping amendments and transition provisions related to the above legislative amendments coming into force.</p> <p>Bill 23 included some minor housekeeping amendments to the OHA that came into force upon Royal Assent. These included repealing the alternative definition of “alter”.</p> |
| Schedule 7: Ontario Land Tribunal Act, 2001 | The changes in Schedule 7 (More Homes Built Faster Act, 2022) will come into force on proclamation. |

| Schedule | Effective Date |
|---|---|
| Schedule 8: Ontario Underground Infrastructure Notification System Act, 2012 | The changes in Schedule 8 (Ontario Underground Infrastructure Notification System Act, 2012) came into force on the day the bill received Royal Assent. |
| Schedule 9: Planning Act | <p>The changes in Schedule 9 (Planning Act) all came into force on the day the bill received Royal Assent, with the following exceptions:</p> <ul style="list-style-type: none"> • provisions related to removal of planning responsibilities from certain upper-tier municipalities, which would come into force on a day to be named by proclamation. • provisions related to the exemption of community benefits charge and parkland dedication requirements for affordable and attainable housing units • provisions related encumbered land to be conveyed to municipalities by developers for park or other recreational purposes • provisions related to Conservation Authorities (linked to the changes in Schedule 2) will take effect January 1, 2023 |
| Schedule 10: Supporting Growth and Housing in York and Durham Regions Act, 2022 | <p>Except as otherwise provided, the Act set out in Schedule 10 came into force on the day bill received Royal Assent.</p> <ul style="list-style-type: none"> • Sections 7 to 10, subsection 11 (5) and section 14 come into force on a day to be named by proclamation of the Lieutenant Governor. Once in force, these sections will require a prescribed municipality to develop, construct, and operate the Lake Simcoe phosphorus reduction project and allow the Ontario Clean Water Agency to undertake some or all of that project if ordered to do so by the Lieutenant Governor in Council. The project will also be exempt from the Environmental Assessment Act. • Subsection 85 (1) comes into force on the later of the day subsection 44 (1) of this Act comes into force and the day section 2 of Schedule 5 to the Accelerating Access to Justice Act, 2021 comes into force. Subsection 85 (1) makes consequential changes to the Act arising out of changes to the Expropriations Act in respect of alternative hearings processes. • Subsection 85 (2) comes into force on the later of the day section 61 of this Act comes into force and the day section 42 of Schedule 4 to the Comprehensive Ontario Police Services Act, 2019 comes into force. Subsection 85 (2) makes consequential changes to the Act arising out of the Comprehensive Ontario Police Services Act, 2019 consistent with other Ministry of the Environment, Conservation and Parks legislation. The change would allow a person undertaking an inspection to obtain the assistance of the local police force rather than the Ontario Provincial Police Force. |

Appendix B

Bill 3, the Strong Mayors, Building Homes Act, 2022 and Bill 39, the Better Municipal Governance Act, 2022

As a result of Bills 3 and 39, changes were made to the Municipal Act, 2001, City of Toronto Act, 2006 and the Municipal Conflict of Interest Act, and regulations were established to give the mayors in Toronto and Ottawa strong mayor powers to help advance shared provincial-municipal priorities, including building new homes. These powers include:

- Choosing to appoint the municipality's chief administrative officer,
- Hiring certain municipal department heads, and establish and re-organize departments,
- Creating committees of council, assigning their functions and appointing the Chairs and Vice-Chairs of committees of council, and
- Proposing the municipal budget, subject to council amendments and a head of council veto and council override process.

The mayors of Toronto and Ottawa can also use strong mayor powers related to provincial priorities. These include:

- Vetoing certain by-laws if the mayor is of the opinion that all or part of the by-law could potentially interfere with a provincial priority,
- Bringing forward matters for council consideration if the mayor is of the opinion that considering the matter could potentially advance a provincial priority, and
- Proposing certain municipal by-laws if the mayor is of the opinion that the proposed by-law could potentially advance a provincial priority. Council can pass these by-laws if more than one-third of council members vote in favour.

The provincial priorities for the purposes of strong mayor powers are prescribed in O. Reg. 580/22 and O. Reg. 582/22 and they are:

1. Building 1.5 million new residential units by December 31, 2031.
2. Constructing and maintaining infrastructure to support housing, including, transit, roads, utilities, and servicing.

Subject: Impacts of Bill 23, More Homes Built Faster Act, 2022 – Informational Report – City Wide

Reference:

Date to Council: February 27, 2023
Author: Rania Toufeili
Executive Initiatives Coordinator, Office of the CAO
519-255-6100 ext. 6479
rtoufeili@citywindsor.ca

Co-Author: Neil Robertson
Manager of Urban Planning, Deputy City Planner

Co-Author: Tony Ardovini
Deputy Treasurer, Financial Planning

Economic Development & Innovation

Report Date: 2023-02-09
Clerk's File #: SB2023

To: Mayor and Members of City Council

Recommendation:

THAT report C 19/2023 regarding the *More Homes Built Faster Act – Bill 23* **BE RECEIVED** for information, and further;

THAT City Council **DIRECT** Administration to provide ongoing feedback to the Province through their respective associations to convey the interests of the City of Windsor as the impacts of *Bill 23* are realized.

Executive Summary:

On October 25, 2022 *Bill 23, More Homes Built Faster Act* was introduced by the Provincial government and on November 28, 2022 it received Royal Assent. *Bill 23* is part of a larger Provincial plan which aims to increase the housing supply across Ontario. The Province's ultimate goal is to facilitate the construction of 1.5 million homes over the next decade, of which 13,000 homes are targeted for Windsor.

Bill 23 introduces amendments to nine different Acts which greatly affect Windsor and municipalities across the Province. Administration concurs with the need to address housing supply strains, however, the new legislation is projected to have adverse financial and community impacts to the City.

This report is presented to City Council to convey the impacts of *Bill 23* anticipated as at time of writing.

The most significant impacts from *Bill 23* surround the reduction in revenue to the corporation. Under the new Act, there will be substantial financial changes, particularly related to Development Charges. Any discounts and/or exemptions resulting from *Bill 23* provisions and regulations will reduce fees paid by developers. This revenue shortfall will need to be accounted for or taken on by the municipal tax levy if funds are insufficient.

The City also expects a number of planning and community impacts as there will be a decrease and removal of parkland dedication for specified residential developments, new housing exemptions for Site Plan Control, and changes to heritage designations. This could impact the ability to maintain appropriate architectural features, natural features, cultural heritage and compatibility with the neighbourhoods and communities.

It is also unclear at this time whether the City is equipped with the proper means operationally to address all of the new changes from *Bill 23*. It is also difficult to quantify all risks at this time, as more Provincial guidance is expected to follow the passing of this legislation.

Background:

On October 25, 2022 *Bill 23, More Homes Built Faster Act* was introduced by the Provincial government and it received Royal Assent on November 28, 2022. *Bill 23* is part of a larger Provincial plan which aims to increase the housing supply across Ontario. Other recently enacted legislation includes *Bill 108, More Homes More Choices Act, 2019*, *Bill 109, More Homes for Everyone Act, 2022* and *Bill 3, the Strong Mayors, Building Homes Act, 2022*. The Province's ultimate goal is to facilitate construction of 1.5 million homes over the next decade, of which 13,000 homes are targeted for Windsor.

The omnibus *Bill 23* proposes amendments to nine different Acts which are expected to have vast impacts across the corporation. These include changes to processing and approving planning applications, parkland dedication rates, Development Charges, third party appeals and heritage designations. The complete *Bill 23* can be found at <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-23>.

The most significant changes from *Bill 23* which are anticipated to have major impacts on the City are briefly summarized below and further detailed in the Discussion section of this report:

Financial Changes from Bill 23

- **Phased in Decrease of Development Charges (DC):** A five-year phase-in of DC rate reductions beginning with 20% in the first year, and decreasing 5% each year until the new rate applies. This will take into effect when a new DC By-law is approved for Windsor
- **Service Level Extension:** Service level for DC-eligible costs extended from 10 to 15 years which will be in effect when a new DC By-law is approved.

- **Cap on Interest Paid:** On deferred DCs for rental, institutional and non-profit housing to prime plus 1%
- **Development Charge Exemptions:** “Attainable housing” has been exempt but is not yet defined. This category will be exempt from DC and parkland dedication. Exemption from DC for the addition of the second and third residential units to an existing residential building on a lot. Exemption from DC for the addition of the greater of 1 or 1% of rental units to an existing residential rental building containing four or more units. Exemption from DC for non profit housing.
- **Discount on Purpose-Built Rental Units:** of 25% for 3 or more bedrooms, 20% for 2 bedrooms and 15% for one bedroom units, in addition to the DC freeze and deferral of payments over five years.
- **Recovery of Cost for Studies and Land:** Costs of studies are excluded from DC recoveries in future DC By-laws. Recovery of Land costs for specific services may also be excluded from DC recovery.
- **Spending and Allocation of Development Charges Reserves:** Municipalities will be required to spend or allocate at least 60% of DC reserves for priority services.

Planning Changes from Bill 23

- **Site Plan Control:** Developments of up to 10 residential units are exempted from Site Plan Control. Architectural details and landscape design aesthetics are removed from the scope of Site Plan Control, unless they deal with issues of health, safety, accessibility, sustainable design or protection of adjoining property.
- **Heritage:** Once a *Planning Act* application is triggered, municipalities will not be permitted to issue a notice of intention to designate a property under the Ontario *Heritage Act*, unless the property is already on the Heritage Register. Properties will also be automatically removed from the register after two years if they are not designated.
- **Parkland Dedications:** Parkland dedications no longer apply to non-profit housing, and to the second or third units on a lot. Encumbered parkland or strata parks and privately owned spaces will be eligible as parkland credits for developments. Where landowners identify land that they intend to provide for parkland and the municipality refuses such land, the landowner will be able to appeal to the Tribunal.

Many municipalities within the province have indicated support for the goal of addressing the housing supply issue, however there are significant concerns expressed surrounding *Bill 23* and the implications on land use planning, the reduced opportunity for public consultation, and additional pressure on municipal finances. Prior to Royal Assent, letters were sent to the Province outlining these concerns from various municipalities across Ontario including London, Hamilton and Toronto.

Discussion:

The full impacts of the new legislative changes are challenging to predict at this time, however it is anticipated that there will be significant financial and planning implications. Minor housekeeping amendments required as a result of the legislation are not detailed in this report.

Financial Implications

Based on Provincial policy, the philosophy of the City is that growth should pay for growth. The significant increase in applications and projected developments in Windsor require capital investment that should be recovered from growth related development projects within Windsor.

DCs are a very important component of a municipality's capital budget funding strategy. The charges are used to help fund projects that aim to expand infrastructure for growth related needs. The changes introduced in *Bill 23* are significant, in particular the reduction of DCs, which will result in a reduction to a dedicated source of revenue that supports funding for growth related capital and infrastructure investments.

Many of the new changes related to DCs will take effect for Windsor when a new DC By-Law is passed, as *Bill 23* requires new provisions to be included for any DC By-laws approved after January 1st 2022 and given the City's current DC By-Law was approved on January 18th 2021, the need to include the provisions of *Bill 23* as discussed in the sections below will not be required until the City's DC By-Law is updated and completed by January 2026 (5 years after the last).

Phase-In of Development Charges

The next DC By-law update (by January 2026) will require a five-year phase-in of DC rate reductions beginning with 20% in the first year, and decreasing 5% each year until the new rate applies. This could ultimately delay any anticipated growth related to infrastructure by reducing the infrastructure funding available from development charges. This is especially concerning given the significant development expected in the new growth areas of the City in the coming years. Any such DC revenue shortfalls would need to be funded from alternate sources including the municipal tax levy and/or user fees. Alternatively, growth related infrastructure required to support development could be delayed until funding becomes available.

Service Level Extension

Historical service level is a function used to set new DC rates for a service. Currently 10 years is used by the City to determine the DCs that can be collected for services. Under the new Bill, historical service levels for Development Charges (DC)-eligible capital costs are extended from 10 to 15 years. Therefore, the City's next updated DC Bylaw will require the use of a service level of 15 years compared to the current 10 years to calculate the capital costs that are eligible to be recovered through DCs.

This change will result in less service level increases being eligible for the DC calculation, resulting in less DC revenue for services including Library, Fire, Police, Indoor Recreation, Park Development, and Waste Diversion. Service level increases

resulting from development growth will not be recoverable through DCs, and hence will need to be subsidized through the municipal tax levy and/or user fees.

Cap on Interest Paid

The Province passed *Bill 108* and *Bill 138* that required municipalities to provide for mandatory Frozen and Deferred DC Fees starting on January 1, 2020. The City's practice was to apply interest rates based on the Construction Price Index (CPI). To remain compliant with *Bill 23*, the City must now cap the interest paid on frozen and deferred DCs for rental, institutional and non-profit housing to Canadian Banks' prime plus 1% as opposed to CPI. This capping of interest rates will have an impact on the City's ability to maintain purchasing power during high construction inflationary periods. As an example, the current prescribed rate for the 1st quarter of 2023 is 6.45%, while the interest rate which was based on the CPI was previously set at 18.0%. As such, this could result in a loss of purchasing power in cases and at times where the prime rate is significantly misaligned with the CPI.

Development Charge Exemptions

DC and parkland exemptions will be granted to attainable housing projects. Implementation of exemptions for affordable and attainable residential units are contingent on the issuance of regulations developing a definition of "attainable residential unit", as well as bulletins to establish eligibility and possibly standard agreements to assist with the long term administration of the DC exemptions. Any exemptions will ultimately reduce the DC revenue collected from new developments requiring the City to fund the shortfall from other sources, including the municipal tax levy and/or user fees.

According to *Bill 23*, the Minister of Municipal Affairs and Housing may establish standard forms of agreement for municipalities to use with developments of affordable housing. Homes could be dedicated as affordable and then re-sold at market value in the future. If no direction is provided, the City may need to come up with a process to ensure that these new developments are monitored for the period of time they must remain affordable. This will add an administrative burden to planning, finance and legal departments across municipalities. The current legislation defines this period as 25 years from the time the unit is rented or sold. In the absence of additional regulations, it is very difficult to quantify the impact of these changes.

Bill 23 also provides an exemption from DC Fees for the addition of the second and third residential units to an existing residential building on a lot, exemption from DC fees for the addition of the greater of 1 or 1% of rental units to an existing residential rental building containing 4 or more units, and the exemption from DC Fees for non profit housing.

Windsor passed Official Plan policies and Zoning regulations for Additional Dwelling Unit (ADU) in 2018 that permitted up to two additional residential units per lot. Currently, Windsor's OP only permits two units in the main building and one in an accessory building, and ties the number of ADUs to the number of legal primary units. The minimum dwelling size of 40m² was eliminated as part of the 2022 Residential Intensification Study. To align with *Bill 23*, Windsor's Official Plan policies will require

some minor revisions to allow three permitted units in the main building and to tie the unit limit to the lot.

Given the City does not currently collect DCs for additional units, there is no immediate impact to DC revenue anticipated. There is a risk that if a large number of additional dwelling units are added, existing infrastructure and services may also need to be expanded/added to support the additional growth. Given no additional DC revenue will be available to fund the growth requirements, other funding sources will be required to meet the demands. Alternatively, growth related infrastructure required to support development may be delayed until funding becomes available. This will ultimately delay anticipated growth within core areas.

New non-profit residential housing developments are not exempt from DC fees under the City's current DC Bylaw, unless they are constructed within the core area as defined under Schedule C of the bylaw. *Bill 23* provides a DC fee exemption for *all* new non profit residential housing developments. It is difficult to predict the impact this exemption will have on the DC Revenue going forward, but as with the other exemptions, any lost revenue will have an impact on the existing tax base.

Discount on Purpose-Built Rental Units

In order to encourage the construction of more rental units, *Bill 23* introduces DC discounts for them. This provision is effective as of November 2022 when the Bill received Royal Assent. The new provision on discounts for purpose-built rental units provides for partial exemptions (DC discounts) for rental housing development based on the number of bedrooms in the units as follows:

- 3+ bedrooms = 25% reduction in DC Fees
- 2 bedrooms = 20% reduction in DC Fees
- 1 bedroom = 15% reduction in DC Fees

The DC reductions above are in addition to the existing DC freeze and deferral of payments over 5 years that are currently in place. This new partial exemption will have an immediate impact on DC revenue collected by the City. The degree of forgone revenue will depend on the number of rental units that are constructed going forward, and the ratio of size of the units (i.e. # of bedrooms in each unit).

While the financial impact is difficult to estimate, based on a recent example of a 185 Unit Development, a DC exemption of \$468,037 would be required as a result of the project containing 61 two-bedroom and 124 one-bedroom rental units. For illustrative purposes if one assumes that 6,000 units will be constructed, using existing DC rates, with the number of bedrooms equally distributed, the potential impact of the forgone DC revenue could be estimated to be in excess of \$33 million.

Recovery Cost of Studies and Land

The City currently includes the cost of studies and required land to provide servicing as part of DC fees. While this does not have an immediate impact to the City, any future DC Studies / Bylaws, especially as related to new development in any new growth areas will be limited in the ability to recover costs for land and studies required to build

infrastructure to support such areas. Given servicing plans are currently still ongoing, it is very difficult to quantify a financial impact however it is expected to be quite significant as land forms a significant component of any costs recoverable through development charges. Although some studies are reaching completion, there are a number of studies that will be required as we move forward with future development which will add further clarity as to the true financial impact.

There is also a potential that the projected costs will increase due to inflationary increases or land value. The Province will ultimately prescribe specific services for which the cost of land would not be an eligible capital cost that could be recovered through the DCs. If the cost of land required to provide these services are deemed non eligible, the City will be required to fund land costs through an alternative funding source, such as the property tax levy.

Spending of DC Reserves

DC reserves are typically spent to provide services to the areas and lands which are being developed. Under *Bill 23*, municipalities will be required to spend or allocate at least 60% of DC reserves for priority services (i.e., water, wastewater and roads) annually. The terms under which a municipality can allocate funds is not yet defined, however it is assumed that this means to be placed in the Capital Budget forecasts.

City staff will need to change how DC revenue and expenditures are administered to ensure the new criteria is met on an annual basis. While reserves for water, wastewater and roads are currently identified, other services may be added in the future via regulations.

Although there are still significant impacts to Windsor, the magnitude of financial impacts of the City can be seen as lesser than some of the larger Ontario municipalities due to their larger reserves and approach of building out the anticipated required infrastructure before development occurs and DCs are collected. However, once the Windsor DC By-law is updated to reflect the changes of *Bill 23* (by January 2026) the full scale of impacts for Windsor will become more apparent.

Planning Revenue

Bill 23 may also impact Planning revenue going forward. As an example, reducing Site Plan Control application approval requirements for residential developments of up to 10 units may result in lost revenue, in addition to the loss of oversight for development of small projects and ensuring compatibility. While some expenditures may be reduced to mitigate the reduced revenue, it is too early to assess the impact of this and other changes to the Planning department revenue.

Planning Implications

Site Plan Control

Developments of up to 10 residential units are exempted from Site Plan Control under the new legislation. Previously, residential developments with five or fewer units were

exempt from Site Plan Control (SPC). *Bill 23* expands the list of exempted forms of development that are not subject to Site Plan Control to include any residential development that results in 10 or fewer residential units on a single parcel of land.

SPC is used to ensure that new development is compatible with existing development and the surrounding area, and to address servicing issues, such as sanitary sewer capacity, storm water management to reduce flood risks, transportation planning implications, safe access, parking configuration, heritage attributes, and tree removal, etc. This exemption will limit the City's ability to manage and implement some of the municipal standards that are intended to address these issues.

Further, there is the potential that developers will choose to piecemeal or 'phase' their developments in a way to avoid the requirement for SPC (e.g. apply for 10 units at a time), particularly for lands that already have the zoning in place, and apply directly for Building Permits.

Another possible unintended consequence is that developments that do not obtain Site Plan Approval will no longer be granted exemption from Draft Plan of Condominium Approval, which previously benefitted from an expedited process. An anticipated impact for those developments of ten (10) units or fewer is they would no longer be eligible for exemption from Draft Plan of Condominium and would be subject to a separate decision of Council, adding additional time to the process.

The *Planning Act* requires that *"The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest"*. One of the Provincial interests stated in the Act is the promotion of built form that is *"well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant."*

Previously, staff were able to review the exterior design of a new building or development, including its character, scale, appearance, and design features, as part of the SPC process in order to provide an approval that has "regard to" the Provincial interest stated above. The ability to evaluate the contextual compatibility and overall quality of design is significantly reduced as a result of *Bill 23*. Architectural details and landscape design aesthetics will be removed from the scope of SPC. Scaling back the tools that municipalities use to promote a built form that encourages a sense of place seems to be counterintuitive to the stated Provincial interest.

Further, the removal of exterior appearance considerations from the site plan review process is anticipated to result in reduced built form quality, negative impact to the streetscape, and less integration between new developments and the existing community character. As such, the City's image and the quality of neighbourhoods may suffer over time as low quality and/or incompatible developments are introduced to existing neighbourhoods that have a well-defined neighbourhood character.

Heritage Impacts

Under *Bill 23*, property owners can now object to the inclusion of their listed property on the Register regardless of the date it was added. There are currently 884 properties throughout the City that are 'listed' on the Council's Heritage Register. It is not known

how many of these property owners may object to their property being 'listed'. It is not yet known what demand these objections will have on staff resources in the Clerks and Heritage Planning departments, and future agenda items of the Development & Heritage Standing Committee and City Council. There is currently no provision in the *Ontario Heritage Act* for Council to delegate this matter to Administration for consideration.

Heritage Registers are to be reviewed and decisions made as to whether listed properties are to be designated, or removed from the register if they are not designated. The 'listed' properties are to be removed from the register if Council does not issue a notice of intention to designate by January 1, 2025. The only option to allow for a property to continue to be protected as a heritage resource would be to have it 'designated' by City Council. Furthermore, if a property is removed from the register, the property is prohibited from being re-listed on the Municipal register for 5 years. Since these properties will no longer be protected under the Heritage Act, there is a significant potential they could be lost through demolition.

Municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the *Ontario Heritage Act* unless the property is already on the Heritage Register. When the current 90-day requirement for *Planning Act* applications is triggered for a property, it can no longer be added to the Register. In order to address this, current and potential properties for the Register will need to undergo a more rigorous heritage review and evaluation to ensure designation and reduce the risk of loss of heritage.

Authority is now given to municipalities to amend and repeal Heritage Conservation District (HCD) bylaws, in accordance with process (regulation still to be prescribed). Insufficient details have been provided by the Province at this time to fully ascertain impact. Changes could potentially weaken the regulatory nature of an HCD, and encourage more development that may/may not change the character of an HCD. Additionally, at least 25% of the properties within a proposed HCD must meet two or more criteria in Ontario Regulation 9/06 in order to be designated. To help address this, Official Plan provisions will be reviewed and revised as needed. The requirements will make HCD establishment more stringent and will result in added scope and costs involved with designating a HCD.

Parkland Implications

According to *Bill 23*, landowners will be able to identify land they intend to provide for parkland. If the municipality refuses to accept such land, then the landowner is able to appeal this to the Tribunal. The new Bill allows for encumbered parkland strata and privately owned public accessible spaces to be eligible for parkland credits. These changes may pose a challenge to create Neighbourhood, Community or Regional Parks in the most suitable locations.

The parkland dedication requirement no longer applies to non profit housing, and to the second or third unit on a lot. Parkland rates will now be frozen as of the date that a zoning by-law or site plan application is filed, and this freeze will remain in effect for two years following approval. Although Parkland Rates historically do not change every year, the management of parkland reserve spending would have to take into account

that funding flowing in to the reserve may be at a lower rate than the current scheduled rates.

The use of an alternative parkland rate option was removed from the Parkland Dedication By-Law in September 2022, and therefore new changes from *Bill 23* regarding this rate will have no impacts on the City.

Conservation Authorities

Bill 23 makes a number of changes that affect conservation authorities across Ontario, including the Essex Region Conservation Authority (ERCA) whose jurisdiction includes the City of Windsor. These changes limit Authorities to commenting on matters related to natural hazards and source water protection (i.e. flooding) as part of planning approval process, specifically precluding ERCA from commenting on natural heritage matters such as Environmental Impact Assessments and Environmental Study Reports.

Planning will monitor the impact of restricting ERCA comments on development proposals to determine if additional expertise or specialized knowledge is needed to address some of the environmental issues that ERCA previously addressed. The City will also continue to work with ERCA in areas that they still have jurisdiction (e.g. storm water management and floodplain mapping).

Risk Analysis:

Bill 23 presents several risks to the City. Although many of the impacts are being anticipated, it is a challenge to predict the full scale of impacts they will have across the Corporation.

Reduced Municipal Revenue and Delays in Infrastructure Growth

The reduction in DC revenue poses a significant risk to the ability to fund growth related infrastructure for new planned developments. This is especially important for the infrastructure funding required for growth areas such as the Sandwich South Planning District, which is a priority area for development. Likewise, in other areas of the city there will be growth related infrastructure projects required to support development and achieve Provincial goals. These vital infrastructure projects could be placed on hold to mitigate the DC revenue shortfall.

Alternatively, funding the DC revenue shortfall through the issuance of debt, tax levy and/or user fees, will shift the costs of growth from developers to existing taxpayers and will add additional pressure to maintaining the tax levy at or below inflation going forward. The City may also need to take on additional debt or increase property taxes to fund necessary growth projects. Finance staff will work with other departmental staff to prioritize growth related projects and develop funding strategies to mitigate DC revenue shortfalls where ever possible.

Developing Parkland

The Parks and Planning Departments will need to work closely with developers to prioritize the inclusion of open accessible greenspace/parkland within Plans of Subdivision. The amendments to parkland dedication may result in a loss of revenue for parkland.

Heritage Risks

The introduction of *Bill 23* has changed a number of items surrounding the designation of heritage properties, which in turn limits tools for the conservation of cultural heritage resources and creates a significant risk of losing local cultural heritage resources. More resources will be required to ensure that the heritage registry is maintained and heritage properties are brought forward to Council for consideration in the timeframes outlined in legislation.

Unidentifiable Risks

At time of writing, the Province has not outlined a number of definitions or details presented in the new legislation. The introduction of “attainable housing” has not yet been defined and could potentially create additional financial risk. Similarly, the Province has indicated that municipalities will have to spend or “allocate” a percentage of funds they receive as development charges or for parkland, however the terms of which funding can be “allocated” are not specified. The current presumption is that funds can be allocated through the 10-year Capital Budget. Further, the Province has not yet provided enough details to determine how the Heritage Conservation Districts (HCD) bylaw will need to be amended and therefore impacts on this cannot yet be determined.

Administration will monitor the impacts of *Bill 23* and will report to City Council as pertinent details become available. Administration recommends that information regarding these impacts also be provided to the Province through the respective municipal associations as it becomes available.

Climate Change Risks

Climate Change Mitigation:

At this time, it is challenging to predict climate change impacts that will result from *Bill 23*. The Bill was introduced in order to help facilitate the creation of new homes to meet the Provincial targets, and ultimately increase the housing supply and intensification.

The City of Windsor approved the Community Energy Plan (CEP) in 2017 as a long-term plan that identifies ways to support Windsor’s local economy by increasing competitiveness, creating jobs in the energy sector, and serves as a business retention strategy. The CEP also identifies ways to improve energy efficiency, improve energy security, and reduce greenhouse gas emissions while contributing to the overall quality of life of the Windsor community. The City of Windsor recently approved-in-principal science based targets of a 68% reduction in community emissions below 2005 baseline by 2030 and a net zero target for community emissions by 2050.

In general, residential energy consumption represents around 20% of community greenhouse gas emissions. Efforts to incorporate incentives for energy efficient homes and developments should be considered by Administration in order to meet our Council approved targets while encouraging more residential development. Community Energy Planning methods and strategies should be considered when planning for large residential development, particularly on greenfield sites. These discussions need to occur early on in the development process.

Climate Change Adaptation:

Windsor's Climate Change Adaptation Plan addresses climate change impacts to the Corporation and the community from namely, hotter days and nights and increased intensity, duration and frequency of rainfall events. As neighbourhoods are going through intensification and as greenfield sites are being developed, consideration to flooding and heat health risks to residents will continue to be examined. Storm water standards will continue to be implemented and any community spaces or parks will consider heat health issues. Protection of natural features will also be important as a climate change adaptation strategy.

As discussed in the report, Essex Region Conservation Authority (ERCA) will now have limited authority to comment on matters related to natural hazards and source water protection (i.e. flooding) for development projects. ERCA will also be excluded from commenting on natural heritage matters such as Environmental Impact Assessments and Environmental Study Reports.

The City will work to mitigate potential impacts and adapt by monitoring and determining if additional expertise will be required to address environmental issues that were previously commented on by conservation authorities. The City will also continue to work with ERCA in areas that they still have jurisdiction (e.g. storm water management and floodplain mapping).

Financial Matters:

Impact to Development Charge Reserve Funds

As infrastructure such as roads and sewers typically require installation prior to development taking place, some Ontario municipalities allow their development charge reserves to go into a deficit position, with the intent to offset the expenditures through the collection of future DCs.

The increase in construction activity in Windsor over the past few years is an unfamiliar situation given the somewhat precarious nature of the local economy for the past few decades. As a result, the City has taken a conservative approach to expending DC funds and endeavours to maximize the use of DC funding while keeping all DC reserves in a sustainable position. As of November 2022, DC reserve funds totalled \$22.3M, net of encumbrances, with annual revenues in excess of \$10M.

Utilizing this approach to allocating DC funding means that the implementation of *Bill 23* has minimal impact for the City regarding the payment for previously installed infrastructure by the City. *Bill 23*, however, does pose issues in that the City's ability to offset its' costs for future infrastructure with DC revenues is severely impaired. This legislation will instead put further pressure on other sources of funding, such as the municipal tax levy or the sanitary sewer surcharge, to pay for this work. Alternatively, these changes may result in projects being reduced in scope / scale, delayed, or cancelled altogether.

As mentioned, implementation of the guidelines laid out in *Bill 23*, while difficult to quantify at this time, will have ramifications for future DC revenues and allocations. These impacts will be incorporated into future forecasts of DC reserves and resulting allocations of these dollars to projects in the Capital Budget.

Impact to Parkland Reserve Funds

Similar to how the City administers its' DC reserve funds, the City maximizes use of funds held in the Parkland Reserve Fund while ensuring that the Fund remains in a sustainable position. As of November 2022, the Parkland Reserve Fund had a balance of \$335,774, net of encumbrances. Annual revenues collected do fluctuate, however, they have averaged in excess of \$1M since 2019. As a result of this approach, the requirement to spend or allocate at least 60% has a minimal impact on existing funds available for use.

Consultations:

Thom Hunt, City Planner/Executive Director of Planning & Development
Michael Cooke, Manager of Planning Policy, Deputy City Planner
Neil Robertson, Manager of Urban Design, Deputy City Planner
Sandra Bradt, Executive Initiatives Coordinator, Economic Development and Innovations
Wira Vendrasco, Deputy City Solicitor
Tony Ardovini, Deputy City Treasurer
Mike Dennis, Financial Manager of Asset Planning
Rob Perissinotti, Development Engineer
Patrick Winters, Manager of Corporate Projects
Stacey McGuire, Manager of Development
Averil Parent, Asset Coordinator, Asset Planning
James Chacko, Executive Director of Parks and Facilities

Conclusion:

Bill 23 presents new legislative changes that are expected to have significant impacts on the City with respect to finances, land use, resource allocation and planning processes.

Historically Provincial policy has been based on the principle that growth pays for growth. *Bill 23* signals a change in that Provincial policy, with the potential for a significant loss of revenue to the City and its corresponding impact on the municipal tax levy. The change to Development Charges in particular is considered critical and may result in a reprioritization or delays in projects until funding becomes available.

As *Bill 23* was approved and effective within a very short time frame, all municipal impacts cannot be predicted and quantified at this time. Administration will be monitoring operations and the effects of *Bill 23* will be brought to City Council as they become apparent.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|--------------------|---|
| Rania Toufeili | Executive Initiatives Coordinator, Office of the CAO |
| Neil Robertson | Manager of Urban Design, Deputy City Planner |
| Tony Ardovini | Deputy City Treasurer |
| Thom Hunt | City Planner/Executive Director of Planning & Development |
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Ray Mensour | Commissioner, Community Services |
| Chris Nepszy | Commissioner, Infrastructure Services |
| Shelby Askin-Hager | Commissioner, Legal and Legislative Services |
| Joe Mancina | Commissioner, Corporate Services, Chief Financial Officer |
| Jelena Payne | Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

N/A

Appendices:



Council Report: C 21/2023

Subject: Municipal Housing Targets and 13,000 Homes Pledge - City Wide

Reference:

Date to Council: February 27, 2023
Author: Neil Robertson
Manager Urban Design/Deputy City Planner
519-255-6543 ext. 6461
nrobertson@citywindsor.ca

Co-Authors Sandra Bradt and Rania Toufeili
Executive Initiatives Coordinators
sbradt@citywindsor.ca/rtoufeili@citywindsor.ca

Planning & Building Services
Report Date: February 10, 2023
Clerk's File #: SB2023

To: Mayor and Members of City Council

Recommendation:

THAT the report from the Manager Urban Design/Deputy City Planner regarding the Province of Ontario's Municipal Housing Targets and Building 13,000 Homes Pledge **BE RECEIVED** for information; and further,

THAT City Council **ENDORSE** the draft City of Windsor Municipal Housing Pledge attached as Appendix B; and further,

THAT City Council **DIRECT** that the Municipal Housing Pledge be submitted to the Minister of Municipal Affairs and Housing by the March 22, 2023 deadline.

Executive Summary:

N/A

Background:

The Province of Ontario has set an ambitious goal to get 1.5 million homes built in Ontario in the next decade. The government has enacted several pieces of legislation to assist with that goal, including Bill 108, *More Homes More Choices Act, 2019*; Bill 109, *More Homes for Everyone Act, 2022*; and Bill 23, *More Homes Built Faster Act*.

While this report deals specifically with the provincial Municipal Housing Target and Building 13,000 Homes Pledge, two companion reports are being presented to City Council simultaneously:

- *C18/2023 Impacts of Bill 109, More Homes for Everyone Act, 2022 – Subsequent Changes to the Development Application Process*: Discusses the impacts of Bill 109 and proposed Development Review Process changes to address increased development and prevent financial penalties as mandated by the new legislation.
- *C19/2023 Impacts of Bill 23, More Homes Built Faster Act, 2022 – Informational Report*: Discusses Bill 23, which amends nine different acts, and is anticipated to have significant financial and community impacts.

To achieve the goal of building 1.5 million homes, the Province has assigned Municipal Housing Targets to 29 large and fast-growing municipalities.

Municipalities are being asked to develop a Municipal Housing Pledge and take steps to facilitate the construction of their housing targets within 10 years. The Minister of Municipal Affairs and Housing originally requested that pledges be received in his office by March 1, 2023. Subsequent to this direction the City received a letter granting an extension of the deadline to March 22, 2023. The first letter from the Minister outlining Windsor's target of 13,000 homes was part of the Communications agenda at the Council meeting of November 9, 2022, and is attached as Appendix A.

Windsor is currently seeing a record increase in development and is working to process applications as efficiently as possible to help manage new growth and support the provincial goal of increasing housing. This report outlines the current and proposed initiatives underway to facilitate the construction of additional dwelling units in Windsor, while adapting to meet new provincial legislation. A draft Municipal Housing Pledge (Appendix B) is included for Council's consideration and approval.

Discussion:

The Province calculated Municipal Housing Targets based on a municipality's current population and 2011 to 2021 growth trends. The City of Windsor was not consulted for this calculation. The Municipal Housing Pledge is intended to outline the actions that individual municipalities will take to meet their housing target, and highlight the strategies and actions employed to prioritize and accelerate residential approvals.

It is important to note that 'homes' as referenced includes any and all residential dwelling units which could take a variety of forms including traditional detached, semi-detached, and townhouse dwelling units, as well as Additional Dwellings Units (ADU's) and higher density multi-residential apartment buildings.

While supportive of increasing the housing supply, it is critical to note that development is impacted by many different factors, and City policies and processes are just one that may influence private sector business decisions. A decision to develop residential units is influenced by other factors such as interest rates, real estate market rates, economic conditions, availability of materials and labour shortages, etc., that are beyond municipal influence or control.

The City, through its policies and processes, provides the environment that supports development and manages growth. The province noted that housing pledges can include a variety of actions, such as expediting housing in priority areas, streamlining municipal approval processes, or promoting gentle intensification. Many of these actions are already in place in Windsor and should continue to be implemented and supported.

Current Initiatives to Support Housing Developments

Residential Infill and Intensification Policy and Zoning Changes

- In 2022, City Council adopted a series of Official Plan amendments that identified appropriate locations within the city that could accommodate additional residential density and the City “pre-zoned” some of the Intensification Priority Areas to provide for more housing options. This includes adding residential as an *as-of-right* use to a number of commercial areas where it was not previously permitted, resulting in over 1,000 hectares becoming available for new housing opportunities.

Additional Dwelling Unit (ADU) Policies

- In 2018, City Council adopted Official Plan policies and Zoning Bylaw Amendments to permit ADUs in residential areas within single detached, semi-detached, and townhome dwellings. The requirement for an additional parking space for ADU’s was exempted for properties located within older core areas of the city that have smaller lot sizes and are well served by transit. To date 37 building permits have been issued for these units.

The Downtown Windsor Enhancement Strategy and Community Improvement Plan

- The City offers a number of municipal supports and financial incentives to encourage the development of more residential units in downtown Windsor, including new builds, adaptive re-use, and upper storey conversions. To date, Council has approved incentives for 457 residential units in downtown Windsor.

Eliminated Development Charges in City Core

- The City offers a Development Charge exemption for all residential units in the older core areas of the city to take advantage of existing infrastructure and encourage more housing units.

Online Development Applications and Approvals

- The Building Department has implemented CloudPermit for building permits and embarked on organizational changes to improve efficiency and customer service.
- The Planning Department has implemented CloudPermit for Site Plan Control to facilitate and expedite Site Plan applications. This fully digital process benefits customers by improving efficiency and customer service with paperless, 24/7 access to applications.

Brownfield Redevelopment Community Improvement Plan

- The City offers financial incentives and municipal support through the Brownfield Redevelopment Community Improvement Plan to encourage the reuse and redevelopment of vacant or underutilized buildings/properties where past industrial or commercial activities have left them contaminated. The redevelopment of formerly contaminated land has added hundreds of residential units in Windsor. To date Council has approved over 50 Brownfield CIP applications, which represent the potential addition of 2,104 residential units.

Community Based Community Improvement Plans

- The City offers financial incentives and municipal support through four neighbourhood-focused Community Improvement Plans that target the creation of new housing units and encourage investments in the existing housing stock. To date Council has provided incentives for 51 new residential units.

Streamline Municipal Approval Processes

- Through Ontario's Streamline Development Approval Fund the City hired consultants to review the municipal planning process (Planning, Building and Right of Way) with a focus on finding opportunities to improve the customer experience and expedite applications. The consultants are also undertaking a review of Official Plan policies and Zoning Bylaw regulations to identify additional opportunities to support housing growth.

The City delivers development approvals in accordance with Planning Act timelines and there have been no appeals submitted to the Ontario Land Tribunal because of "no decision", or no decision within the statutory timelines by Council, on a development proposal. Additional changes to facilitate all forms of development (including residential) within the current development landscape and to add more housing units are noted below:

Future Actions to Support Housing Developments

Increasing the Residential Land Inventory

2,600 hectares of land were transferred from the Town of Tecumseh to the City of Windsor in 2002. This area, identified as the Sandwich South Planning District, has approximately 730 hectares allocated for residential uses. Investments in plans, studies, services, and infrastructure will be necessary to ready this land for development. To bring this land to the point where new homes can be built, the City commits to:

- Implementing the East Pelton Secondary Plan, which represents approximately 206 hectares of the overall Sandwich South Planning District land area, and is identified in the Official Plan as the first lands that can be developed in the Sandwich South Planning District. The secondary plan promotes a range of housing options and target densities.

- Implementing the County Road 42 Secondary Plan, encompassing an area of approximately 400 hectares, that will support the development of residential areas that provide a range and mix of housing, including medium and lower density residential areas.
- Completing the Sandwich South Master Servicing Plan that will develop and review solutions for collector roads; water, sanitary and storm sewers; and stormwater management facilities needed to support the development of the entire Sandwich South Planning District.
- Completing the Sandwich South Growth Management Strategy that will confirm the future development phasing of the Sandwich South Planning District and the investments in the necessary services and infrastructure needed to support each phase and the full build out of Sandwich South Planning District. The Sandwich South Growth Management Study will also identify the location and phasing of new infrastructure, and the funding strategy for the necessary capital investments.
- Making the necessary investments in the services and infrastructure needed to support the full build out of the Sandwich South Planning District, subject to available funding, and in consideration of fiscal responsibility and a balanced approach that puts the interests of municipal taxpayers first.

Development Approval Modernization

- Commit to implementing a digital solution for all Planning Act applications and development related Public Works permits. Such a system will track and manage all types of Planning applications and Public Works permits, allowing the City to improve efficiency and customer service, and comply with legislated timelines.
- Will implement the policy changes and process improvements recommended by the consultants engaged through Ontario's Streamline Development Approval Fund.
- Official Plan policies, zoning bylaw amendments and development processes will be amended to comply with Bill 109, and to adapt to future legislative changes that may be introduced by the Province.

Enhanced Tracking and Monitoring

- Implement a system that allows for the efficient tracking and monitoring of development applications from initial concept through to occupancy, providing for useful information to inform and guide future policy and process changes, and to make more development related information available to stakeholders and the public.
- Undertake a robust monitoring program that monitors residential land supply, housing construction, and servicing trends to identify opportunities for additional

municipal support. The monitoring of workloads and capacity will be ongoing to ensure adequate resources are allocated to support future housing construction.

Financial Incentives to Support Residential Development

- Continue to fund and provide financial incentives through existing Community Improvement Plans support new builds, adaptive re-use, and upper storey conversions across the city.
- Will explore opportunities to expand financial incentives through new Community Improvement Plans for other areas of the city, and to support the development of a range of housing options, including affordable housing.

Windsor Essex Community Housing Corporation

- Over the past few years, the Windsor Essex Community Housing Corporation (CHC) has applied for and been successful in obtaining approvals for a significant amount of upper-level of government funding that will add affordable housing units to the community through new construction, or acquisition and rehabilitation of existing units. CHC and City Administration continue to explore all opportunities to leverage funding from upper levels of government for future projects. Although CHC has a number of affordable development projects underway, it is premature to predict the number of affordable dwelling units it will build without a committed and consistent source of funding.

In addition to the initiatives outlined above, Administration will work with developers to understand why, despite securing planning approvals, projects are not being brought to fruition. Opportunities to address the gap between approvals and builds will be investigated to determine if the City can play a role in this process.

Risk Analysis:

In the past ten years, the average number of dwelling units developed annually in the city is just over 500 units. To reach the Minister's target of 13,000 homes in 10 years, the city would need to average 1300 homes/units annually in the next decade.

There is a risk to committing to the government's target as development is a collaborative effort with multiple partners and considerations, and more than doubling the number of units developed annually may be overly optimistic.

The City has the ability to influence private sector construction decisions through its policy landscape, encouragement of development, and streamlining of processes. However, the City is not the ultimate decision maker in private sector business construction decisions. The City requires the private development sector to collaborate with the City in order for the Municipal Housing Pledge to succeed.

The Province has acknowledged that it is critical that municipalities are able to fund and contract housing enabling infrastructure and services. In companion report C19/2023 regarding Bill 23, Administration notes that the financial implications of that Bill are

difficult to quantify. In a letter to the Association of Municipalities of Ontario dated November 30, 2022, the Minister of Municipal Affairs and Housing wrote:

“There should be no funding shortfall for housing enabling infrastructure as a result of Bill 23, provided municipalities achieve and exceed their housing pledge levels and growth targets.”

While no financial risks have been explicitly identified with developing or not developing a Municipal Housing Pledge, Administration cannot predict with any degree of certainty that future funding decisions will not be negatively influenced should the City not “achieve and exceed” its 13,000 homes within the 10 year target.

The draft Municipal Housing Pledge (Appendix B) acknowledges the target of 13,000, and commits to facilitating the conditions to create more residential units, as opposed to the commitment to build.

Climate Change Risks

Climate Change Mitigation:

Infill and high-density housing is encouraged in Windsor’s Environmental Master Plan (2017), and several initiatives previously noted in this report support the Master Plan’s objectives.

City Council approved the Community Energy Plan (CEP) in 2017. This long-term plan identifies ways to improve energy efficiency, improve energy security, and reduce greenhouse gas emissions while contributing to Windsor’s quality of life. The development of “Net Zero Neighbourhoods” is one of the main strategies identified in the CEP. City Council also recently approved-in-principle science based targets of a 68% reduction in community emissions below the 2005 baseline by 2030, and a net zero target for community emissions by 2050.

In general, residential energy consumption represents around 20% of community greenhouse gas emissions. To meet Council approved emission reduction targets, Community Energy Planning methods and strategies should be encouraged early in the development process. As an example, Administration is currently in the process of developing a Sustainable Neighbourhood Action Plan for the Sandwich South lands that supports both climate change mitigation and adaptation, and housing development goals.

Climate Change Adaptation:

Windsor’s Climate Change Adaptation Plan addresses climate change impacts, particularly those from increasing temperatures and the intensity, duration and frequency of rainfall events. Whether intensification or new development, climate change risks and adaptation initiatives, particularly those to address stormwater management, flooding and the protection of natural features, will be critical considerations.

Financial Matters:

At time of writing there are no known financial implications to developing the requested Municipal Housing Pledge, however the City's infrastructure costs to create the environment to meet the 13,000 homes target are significant and not yet fully determined. As an example, the costs to bring the Sandwich South Planning District lands online is projected to be in the hundreds of millions of dollars. The development charges reduction and exemptions contained in Bill 23 will challenge the City's ability to fund those costs.

The Municipal Housing Pledge is linked with Bill 23, as noted in the Risk section and companion report C19/2023.

Consultations:

Michael Cooke – Manager, Planning Policy/Deputy City Planner

John Revell – Chief Building Official

Kirk Whittal – Executive Director of Housing and Children's Services

Wira Vendrasco – Deputy City Solicitor, Legal and Real Estate

Averil Parent – Asset Coordinator

Conclusion:

It is acknowledged that there is a housing crisis in the province in general, and in the City of Windsor specifically. Administration recommends that Council support the provincial goal to increase the number of homes built over the next ten years by way of the City of Windsor Municipal Housing Pledge. Although construction is not entirely within the City's purview, several initiatives are already underway or pending that will assist our community to increase the number of residential units. Administration commits to pursue and recommend to Council all avenues it can discover to create the opportunities and environment to encourage residential development.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Insert Name, Title

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP

Approvals:

| Name | Title |
|----------------|-----------------------------------|
| Sandra Bradt | Executive Initiatives Coordinator |
| Rania Toufeili | Executive Initiatives Coordinator |

| Name | Title |
|------------------------------|---|
| Neil Robertson | Manager Urban Design/Deputy City Planner |
| Michael Cooke for Thom Hunt | City Planner |
| John Revell for Jelena Payne | Commissioner, Economic Development and Innovation |
| Shelby Askin Hager | Commissioner, Legal and Legislative Services |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|-------------|----------------|--------------|
| | | |

Appendices:

- 1 Appendix A - City of Windsor Municipal Housing Target - MMAH
- 2 Appendix B - Draft City of Windsor Municipal Housing Pledge



234-2022-4625

October 25, 2022

**City Clerk & Senior Manager of Council Services
City of Windsor
P.O. Box 1607
350 City Hall Square West
Windsor Ontario N9A 6S1**

**Subject: Municipal Housing Targets and Municipal Housing Pledges
City of Windsor: 13,000**

Dear Steve Vlachodimos,

Our government is taking bold and transformative action to get 1.5 million homes built over the next 10 years.

To help fulfill this commitment, we have announced and are implementing More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23. This plan includes a suite of legislative and non-legislative changes across government that will help unlock more housing, streamline development approvals, remove barriers, accelerate planning, and further protect homebuyers and owners.

To support the new action plan, we have introduced the **More Homes Built Faster Act, 2022**, which, if passed, would ensure that cities, towns, and rural communities grow with a mix of ownership and rental housing types that meet the needs of all Ontarians.

To achieve the goal of building 1.5 million homes, large and fast-growing municipalities, including yours, are being assigned a **Municipal Housing Target**. While municipalities have taken significant steps in increasing their housing supply, Ontario needs an unprecedented amount of housing to meet current demand and that of generations to come. Our government requires a commitment from our municipal partners to do their part in providing housing for future population growth.

To implement the 1.5 million homes target I am asking the City of Windsor to demonstrate its commitment to accelerating housing supply by developing a **Municipal Housing Pledge** and take the necessary steps to facilitate the construction of 13,000 new homes in your community by 2031. I ask that you bring this letter to the attention of your Head of Council so that your municipality is positioned to deliver its pledge to me, the Minister of Municipal Affairs and Housing, by the March 1, 2023, deadline. See the

info sheet attached to this letter for information and considerations in developing a Municipal Housing Pledge.

Pledges will provide important information that showcase the strategies and actions that municipalities choose to adopt in order to prioritize and accelerate housing. Our government intends to use your pledges to monitor and track progress so we can continue to play a role in supporting municipalities and removing barriers to housing development.

Our government recognizes the key role that municipalities will play in implementing Municipal Housing Targets through their Municipal Housing Pledges and know that you share the desire to bring more housing to the people of Ontario. We are committed to addressing the policy and implementation barriers you may encounter as you develop your pledges and I encourage you to reach out to Wendy Ren, Executive Lead, Municipal Policy/Program Collaboration, at Wendy.Ren@ontario.ca or 437-995-7094, if you have any questions, comments, or suggestions.

I look forward to working together to increase housing supply for all Ontarians.

Sincerely,



Steve Clark
Minister

Encl.

c: The Honourable Michael Parsa, Associate Minister of Housing
Kate Manson-Smith, Deputy Minister
Ryan Amato, Chief of Staff, Minister's Office
Joshua Paul, Assistant Deputy Minister, Housing Division

Info Sheet: Considerations in Developing Municipal Housing Pledge

The pledge is not intended to be a land-use planning document, and its development should not require external technical expertise. The format and language used in the pledge should be accessible to the general public. The pledge is intended to be approved by municipal councils and should help codify Council's commitment to meeting their municipal housing target.

Municipalities can leverage new and existing policy tools as they develop housing pledges and work towards their housing targets.

Below is a non-exhaustive list of potential strategies and actions that municipalities may include in developing their housing pledges. There may be additional opportunities based on local circumstances and the Province is interested in hearing about those ideas and creative solutions.

- Strategies to encourage and promote gentle intensification to enable and expedite additional residential units in existing residential areas
- Outline ways in which funding under provincial programs, such as the Streamline Development Approval Fund (SDAF) or Municipal Modernization Program (MMP), has been used to streamline existing municipal development approval processes
- Information on municipal development approval timelines and whether municipalities are being appealed for non-decisions
- Identify potential measures where current lack of infrastructure capacity (e.g., water/wastewater servicing) may limit future housing development
- Strategies to use municipal surplus lands
- Commitment to plan for, fund, and approve (where applicable) specific critical municipal infrastructure to support growth and new housing (e.g., water, wastewater, transit etc.), which may include expanded capacity as well as fully new facilities/assets
- Priorities for strategic and site-specific planning decisions to expedite housing in priority areas (e.g., around transit stations and in transit-served areas)
- Update zoning by-laws to permit a greater range of housing to be built without the need for costly and lengthy rezoning applications
- Municipalities may also consider existing tools such as the Community Infrastructure and Housing Accelerator, [Community Planning Permit System](#), Major Transit Station Areas, and Protected Major Transit Station Areas.

Below are some of the potential components of a municipal housing pledge. Municipalities are free to choose, alter, or add any new components that seem reasonable. Pledges can be represented in the form of plain text, tables, charts, maps, or a combination of them.

- Municipal Housing Target

- Planned and proposed Municipal Initiatives
- Initiative Owner and Additional Stakeholders
- Context and Description of How Initiative Accelerates Housing
- Number of units per initiative and housing type
- Considerations (Barriers, Implementation, Risks, etc.)
- Potential Mitigation Strategies and Proposal to Accelerate Housing
- Potential Reporting and Monitoring Measures

The deadline for municipalities to submit housing pledges to the Minister of Municipal Affairs and Housing is March 1, 2023.

Municipal housing pledges are intended to be public documents and it's anticipated that municipalities will post them online.

Municipalities can contact Ministry staff with any questions and for clarification.

The Corporation of the City of Windsor Municipal Housing Pledge

The City of Windsor supports the Province of Ontario's goal to build 1.5 million homes over the next ten years. To support that goal, the City of Windsor acknowledges the Minister's Municipal Housing Target of 13,000 homes for our community.

The City of Windsor pledges to the Minister of Municipal Affairs and Housing that the city will vigorously pursue all avenues to facilitate construction to reach the target of 13,000 homes in the next decade.

The City of Windsor has already adopted a series of Official Plan amendments to encourage and facilitate residential development, including additional dwelling units (ADU), particularly along major transportation corridors. Additional policies to encourage creative infill, convert existing non-residential buildings and intensification that takes advantage of existing municipal infrastructure will continue to be researched and evaluated.

The City also offers a number of Community Improvement Plan (CIP) incentives to encourage the creation of dwelling units in prioritized neighbourhoods, and Zoning By-law amendments to "pre-zone" some of the Intensification Priority Areas to provide for more housing options. An Affordable Housing CIP is currently in development.

While the City delivers development approvals in accordance with Planning Act timelines and there have been no appeals for no decision, further streamlining activities to add more residential dwelling units include:

- Implementing the consultant recommendations to adapt the municipal planning process as secured through Ontario's Streamline Development Approval Fund
- Adopting a more comprehensive approach for pre-consultation to streamline the planning process and comply with Bill 109
- Expanding digital solutions for online permitting and reporting mechanisms
- Structuring an Executive Committee to identify strategies to increase the residential land inventory, maximize key land development opportunities in the city, and plan for the required infrastructure and facilities to expand capacity

The City of Windsor has implemented several initiatives to encourage the development of additional residential units and will continue to facilitate actions to create the environment for further investment to meet the provincial goals.

DRAFT

Item No. 11.4



Committee Matters: SCM 59/2023

Subject: Proposed Closure of the Windsor Star production plant by Postmedia

Dear Mayor Dilkens and City of Windsor Council,

I write to you today regarding the proposed closure of the Windsor Star production plant by Postmedia. As many know, Postmedia has stated publicly that they plan to close Windsor Star production plant affecting 75+ job losses here in Windsor. Postmedia plans to print our heritage newspaper in Toronto, ship it to London to be inserted and then driven down the 401 back home to Windsor.

The loss of fact-based, heritage media in our community is alarming. Journalists have now become their own camera, sound, and editing crews and are faced with public abuse due to misinformation being spread through lesser credible sources.

As city officials would you want somebody less than a credible, local news source covering city hall meetings regarding your own transparencies and credibility in our community? Or worse, no one at all? It is hard to dispute the decline in printed product over the years. Many people may not realize that Windsor Star production plant served as Postmedia's Southwestern print hub with other titles such as Sarnia Observer and Chatham Daily News. Postmedia will continue to decimate printed product throughout our communities.

What we ask of our city and community:

We ask you, our City's Mayor and Council to stand behind us in solidarity for the community of Windsor. Please send a letter in protest to Postmedia regarding another loss of heritage news source in our community. For the job losses in our otherwise vibrant city economy that will need more need for fact-based journalism as our city grows.

- The saving of our Windsor Star archives: Please protest that the history of those archives be moved to a City of Windsor public outlet such as our library. This history of Windsor through our journalists/photographers/printers/engravers does not belong to Postmedia but to our community.

- Goodfellows Windsor: The Goodfellows newspaper drive is now without sponsor. Windsor Star printed the Goodfellows newspaper as a community service which has now turned into more Postmedia profit.

And also:

- The need for understanding and accountability of bill C-18.

We ask that our fair mayor and city council allow us delegate status at the Feb. 27, 2023 City Council meeting to discuss this proposed closure of our heritage media site and future of accountable, fact-based journalism in our community as an agenda topic. The fact that Postmedia has ignored our claims to distribution jurisdiction as described in our collective agreement and threatened the future of a newspaper printed product here in our community.

We believe this is an important civic topic for the agenda of city council and trust this will be of imperative civic debate. I believe our futures of accountability depend on it.

Thank You for your time and support,

Colin Brian

Unifor 517-G President, supporter of local, fact-based journalism and life long Windsorite.



Subject: Exemption to Demolition Control By-law 9198-Howard-Erie Neighbourhood Improvement Program Area

Reference:

Date to Council: February 27, 2023
Author: Kevin Alexander, MCIP RPP
kalexander@citywindsor.ca
519-255-6543 Ext. 6732
Planning & Building Services
Report Date: 2023-02-13
Clerk's File #: SB2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to Homes By Artisan (C/O Mamun Chowdury) on behalf of the owner Erie Centre Inc. (C/O Adewale Aderinto) to demolish the mixed-use building (clinic/pharmacy, residential) located 101 Erie Street East (see Appendix 'A') to construct a one (1) storey commercial building for a pharmacy and clinic (See Appendix 'B') and public parking area (19 spaces) as identified on the approved Site Plan Control Agreement drawings; and,
- II. THAT any minor changes **BE SUBJECT TO** the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. THAT the Chief Building Official **BE AUTHORIZED** to require, as a condition of the demolition permit, that the redevelopment be substantially complete within two years of demolition permit issuance.

Executive Summary:

N/A

Background:

On November 2, 1987, Council passed Demolition Control By-law 9198 that designated the Howard-Erie Neighbourhood Improvement Program Area, as a Demolition Control Area, in which the subject property, 101 Erie Street East, is located.

Discussion:

On February 1, 2023, the Building Division received an application for a Building Permit for Demolition from Homes By Artisan (C/O Mamun Chowdury) on behalf of the owner Erie Centre Inc.(C/O Adewale Aderinto) for the demolition of the mixed-use building located at 101 Erie Street East (see Appendix 'A').

The applicant indicates that the residential units located on the second floor of 101 Erie Street East have remained vacant since 2011, when the current owner (Erie Centre Inc.) purchased the property.

The applicant proposes to construct a one (1) storey commercial building for a pharmacy and clinic and public parking area (19 spaces) (See Appendix 'B'). The Site Plan Control Drawings and Agreement was approved on December 5, 2022. The applicant indicates that the new clinic and pharmacy will provide offices for two (2) family physicians who will relocate from another province to the Windsor region.

The Building Permit application is on hold because the subject property is located within the Howard-Erie Neighbourhood Demolition Control area (By-law 9198).

The subject property is designated Mixed Use in the City's Official Plan and zoned Commercial District (CD3.6), which permits a *Medical Office* and *Public Parking Area*.

Demolition Control By-law 9198 prohibits demolition of any residential property in the demolition control area unless a permit is issued by Council.

Demolition Control By-law 9198 allows Council to attach a condition to a demolition permit requiring redevelopment to be substantially completed within a specified timeframe (i.e. must be at least two years from demolition permit issuance). If the condition is not met the City may impose a fee of up to \$20,000 for each dwelling unit that was demolished and may enter the penalty on the tax roll of the subject property. For the subject properties located at 101 Erie Street East the maximum penalty would be \$100,000 based on the number of existing units, which remain vacant.

Risk Analysis:

There is little risk associated with approval of the requested demolition. Refusing the requested demolition would jeopardize the redevelopment plans.

Climate Change Risks**Climate Change Mitigation:**

The demolition of the existing two (2) storey mixed-use building to construct a one (1) storey commercial building for a pharmacy and clinic and public parking area (19 spaces) will have an impact on climate change. However, modern building methods will be utilized which may make the building more energy efficient. The proposed building will also conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing the existing property and infrastructure in an existing built-up area of the City promotes efficiency on the existing infrastructure network by not promoting the development on Greenfield lands.

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property appears to be located near a Heat Vulnerability area. The proposed development is similar in building footprint and parking area size therefore should not increase the heat island effect in the immediate vicinity of 101 Erie Street East. However, the proposed redevelopment will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency and reduce the need to clear land of vegetation for development on vacant or Greenfield land.

Financial Matters:

The combined current value assessment of the property located at 101 Erie Street East is \$704,000 based on 2023 Current Property Value Assessment (CVA). The owners currently pays total annual taxes of \$26,362.45 (based upon the 2023 residential and commercial tax rate and CVA) of which \$21,337.71 is retained by the municipality. The applicant's Estimated Post-Project Value of Land and Buildings based on the cost of construction is \$4,000,000.00. However, some of the proposed costs of construction provided by the owner may not result in a direct increase in assessment value, but it is expected that the assessment taxes may generate additional revenue for the City in the future. For illustrative purposes however, the new development is estimated to be valued at \$710,000. Using the 2022 commercial tax rate, total property taxes for the new development would be estimated at \$30,567.77, an increase of \$4,205.33. The municipal share would be \$24,319.77, an increase of \$2,982.06 annually.

Consultations:

The owner has been consulted regarding an exemption from Demolition Control By-law 9198 and the requirement of a Redevelopment Plan. Staff from the Planning & Building, Finance, and Legal Departments have been consulted in the preparation of this report.

Conclusion:

The demolition of the existing two (2) storey mixed-use building located at 101 Erie Street East will permit the applicant to construct a one (1) storey commercial building for a new clinic and pharmacy. The new clinic and pharmacy will provide an opportunity to attract new doctors to the neighbourhood and region. The redevelopment will also provide increased property value assessment and related tax levy. Administration recommends that the demolition application request by the owner, Erie Centre Inc. (C/O Mamun Chowdury), of 101 Erie Street East be approved.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|---------------------|--|
| Kevin Alexander | Senior Planner—Special Projects |
| Neil Robertson | Manager of Urban Design |
| Thom Hunt | City Planner/Executive Director |
| Joe Baker | Manager of Permits / Deputy CBO |
| Wira H.D. Vendrasco | Deputy City Solicitor |
| John Revell | Acting Commissioner, Economic Development & Innovation |
| Onorio Colucci | Chief Administrative Officer |

Notifications:

| Name | Address | Email |
|--|----------------|---------------------------|
| Erie Centre Inc. (C/O Mamun Chowdury) | | russell79@gmail.com |
| Erie Centre Inc. (C/O Adewale Aderinto) | | Sunnybreeze2007@gmail.com |

Appendices:

- 1 Appendix 'A' Location Map and Existing Condition
- 2 Appendix 'B' Proposed Development

Appendix 'A' - Location Map



LOCATION MAP



Appendix 'A' – Existing Condition (*Google Earth*)

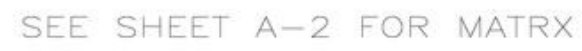


Appendix 'A' – Existing Condition (*Google Earth*)

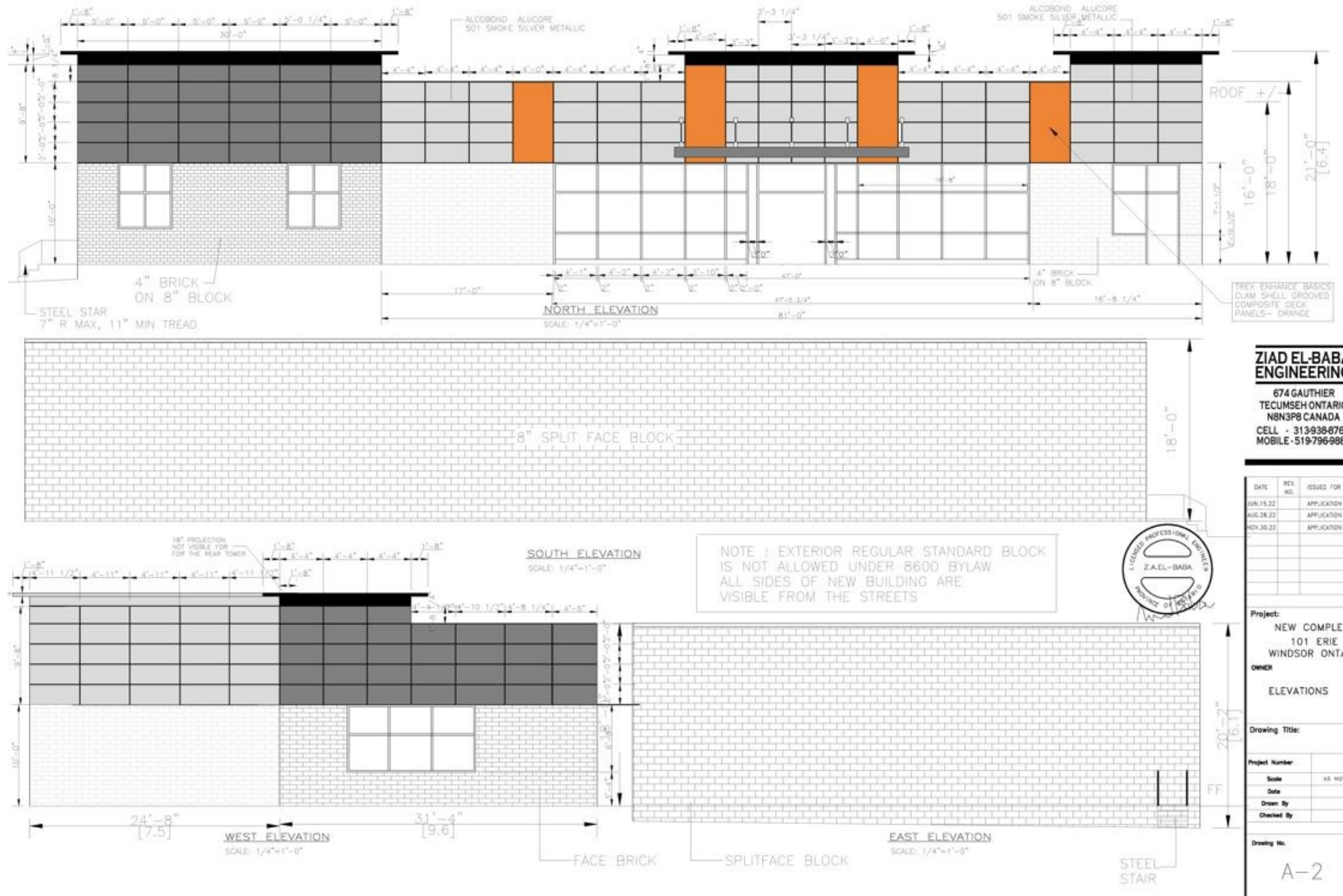


The site plan for 1210 Erie Street shows a large rectangular lot. A hatched area in the upper right corner is labeled "PROPOSED NEW ONE STORY BUILDING". To the left of this area is an existing structure with a "LOADING UNLOADING 3.5m x 7.5m 10' x 27'" area. The lot is bounded by "ALLEY" to the west, "ERIE STREET" to the south, and "GOYEAU STREET" to the east. The plan includes various annotations such as "NEW 3' ASPHALT PAVEMENT", "NEW 6'-0\" CONCRETE SIDEWALK", "NEW 3' ASPHALT DRIVE", and "NEW CONC PROPOSED". It also shows existing features like "EXISTING CONCRETE WALK", "EXISTING ASPHALT DRIVE", and "EXISTING ALLEY". The plan includes dimensions for lot areas and building footprints, as well as bearings and distances for property lines. A "BUS STOP SIGN" is indicated on Erie Street. The plan also shows "OFF STREET PARKING NOT INCLUDED" with four car symbols. The plan is titled "Part 1" and includes a north arrow.

E ←



Appendix 'B' - Proposed Development



Subject: High Intensity Needs Funding Program Attestation Requirement-City Wide

Reference:

Date to Council: February 27, 2023
Author: Alina Sirbu
Executive Director / Administrator
Huron Lodge
519-253-6060 ext. 8253
asirbu@citywindsor.ca
Huron Lodge
Report Date: February 3, 2023
Clerk's File #: AH2023

To: Mayor and Members of City Council

Recommendation:

THAT the report from the Executive Director/Administrator of Huron Lodge Long-Term Care regarding the High Intensity Needs Fund (HINF) program **BE RECEIVED** for information; and further,

THAT City Council **AUTHORIZE** the Executive Director/Administrator of Huron Lodge or designate to sign all attestations, documents and reports required to be submitted to the Ministry of Long-Term Care in connection with the HINF program, subject to being satisfactory in form to the City Solicitor and in financial content to the City Treasurer as applicable.

Background:

The High Intensity Needs Fund (HINF) Program is a claim-based funding program that supports long-term care residents with acute or intensive care needs. The HINF Program is designed for supplies or services that are necessary for resident care where costs exceed what the home is expected to provide based on its level-of-care funding. Homes may use level-of care per diem funding in conjunction with other ministry initiatives. Homes retain documentation to demonstrate compliance with all applicable criteria and requirements and is made available to the ministry upon their request.

There are four types of HINF Program claims. 1) Exceptional Wound Care, 2) Transportation for Dialysis Treatment, 3) Preferred Accommodation, 4) Supplementary Staffing.

Exceptional Wound Care is available for wound dressing supplies that are necessary to support wounds as defined as chronic or intractable, where costs exceed level-of-care

funding. HINF claims made under the Exceptional Wound Care category must be verified by a doctor or a nurse practitioner or other qualified health care professionals in the care of residents. The claims describe the resident's current assessment and required supplies purchased for wound treatment.

HINF claims can be submitted for reimbursement of expenditures for providing transportation to and from treatment sites for dialysis treatment.

A HINF claim may be submitted for reimbursement of preferred accommodation costs for private accommodations. Some examples of this would include when a resident experiences ongoing or emerging responsive behaviours that are severe and pose a significant risk to themselves or others in the home and who require segregation, as well as those who require isolation due to infectious disease.

Supplementary Staffing HINF funding may be claimed under exceptional circumstances when additional staffing costs for a resident requires short-term one-to-one care and supervision.

Discussion:

Previously, claims under the HINF Program were submitted and payment was provided upon the Ministry of Long-Term Care's review of the claim. There is no change to this process and claims will continue to be submitted with the expected reimbursement to follow. However, homes are now required to submit a new attestation form (attached as APPENDIX A) before March 31, 2023 and annually thereafter, to confirm the home's compliance with the program eligibility requirements for that fiscal year. This new attestation form must be signed by an officer with authority to bind the organization.

Risk Analysis:

Submissions of the required attestation regarding the HINF Program eligible expenditures are required to be submitted to the Ministry of Long-Term Care as outlined within the High Intensity Needs Fund Policy Manual for Long-Term Care Homes. Failure to do so could result in funding delays or claw-back of funding. The attestation submission is due on March 31, 2023 and annually thereafter.

Climate Change Risks:

N/A

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

In order to remain compliant with eligibility requirement under the HINF Program, an attestation form is required to be submitted on March 31st, 2023 and annually thereafter.

HINF Program funding varies year-over-year, as it is dependent on the resident needs in the home. On average, Huron Lodge receives approximately \$112,000 in HINF claim funding annually. A three-year history of the HINF claim funding Huron Lodge received is as follows.

| Year | HINF Claims |
|------|-------------|
| 2019 | 86,460 |
| 2020 | 112,941 |
| 2021 | 137,159 |

Consultations:

Financial Planning Administrator-HL - Andrea Sayers

Director of Care, Huron Lodge – Susan Rogers

Legal Counsel – Kate Tracey

Executive Initiatives Coord. – Leo Gil

Conclusion:

It is recommended that the Executive Director/Administrator of Huron Lodge or designate be delegated the authority to sign and submit all attestations, documents or reports required or any such further action as required to ensure maximum uptake of the HINF program to the Ministry of Long-Term Care.

Planning Act Matters:

N/A

Approvals:

| Name | Title |
|--------------------|--|
| Alina Sirbu | Executive Director/Administrator Huron Lodge |
| Andrew Daher | Commissioner, Human & Health Services |
| Shelby Askin Hager | Commissioner, Legal & Legislative Services |
| Joe Mancina | Commissioner, Corporate Services, CFO/City Treasurer |
| Onorio Colucci | Chief Administrative Officer |

Appendices:

- 1 HINF Annual Attestation Form

High Intensity Needs Fund (HINF) Annual Attestation Form

All operators that request reimbursement through the HINF program must confirm compliance with the *High Intensity Needs Fund Policy Manual for long-Term Care Homes* (attached as reference) and any other conditions of funding that apply to the policy.

Attestations must be signed by the highest-ranking officer/the operator of the facility.

Attestation of Compliance

Prepared in accordance with the Letter of Agreement for Ministry Direct Funding to Long-Term Care Homes, the High Intensity Needs Fund program and the applicable Ministry of Long-Term Care High Intensity Needs Fund Policy Manual for Long-Term Care Homes policy (“HINF Transfer Payment Program”).

To: Ministry of Long-Term Care (the “Ministry”)

From: Huron Lodge, City of Windsor (the “Operator”)

Date:

To the best of my knowledge and belief, all the assertions below are true.

This attestation is based on the Operator’s highest-ranking officer’s confirmation, in the capacity of having principal responsibility for the financial activities of the Operator, that with regard to the HINF Transfer Payment Program, during the period of April 2022 to March 2023, the Operator has complied with its obligations as set out in the HINF Payment Program. In particular, I confirm that with respect to every expenditure claimed by the Operator for reimbursement through the HINF Transfer Payment Program:

1. The Operator:
 - (i) examined that all other resources and sources of funding that could cover the expenditure, including for example:
 - Level-of-Care (LOC) funding
 - Behavioural Supports Ontario (BSO) Program
 - Ontario Health (OH) Supporting Program
 - Community Care Program
 - COVID-19
 - Other funding sources

- (ii) determined that no funding source other than the HINF Transfer Payment Program is available to cover the expenditure; and
 - (iii) verified that the expenditure was for a need that could not be adequately met without accessing the HINF Transfer Payment Program.
- 2. The Operator completed and submitted claims for HINF Transfer Payment Program for the period of April 2022 to March 2023 after the requirements referred to in Section 3 of the HINF Claim Form have been completed in accordance with the HINF Transfer Payment Program.
- 3. The Operator has and will ensure that it retains relevant documents to support that the claims are true, accurate and compliant with the HINF Transfer Payment Program and that demonstrate compliance with all applicable criteria and requirements. These records must be made available to the Ministry upon request.
- 4. The Operator has put in place appropriate processes to ensure that key staff are aware of and understand the HINF Transfer Payment Program guidelines and eligibility requirements to ensure compliance.
- 5. Funds that have been provided to the Operator by the Ministry as reimbursement for claims that have not met the eligibility requirements of the HINF Transfer Payment Program or where the Operator has overstated the amount of the claim will be recovered by the Ministry and will require the repayment of funding by the Operator.

[Insert Signature]

Name of the Highest Ranking Officer,
to sign on behalf of the Operator:

*[Insert Name of Highest Ranking
Officer]*

[Insert Position Title]

[Insert Telephone Number]

[Insert Email Address]

Date: *[insert
mm/dd/yyyy]*